

SB

91

(FILE 1)

<TARGET><BILL>SB 91</BILL><SUBJECT>SB 91 (FILE
1)</SUBJECT><COMM>SFIN29</COMM></TARGET>

SENATE FINANCE COMMITTEE REPORT

DATE: 3/25/16

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91

SB 91-OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

"An Act relating to criminal law and procedure; relating to controlled substances; relating to probation; relating to sentencing; establishing a pretrial services program with pretrial services officers in the Department of Corrections; relating to permanent fund dividends; relating to electronic monitoring; relating to penalties for violations of municipal ordinances; relating to parole; relating to correctional restitution centers; relating to community work service; relating to revocation, termination, suspension, cancellation, or restoration of a driver's license; relating to the disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to the duties of the commissioner of corrections; amending Rules 6, 32, 32.1, 38, 41, and 43, Alaska Rules of Criminal Procedure, and repealing Rules 41(d) and (e), Alaska Rules of Criminal Procedure; and providing for an effective date."

and recommends:

- be replaced with CS SSSB 91 (FIN) [] Same Title New Title
- [] adopt previous CS _____ (_____) [] Same Title [] New Title
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
ADM			X	9

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	MICCICHE	✓			
	BISHOP	✓			
	DUGELAY			✓	
	HOFFMAN				✓
CO-CHAIR:	Kelly	✓			
CO-CHAIR:	MacKinnon	✓			

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(STA)
Fiscal Note Number:	9
(S) Publish Date:	3/9/2016

Identifier: SSSB091CS(STA)
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Senate State Affairs

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

New fiscal note for sponsor substitute bill version. There are no changes to the sections affecting DMV.

Prepared By:	Amy Erickson, Director	Phone:	(907)269-5574
Division:	Motor Vehicles	Date:	03/05/2016 09:00 AM
Approved By:	Sheldon Fisher, Commissioner	Date:	03/05/16
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

If enacted, SB 91 will authorize DMV to restore an administratively-revoked driver license, privilege to drive, or privilege to obtain a license under certain circumstances and terminate a revocation of a driver's license for eligible individuals and issue a limited license.

Workloads will be appropriately managed for DMV employees to provide these services to limit the fiscal impact. The Committee Substitute does not change sections related to DMV. Therefore, a zero fiscal note is submitted.

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

Updated for new sponsor substitute.

Prepared By: Richard Allen, Director	Phone: (907)269-3504
Division: Office of Public Advocacy	Date: 04/04/2016 01:00 PM
Approved By: Sheldon Fisher, Commissioner	Date: 04/04/16
Agency: Department of Administration	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SSSB 91

Analysis

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

The Office of Public Advocacy submits a zero fiscal note.

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

Updated for new version of the bill.

Prepared By: <u>Quinlan Steiner</u>	Phone: <u>(907)334-4414</u>
Division: <u>Public Defender Agency</u>	Date: <u>04/04/2016 12:00 AM</u>
Approved By: <u>Sheldon Fisher, Commissioner</u>	Date: <u>04/04/16</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SSSB 91

Analysis

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

Identifier: C5SSSB091-DOC-IT-04-07-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: (S)FINANCE

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

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

Prepared By: <u>April Wilkerson</u>	Phone: <u>(907)465-3460</u>
Division: <u>Administrative Services - Department of Corrections</u>	Date: <u>04/07/2016 07:40 AM</u>
Approved By: <u>Dean Williams</u>	Date: <u>04/07/16</u>
Agency: <u>Department of Corrections</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB 91

Analysis

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

Probation and Parole incentive reductions

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

Board of Parole

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

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

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

Expenditures/Revenues

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

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services	(2,061.9)		(7,464.0)	(12,123.9)	(11,086.1)	(9,979.6)	(8,770.0)	
Travel	(1,508.9)		(5,462.2)	(8,872.3)	(8,112.8)	(7,303.0)	(6,417.8)	
Services	(603.3)		(2,184.1)	(3,547.7)	(3,244.0)	(2,920.2)	(2,566.2)	
Commodities	(369.0)		(1,335.8)	(2,169.8)	(1,984.1)	(1,786.1)	(1,569.6)	
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	(4,543.1)	0.0	(16,446.1)	(26,713.7)	(24,427.0)	(21,988.9)	(19,323.6)	

Fund Source (Operating Only)

1004 Gen Fund	(4,543.1)		(16,446.1)	(26,713.7)	(24,427.0)	(21,988.9)	(19,323.6)
Total	(4,543.1)	0.0	(16,446.1)	(26,713.7)	(24,427.0)	(21,988.9)	(19,323.6)

Positions

Full-time							
Part-time							
Temporary							

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

This fiscal note has been updated with amendments from adopted CSSSSB91(FIN)F

Prepared By: <u>April Wilkerson</u>	Phone: <u>(907)465-3460</u>
Division: <u>Administrative Services - Department of Corrections</u>	Date: <u>04/04/2016 10:30 AM</u>
Approved By: <u>Dean Williams</u>	Date: <u>04/04/16</u>
Agency: <u>Department of Corrections</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB 91

Analysis

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

The current projected changes to the offender population are:

FY2017 reduced population by (300) for a generated savings of (\$4,543.1),
FY2018 reduced population by (786) for a generated savings of (\$11,903.0),
FY2019 reduced population by (678) for a generated savings of (\$10,267.6),
FY2020 increased population by 151 for an adjusted cost of \$2,286.7,
FY2021 increased population by 161 for an adjusted cost of \$2,438.1 and
FY2022 increased population by 176 for an adjusted cost of \$2,665.3.

These projections are accumulative of all changes reflective throughout the legislation based on a total Justice Reinvestment package. The anticipated impacted population is based on actual population trends incurred during FY2013 and FY2014. Annual savings are calculated using a marginal cost rate of \$41.49 per day per person.

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

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

Prepared By:	April Wilkerson	Phone:	(907)465-3460
Division:	Administrative Services - Department of Corrections	Date:	04/07/2016 12:30 PM
Approved By:	Dean Williams	Date:	04/07/16
Agency:	Department of Corrections		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB 91

Analysis

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

Probation and Parole incentive reductions

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

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

Identifier: C555B091-DOC-CRC-04-07-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: (S)FINANCE

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

Expenditures/Revenues

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

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	500.0		1,000.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	500.0	0.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0

Fund Source (Operating Only)

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

Positions

Full-time								
Part-time								
Temporary								

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

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

Prepared By: <u>April Wilkerson</u>	Phone: (907)465-3460
Division: <u>Administrative Services - Department of Corrections</u>	Date: 04/07/2016 12:30 PM
Approved By: <u>Dean Williams</u>	Date: 04/07/16
Agency: <u>Department of Corrections</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB 91

Analysis

Correctional Restitution Centers

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

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

Department: Department of Corrections
Appropriation: Population Management
Allocation: Parole Board
OMB Component Number: 695

Expenditures/Revenues

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

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services	605.9		605.9	605.9	605.9	605.9	605.9	605.9
Travel	10.0		10.0	10.0	10.0	10.0	10.0	10.0
Services	75.0		75.0	75.0	75.0	75.0	75.0	75.0
Commodities	85.0		10.0	10.0	10.0	10.0	10.0	10.0
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	775.9	0.0	700.9	700.9	700.9	700.9	700.9	700.9

Fund Source (Operating Only)

1004 Gen Fund	775.9		700.9	700.9	700.9	700.9	700.9	700.9
Total	775.9	0.0	700.9	700.9	700.9	700.9	700.9	700.9

Positions

Full-time	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Part-time								
Temporary								

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

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

Prepared By:	April Wilkerson	Phone:	(907)465-3460
Division:	Administrative Services - Department of Corrections	Date:	04/07/2016 12:30 PM
Approved By:	Dean Williams	Date:	04/07/16
Agency:	Department of Corrections		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB 91

Analysis

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

Probation and Parole incentive reductions

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

Board of Parole

This section establishes automatic Administrative Parole allowing offenders a limited category of automatic release without a hearing if the prisoner has met the conditions of imprisonment, is not excluded by court order, has agreed to the conditions of parole, the victim does not request a hearing, and the prisoner has met the requirements of the case plan. This section is anticipated to reduce the overall institutional population and is included in the above population projections. Revisions to the departments Victim Information Notification (VINE) System may be required and is anticipated to be \$750.0 for the redesign, implementation and maintenance with on-going operational costs once fully implemented.

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

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

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

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

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

Identifier: C5SSSB091-DOC-PTS-04-07-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: (S)FINANCE

Department: Department of Corrections
Appropriation: Population Management
Allocation: Pre-Trial Services
OMB Component Number:

Expenditures/Revenues

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

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services	2,293.8		7,168.0	7,168.0	7,168.0	7,168.0	7,168.0	7,168.0
Travel	43.2		134.9	134.9	134.9	134.9	134.9	134.9
Services	577.6		1,805.0	1,805.0	1,805.0	1,805.0	1,805.0	1,805.0
Commodities	345.5		1,079.8	1,079.8	1,079.8	1,079.8	1,079.8	1,079.8
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	3,260.1	0.0	10,187.7	10,187.7	10,187.7	10,187.7	10,187.7	10,187.7

Fund Source (Operating Only)

1004 Gen Fund	3,260.1		10,187.7	10,187.7	10,187.7	10,187.7	10,187.7	10,187.7
Total	3,260.1	0.0	10,187.7	10,187.7	10,187.7	10,187.7	10,187.7	10,187.7

Positions

Full-time	29.0		29.0	***	***	***	***
Part-time							
Temporary							

Change in Revenues							

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

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

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 12/31/17

Why this fiscal note differs from previous version:

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

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

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

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB 91

Analysis

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

Pre-Trial Services

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

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

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

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

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

- \$1,793.9 – Personal Services
- \$ 30.0 – Travel and training
- \$ 451.5 – Contractual Services (including indirect costs)
- \$ 105.0 – Supplies (excludes OTI startup costs)
- \$2,380.4 – Total

19 Positions would include:

- 1-Pre-Trial Director (range 21),
- 3-Pre-Trial Officer Supervisors for each regional office (range 18),
- 12-*Pre-Trial Officer positions (range 16) ,
- 3-Criminal Justice Technician I/II (range 12/14)

*Pre-Trial Officers would assist with basic supervision.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB 91

Analysis Continued

Pre-Trial Services (continued)

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

\$2,619.0 – Personal Services

\$ 52.4 – Travel and training

\$ 644.0 – Contractual Services (including indirect costs)

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

\$3,465.2 - Total

30 Positions would include:

21-Pre-Trial Officer positions,

6-Criminal Justice Technician I/II,

3-Office Assistant

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

\$2,755.0 – Personal Services

\$ 52.5 – Travel and training

\$ 709.5 – Contractual Services (including indirect costs)

\$ 825.0 – Supplies (excludes one-time start-up costs)

\$4,342.0 - Total

31 Positions would include:

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

19-Pre-Trial Officer positions,

6-Criminal Justice Technician I/II,

3-Office Assistant

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB 91

Analysis Continued

Pre-Trial Services (continued)

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

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

Initial 29 positions would include:

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

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

\$4,345.3 – Personal Services
\$ 73.0 – Travel and training
\$1,111.6 – Contractual Services (including indirect costs)
\$ 753.5 – Supplies (excludes one-time start-up costs)
\$6,283.4 – Total

Remaining 51 positions would include:

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

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

Expenditures/Revenues

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

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	500.0		1,000.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	500.0	0.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0

Fund Source (Operating Only)

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

Positions

Full-time							
Part-time							
Temporary							

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

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

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

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB 91

Analysis

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

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

1246 RecidReduc	1,000.0		2,000.0	1,625.0	1,625.0	1,625.0	1,625.0
Total	1,000.0	0.0	2,000.0	1,625.0	1,625.0	1,625.0	1,625.0

Positions

Full-time							
Part-time							
Temporary							

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

Corrected fund source references in the Analysis.

Prepared By:	Randall Burns, Director	Phone:	(907)269-5948
Division:	Behavioral Health	Date:	04/07/2016 11:00 AM
Approved By:	Sana Efir, Asst. Commissioner, Finance and Management Services	Date:	04/07/16
Agency:	Health and Social Services		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB091(FIN)

Analysis

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

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

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

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

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

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

Expenditures/Revenues

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

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities	30.3		29.2	29.2	29.2	29.2	29.2	29.2
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	30.3	0.0	29.2	29.2	29.2	29.2	29.2	29.2

Fund Source (Operating Only)

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

Positions

Full-time								
Part-time								
Temporary								

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

Responsive to draft CS version "F".

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

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

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB091(FIN)

Analysis

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

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

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

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

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

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

ASSUMPTIONS

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

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

Updated to reflect SFIN version.

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

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

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB091(FIN)

Analysis

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

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

Positions

Full-time							
Part-time							
Temporary							

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

Corrected fund source references in analysis.

Prepared By: <u>Randall Burns, Director</u>	Phone: (907)269-5948
Division: <u>Behavioral Health</u>	Date: 04/07/2016 11:00 AM
Approved By: <u>Sana Efirid, Asst. Commissioner, Finance and Management Services</u>	Date: 04/07/16
Agency: <u>Health and Social Services</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSSB091(FIN)

Analysis

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

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

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

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

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

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

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

Identifier: SSSB91CS(FIN)-LAW-CRIM-04-07-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Senate Finance

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

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

Prepared By: <u>Valerie Rose, Budget Analyst</u>	Phone: <u>(907)465-3674</u>
Division: <u>Administrative Services Division</u>	Date: <u>04/04/2016 03:39 PM</u>
Approved By: <u>Craig W. Richards, Attorney General</u>	Date: <u>04/07/16</u>
Agency: <u>Department of Law</u>	

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

Reduction in Sentence Length

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

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

Bail Reform

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

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

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

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

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2016 LEGISLATIVE SESSION**

BILL NO. SB 91

Analysis Continued

Capping Time Imposed for Technical Violations of Probation

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

The department does not anticipate a fiscal impact from these sections at this time.

Drug Offenses

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

The department does not anticipate a fiscal impact from these sections at this time.

Suspended Entry of Judgment

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

The department does not anticipate a fiscal impact from this section at this time.

Fiscal Note

State of Alaska
2016 Legislative Session

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

Identifier: C5SSSB091(JUD)-DPS-AST-03-25-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Finance

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

Revised to reflect changes made by the Senate Judiciary committee.

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

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

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

Identifier: C5SSSB091(FIN)-DPS-CDVSA-04-06-16
Title: OMNIBUS CRIM LAW & PROCEDURE;
CORRECTIONS
Sponsor: COGHILL
Requester: Finance

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

Expenditures/Revenues

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

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel	50.0		50.0	50.0	50.0	50.0	50.0	50.0
Services	200.0		300.0	300.0	525.0	300.0	300.0	300.0
Commodities	50.0		50.0	50.0	50.0	50.0	50.0	50.0
Capital Outlay								
Grants & Benefits	700.0		1,600.0	1,600.0	1,375.0	1,600.0	1,600.0	1,600.0
Miscellaneous								
Total Operating	1,000.0	0.0	2,000.0	2,000.0	2,000.0	2,000.0	2,000.0	2,000.0

Fund Source (Operating Only)

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

Positions

Full-time								
Part-time								
Temporary								

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

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

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

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

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 91

Analysis

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

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

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

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

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

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

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

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

Prepared By:	Nancy Meade, General Counsel	Phone:	(907)463-4736
Division:	Alaska Court System	Date:	04/04/2016 11:00 AM
Approved By:	Nancy Meade for Christine Johnson, Administrative Director	Date:	04/04/16
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB91

Analysis

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

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

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

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

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

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

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

Expenditures/Revenues

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

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation	Governor's					
	Requested	FY2017					
		Request					
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services	67.9	126.3	194.2	194.2	194.2	194.2	
Travel		27.5	27.5	27.5	27.5	27.5	
Services		38.4	38.4	38.4	38.4	38.4	
Commodities		1.6	1.6	1.6	1.6	1.6	
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	67.9	193.8	261.7	261.7	261.7	261.7	0.0

Fund Source (Operating Only)

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

Positions

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

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

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

Prepared By:	Susanne DiPietro, Executive Director	Phone:	(907)279-2526
Division:	Alaska Judicial Council	Date:	04/07/2016 11:30 PM
Approved By:	Susanne DiPietro, Executive Director	Date:	04/07/2016
Agency:	Alaska Judicial Council		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSSSB91(FIN)

Analysis

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

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

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

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

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(STA)
Fiscal Note Number:	9
(S) Publish Date:	3/9/2016

Identifier: SSSB091CS(STA)
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Senate State Affairs

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

New fiscal note for sponsor substitute bill version. There are no changes to the sections affecting DMV.
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Prepared By:	Amy Erickson, Director	Phone:	(907)269-5574
Division:	Motor Vehicles	Date:	03/05/2016 09:00 AM
Approved By:	Sheldon Fisher, Commissioner	Date:	03/05/16
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION**Analysis**

If enacted, SB 91 will authorize DMV to restore an administratively-revoked driver license, privilege to drive, or privilege to obtain a license under certain circumstances and terminate a revocation of a driver's license for eligible individuals and issue a limited license.

Workloads will be appropriately managed for DMV employees to provide these services to limit the fiscal impact. The Committee Substitute does not change sections related to DMV. Therefore, a zero fiscal note is submitted.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSSSB 91(STA)
Fiscal Note Number:	10
(S) Publish Date:	3/9/2016

Identifier: SSSB091CS(STA)-DOA-OPA-03-06-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: Senators Coghill

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

Expenditures/Revenues

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

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

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

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

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

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

Updated for CS.

Prepared By:	Richard Allen, Director	Phone:	(907)269-3504
Division:	Office of Public Advocacy	Date:	03/06/2016 11:00 AM
Approved By:	Sheldon Fisher, Commissioner	Date:	03/06/16
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

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

Changes to the CS are not expected to have an impact on the Office of Public Advocacy; therefore, OPA submits a zero fiscal note.

adopted 4/7/10

29-LS0541\Y
Martin/Gardner
4/6/16

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal law and procedure; relating to controlled substances;
 2 relating to immunity from prosecution for the crime of prostitution; relating to
 3 probation; relating to sentencing; establishing a pretrial services program with pretrial
 4 services officers in the Department of Corrections; relating to the publication of
 5 suspended entries of judgment on a publicly available Internet website; relating to
 6 permanent fund dividends; relating to electronic monitoring; relating to penalties for
 7 violations of municipal ordinances; relating to parole; relating to correctional restitution
 8 centers; relating to community work service; relating to revocation, termination,
 9 suspension, cancellation, or restoration of a driver's license; relating to the excise tax on
 10 marijuana; establishing the recidivism reduction fund; relating to the Alaska Criminal
 11 Justice Commission; relating to the disqualification of persons convicted of specified
 12 drug offenses from participation in the food stamp and temporary assistance programs;

1 relating to the duties of the commissioner of corrections; amending Rules 32, 32.1, 38,
2 41, and 43, Alaska Rules of Criminal Procedure, and repealing Rules 41(d) and (e),
3 Alaska Rules of Criminal Procedure; and providing for an effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 11.41.110(a) is amended to read:

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

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

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

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

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

27 (5) the person with criminal negligence causes the death of a child
28 under the age of 16, and the person has been previously convicted of a crime involving
29 a child under the age of 16 that was

30 (A) a felony violation of AS 11.41;

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

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

5 * **Sec. 2.** AS 11.41.150(a) is amended to read:

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

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

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

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

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

28 * **Sec. 3.** AS 11.46.130(a) is amended to read:

29 (a) A person commits the crime of theft in the second degree if the person
30 commits theft as defined in AS 11.46.100 and

31 (1) the value of the property or services is \$2,000 [\$750] or more but

1 less than \$25,000;

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

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

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

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

8 (6) the value of the property is \$250 or more but less than \$2,000
9 [\$750] and, within the preceding five years, the person has been convicted and
10 sentenced on two or more separate occasions in this or another jurisdiction of

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

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

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

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

19 (7) the property is an access device.

20 * **Sec. 4.** AS 11.46.140(a) is amended to read:

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

23 (1) the value of the property or services is \$250 or more but less than
24 \$2,000 [\$750]; or

25 (2) [REPEALED]

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

30 * **Sec. 5.** AS 11.46.220(c) is amended to read:

31 (c) Concealment of merchandise is

1 (1) a class C felony if

2 (A) the merchandise is a firearm;

3 (B) the value of the merchandise is \$2,000 [\$750] or more; or

4 (C) the value of the merchandise is \$250 or more but less than
5 \$2,000 [\$750] and, within the preceding five years, the person has been
6 convicted and sentenced on two or more separate occasions in this or another
7 jurisdiction of

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

11 (ii) an offense under AS 11.46.120, 11.46.130, or
12 11.46.140(a)(1), or an offense under another law or ordinance with
13 similar elements;

14 (2) a class A misdemeanor if

15 (A) the value of the merchandise is \$250 or more but less than
16 \$2,000 [\$750]; or

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

22 (3) a class B misdemeanor if the value of the merchandise is less than
23 \$250.

24 * **Sec. 6.** AS 11.46.260(b) is amended to read:

25 (b) Removal of identification marks is

26 (1) a class C felony if the value of the property on which the serial
27 number or identification mark appeared is \$2,000 [\$750] or more;

28 (2) a class A misdemeanor if the value of the property on which the
29 serial number or identification mark appeared is \$250 or more but less than \$2,000
30 [\$750];

31 (3) a class B misdemeanor if the value of the property on which the

1 serial number or identification mark appeared is less than \$250.

2 * **Sec. 7.** AS 11.46.270(b) is amended to read:

3 (b) Unlawful possession is

4 (1) a class C felony if the value of the property on which the serial
5 number or identification mark appeared is \$2,000 [\$750] or more;

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

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

11 * **Sec. 8.** AS 11.46.280(d) is amended to read:

12 (d) Issuing a bad check is

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

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

16 (3) a class A misdemeanor if the face amount of the check is \$250 or
17 more but less than \$2,000 [\$750];

18 (4) a class B misdemeanor if the face amount of the check is less than
19 \$250.

20 * **Sec. 9.** AS 11.46.285(b) is amended to read:

21 (b) Fraudulent use of an access device is

22 (1) a class B felony if the value of the property or services obtained is
23 \$25,000 or more;

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

26 (3) a class A misdemeanor if the value of the property or services
27 obtained is less than \$2,000 [\$750].

28 * **Sec. 10.** AS 11.46.295 is amended to read:

29 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior
30 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) [OR
31 11.46.140(a)(3),] or in prosecuting the crime of concealment of merchandise under

1 AS 11.46.220(c),

2 (1) a conviction for an offense under another law or ordinance with
3 similar elements is a conviction of an offense having elements similar to those of an
4 offense defined as such under Alaska law at the time the offense was committed;

5 (2) a conviction for an offense under Alaska law where the value of the
6 property or services for the offense was lower than the value of property or services
7 for the offense under current Alaska law is a prior conviction for that offense; and

8 (3) the court shall consider the date of a prior conviction as occurring
9 on the date that sentence is imposed for the prior offense.

10 * **Sec. 11.** AS 11.46.360(a) is amended to read:

11 (a) A person commits the crime of vehicle theft in the first degree if, having
12 no right to do so or any reasonable ground to believe the person has such a right, the
13 person drives, tows away, or takes

14 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft
15 of another;

16 (2) the propelled vehicle of another and

17 (A) the vehicle or any other property of another is damaged in a
18 total amount of \$2,000 [\$750] or more;

19 (B) the owner incurs reasonable expenses as a result of the loss
20 of use of the vehicle, in a total amount of \$2,000 [\$750] or more; or

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

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

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

27 (A) this section or AS 11.46.365;

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

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

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

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

4 * **Sec. 12.** AS 11.46.460 is amended to read:

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

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

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

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

14 * **Sec. 13.** AS 11.46.482(a) is amended to read:

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

18 (1) with intent to damage property of another, the person damages
19 property of another in an amount of \$2,000 [\$750] or more;

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

22 (3) the person knowingly

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

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

30 * **Sec. 14.** AS 11.46.484(a) is amended to read:

31 (a) A person commits the crime of criminal mischief in the fourth degree if,

1 having no right to do so or any reasonable ground to believe the person has such a
2 right,

3 (1) with intent to damage property of another, the person damages
4 property of another in an amount of \$250 or more but less than \$2,000 [\$750];

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

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

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

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

16 * **Sec. 15.** AS 11.46.530(b) is amended to read:

17 (b) Criminal simulation is

18 (1) a class C felony if the value of what the object purports to represent
19 is \$2,000 [\$750] or more;

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

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

24 * **Sec. 16.** AS 11.46.620(d) is amended to read:

25 (d) Misapplication of property is

26 (1) a class C felony if the value of the property misapplied is \$2,000
27 [\$750] or more;

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

30 * **Sec. 17.** AS 11.46.730(c) is amended to read:

31 (c) Defrauding creditors is a class A misdemeanor unless that secured party,

1 judgment creditor, or creditor incurs a pecuniary loss of \$2,000 [\$750] or more as a
 2 result of [TO] the defendant's conduct, in which case defrauding secured creditors is
 3 (1) a class B felony if the loss is \$25,000 or more;
 4 (2) a class C felony if the loss is \$2,000 [\$750] or more but less than
 5 \$25,000.

6 * **Sec. 18.** AS 11.56.730(a) is amended to read:

7 (a) A person commits the offense [CRIME] of failure to appear if the person
 8 (1) is released under the provisions of AS 12.30;
 9 (2) knows that the person is required to appear before a court or
 10 judicial officer at the time and place of a scheduled hearing; and
 11 (3) with criminal negligence does not appear before the court or
 12 judicial officer at the time and place of the scheduled hearing.

13 * **Sec. 19.** AS 11.56.730(c) is amended to read:

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

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

20 (2) CLASS A MISDEMEANOR IF THE PERSON WAS RELEASED
 21 IN CONNECTION WITH A

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

25 (B) REQUIREMENT TO APPEAR AS A MATERIAL
 26 WITNESS IN A CRIMINAL PROCEEDING].

27 * **Sec. 20.** AS 11.56.730 is amended by adding new subsections to read:

28 (d) Failure to appear is a
 29 (1) class C felony if the person was released in connection with a
 30 charge of a felony or while awaiting sentence or appeal after conviction of a felony
 31 and the person

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

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

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

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

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

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

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

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

20 (a) A person commits the offense [CRIME] of violation of condition of
21 release if the person

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

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

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

26 * Sec. 22. AS 11.56.757(b) is amended to read:

27 (b) Violation of condition of release is a violation punishable by a fine of up
28 to \$1,000

29 [(1) A CLASS A MISDEMEANOR IF THE PERSON IS RELEASED
30 FROM A CHARGE OR CONVICTION OF A FELONY;

31 (2) A CLASS B MISDEMEANOR IF THE PERSON IS RELEASED

1 FROM A CHARGE OR CONVICTION OF A MISDEMEANOR].

2 * **Sec. 23.** AS 11.56.759(a) is amended to read:

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

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

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

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

12 * **Sec. 24.** AS 11.61.110(c) is amended to read:

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

17 * **Sec. 25.** AS 11.61.145(d) is amended to read:

18 (d) Promoting an exhibition of fighting animals

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

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

21 (A) a violation

22 (i) for the first offense;

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

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

27 * **Sec. 26.** AS 11.61.150(a) is amended to read:

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

30 (1) places, drops, or permits to drop on a highway any substance that
31 creates a substantial risk of physical injury to others using the highway; or

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

3 * Sec. 27. AS 11.61.150(c) is amended to read:

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

6 * Sec. 28. AS 11.66.100 is amended by adding a new subsection to read:

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

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

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

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

12 (C) manslaughter under AS 11.41.120;

13 (D) criminally negligent homicide under AS 11.41.130;

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

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

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

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

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

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

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

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

22 (M) sex trafficking in the first degree under AS 11.66.110;

23 (N) sex trafficking in the second degree under AS 11.66.120;

24 (O) sex trafficking in the third degree under AS 11.66.130; or

25 (P) sex trafficking in the fourth degree under AS 11.66.135;

26 (2) evidence supporting the prosecution under (a)(1) of this section
27 was obtained or discovered as a result of the person's reporting the crime to law
28 enforcement; and

29 (3) person cooperated with law enforcement personnel.

30 * Sec. 29. AS 11.66.200(c) is amended to read:

31 (c) Gambling is a violation

1 (1) for the first offense;

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

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

4 * **Sec. 30.** AS 11.71.030(a) is amended to read:

5 (a) Except as authorized in AS 17.30, a person commits the crime of
6 misconduct involving a controlled substance in the second [THIRD] degree if the
7 person

8 (1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER
9 AS 11.71.020(a)(2) - (6),] manufactures or delivers, [ANY AMOUNT OF A
10 SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] or possesses [ANY
11 AMOUNT OF A SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] with
12 intent to manufacture or deliver,

13 (A) one or more preparations, compounds, mixtures, or
14 substances of an aggregate weight of one gram or more containing a
15 schedule IA controlled substance;

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

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

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

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

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

27 (A) with reckless disregard that the possession occurs

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

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

30 or

31 (B) on a school bus;

1 (4) manufactures any material, compound, mixture, or
2 preparation that contains

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

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

7 (5) possesses an immediate precursor of methamphetamine, or the
8 salts, isomers, or salts of isomers of the immediate precursor of
9 methamphetamine, with the intent to manufacture any material, compound,
10 mixture, or preparation that contains methamphetamine, or its salts, isomers, or
11 salts of isomers;

12 (6) possesses a listed chemical with intent to manufacture any
13 material, compound, mixture, or preparation that contains

14 (A) methamphetamine, or its salts, isomers, or salts of
15 isomers; or

16 (B) an immediate precursor of methamphetamine, or its
17 salts, isomers, or salts of isomers;

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

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

22 (A) an immediate precursor of methamphetamine, or the
23 salts, isomers, or salts of isomers of the immediate precursor of
24 methamphetamine, to another person with reckless disregard that the
25 precursor will be used to manufacture any material, compound, mixture,
26 or preparation that contains methamphetamine, or its salts, isomers, or
27 salts of isomers; or

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

31 (i) methamphetamine, or its salts, isomers, or salts of

1 isomers;

2 (ii) an immediate precursor of methamphetamine, or
3 its salts, isomers, or salts of isomers; or

4 (iii) methamphetamine or its salts, isomers, or salts
5 of isomers in an organic solution.

6 * **Sec. 31.** AS 11.71.030(c) is amended to read:

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

9 * **Sec. 32.** AS 11.71.030 is amended by adding new subsections to read:

10 (d) In a prosecution under (a) of this section, possession of more than six
11 grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or
12 the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that
13 the person intended to use the listed chemicals to manufacture, aid or abet another
14 person to manufacture, or deliver to another person who intends to manufacture
15 methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers
16 of methamphetamine or its immediate precursors. The prima facie evidence described
17 in this subsection does not apply to a person who possesses

18 (1) the listed chemicals ephedrine, pseudoephedrine,
19 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

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

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

24 (i) retailer or wholesaler;

25 (ii) wholesale drug distributor licensed by the Board of
26 Pharmacy;

27 (iii) manufacturer of drug products licensed by the
28 Board of Pharmacy;

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

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

31 (2) less than 24 grams of ephedrine, pseudoephedrine,

1 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals,
2 kept in a locked storage area on the premises of a legitimate business or nonprofit
3 organization operating a camp, lodge, school, day care center, treatment center, or
4 other organized group activity, and the location or nature of the activity, or the age of
5 the participants, makes it impractical for the participants in the activity to obtain
6 medicinal products.

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

9 * **Sec. 33.** AS 11.71.040(a) is amended to read:

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

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

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

20 (3) possesses

21 (A) any amount of a

22 (i) schedule IA controlled substance; or

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

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

27 (C) one or more preparations, compounds, mixtures, or
28 substances of an aggregate weight of

29 (i) three grams or more containing a schedule IIIA or
30 IVA controlled substance except a controlled substance in a form listed
31 in (ii) of this subparagraph;

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

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

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

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

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

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

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

17 (A) with reckless disregard that the possession occurs

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

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

20 or

21 (B) on a school bus;

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

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

30 (7) knowingly uses in the course of the manufacture or distribution of a
31 controlled substance a registration number that is fictitious, revoked, suspended, or

1 issued to another person;

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

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

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

9 (11) manufactures or delivers, or possesses with the intent to
10 manufacture or deliver,

11 (A) one or more preparations, compounds, mixtures, or
12 substances of an aggregate weight of less than one gram containing a
13 schedule IA controlled substance;

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

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

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

21 * Sec. 34. AS 11.71.040(d) is amended to read:

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

24 * Sec. 35. AS 11.71.050 is amended to read:

25 **Sec. 11.71.050. Misconduct involving a controlled substance in the fourth**
26 **[FIFTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime of
27 misconduct involving a controlled substance in the fourth [FIFTH] degree if the
28 person

29 (1) manufactures or delivers, or possesses with the intent to
30 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
31 of an aggregate weight of less than one ounce containing a schedule VIA controlled

1 substance;

2 (2) possesses

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

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

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

9 (ii) of this subparagraph;

10 (ii) 12 grams but more than six grams containing a
11 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16)
12 that has been sprayed on or otherwise applied to tobacco, an herb, or
13 another organic material; or

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

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

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

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

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

26 (4) under circumstances not proscribed under
27 AS 11.71.060(a)(2)(B), possesses any amount of a schedule IA, IIA, IIIA, IVA,
28 VA, or VIA controlled substance.

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

31 * Sec. 36. AS 11.71.060 is amended to read:

1 **Sec. 11.71.060. Misconduct involving a controlled substance in the fifth**
2 **[SIXTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime of
3 misconduct involving a controlled substance in the fifth [SIXTH] degree if the person
4 (1) uses or displays any amount of a schedule VIA controlled
5 substance;
6 (2) possesses one or more preparations, compounds, mixtures, or
7 substances of an aggregate weight of
8 (A) less than one ounce containing a schedule VIA controlled
9 substance;
10 (B) six grams or less containing a schedule IIIA controlled
11 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or
12 otherwise applied to tobacco, an herb, or another organic material; or
13 (3) refuses entry into a premise for an inspection authorized under
14 AS 17.30.
15 (b) Misconduct involving a controlled substance in the fifth [SIXTH] degree
16 is a class B misdemeanor.

17 * **Sec. 37.** AS 11.71.311(a) is amended to read:

18 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),
19 11.71.040(a)(4), 11.71.050(a)(4) [11.71.040(a)(3) OR (4), 11.71.050(a)(2)], or
20 11.71.060(a)(1) or (2) if that person
21 (1) sought, in good faith, medical or law enforcement assistance for
22 another person who the person reasonably believed was experiencing a drug overdose
23 and
24 (A) the evidence supporting the prosecution for an offense
25 under AS 11.71.030(a)(3), 11.71.040(a)(4), 11.71.050(a)(4) [11.71.040(a)(3)
26 OR (4), 11.71.050(a)(2)], or 11.71.060(a)(1) or (2) was obtained or discovered
27 as a result of the person seeking medical or law enforcement assistance;
28 (B) the person remained at the scene with the other person until
29 medical or law enforcement assistance arrived; and
30 (C) the person cooperated with medical or law enforcement
31 personnel, including by providing identification;

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

6 * **Sec. 38.** AS 12.25.150(a) is amended to read:

7 (a) A person arrested shall be taken before a judge or magistrate without
8 unnecessary delay [,] and in any event within 24 [48] hours after arrest, absent
9 compelling circumstances, including Sundays and holidays. The unavailability of a
10 report prepared by the pretrial services officer under AS 33.07 or a delay in the
11 transmittal of that report to the parties or to the court may not be considered a
12 sufficient compelling circumstance to justify delaying a hearing beyond 24 hours.
13 The hearing before the judge or magistrate may not take place more than 48
14 hours after arrest. This requirement applies to municipal police officers to the same
15 extent as it does to state troopers.

16 * **Sec. 39.** AS 12.25.180 is amended to read:

17 **Sec. 12.25.180.** When peace officer shall [MAY] issue citation or take
18 person before the court. (a) Except when arrest is required under another
19 provision of law, a peace officer shall issue a citation when [WHEN] a peace
20 officer stops or contacts a person for the commission of a class C felony offense, a
21 misdemeanor, or the violation of a municipal ordinance [, THE OFFICER MAY, IN
22 THE OFFICER'S DISCRETION, ISSUE A CITATION TO THE PERSON] instead
23 of taking the person before a judge or magistrate under AS 12.25.150, except that the
24 officer may arrest if [UNLESS]

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

26 (2) [THE CONTACTING OFFICER REASONABLY BELIEVES
27 THE PERSON IS A DANGER TO SELF OR OTHERS;

28 (3)] the crime for which the person is contacted is one involving
29 violence or harm to another person or to property;

30 (3) the peace officer has probable cause to believe the person
31 committed a crime of escape under AS 11.56.320 or 11.56.330, unlawful evasion

1 under AS 11.56.335 or 11.56.340, unlawful contact under AS 11.56.750, or
 2 possession of child pornography under AS 11.61.127;

3 (4) the person refuses to accept service of the citation; or

4 (5) the peace officer reasonably believes there is a risk the
 5 defendant will fail to appear in court [(4) THE PERSON ASKS TO BE TAKEN
 6 BEFORE A JUDGE OR MAGISTRATE UNDER AS 12.25.150; OR

7 (5) THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE
 8 THE PERSON COMMITTED A CRIME INVOLVING DOMESTIC VIOLENCE; IN
 9 THIS PARAGRAPH, "CRIME INVOLVING DOMESTIC VIOLENCE" HAS THE
 10 MEANING GIVEN IN AS 18.66.990].

11 (b) When a peace officer stops or contacts a person for the commission of an
 12 infraction or a violation, the officer shall issue a citation instead of taking the person
 13 before a judge or magistrate under AS 12.25.150, except that the officer may arrest
 14 if [UNLESS]

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

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

17 (3) the peace officer has probable cause to believe the person has
 18 committed

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

20 or

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

22 * **Sec. 40.** AS 12.25.180 is amended by adding a new subsection to read:

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

25 * **Sec. 41.** AS 12.25.190(b) is amended to read:

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

28 * **Sec. 42.** AS 12.25.190 is amended by adding a new subsection to read:

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

31 * **Sec. 43.** AS 12.30.006(b) is amended to read:

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

7 * Sec. 44. AS 12.30.006(c) is amended to read:

8 (c) A person who remains in custody 48 hours after appearing before a judicial
9 officer because of inability to meet the conditions of release shall, upon application, be
10 entitled to have the conditions reviewed by the judicial officer who imposed them. If
11 the judicial officer who imposed the conditions of release is not available, any judicial
12 officer in the judicial district may review the conditions. **Upon review of the**
13 **conditions, the judicial officer shall revise any conditions of release that have**
14 **prevented the defendant from being released unless the judicial officer finds on**
15 **the record that there is clear and convincing evidence that less restrictive release**
16 **conditions cannot reasonably ensure the**

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

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

19 * Sec. 45. AS 12.30.006(d) is amended to read:

20 (d) If a person remains in custody after review of conditions by a judicial
21 officer under (c) of this section, the person may request a subsequent review of
22 conditions. Unless the prosecuting authority stipulates otherwise or the person has
23 been incarcerated for a period equal to the maximum sentence for the most serious
24 charge for which the person is being held, a judicial officer may not schedule a bail
25 review hearing under this subsection unless

26 (1) the person provides to the court and the prosecuting authority a
27 written statement that new information not considered at the previous review will be
28 presented at the hearing; the statement must include a description of the information
29 and the reason the information was not presented at a previous hearing; in this
30 paragraph, "new information" **includes** [DOES NOT INCLUDE] the **person's**
31 **inability to post the required bail;**

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

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

7 * **Sec. 46.** AS 12.30.006(f) is amended to read:

8 (f) The judicial officer shall issue written or oral findings that explain the
9 reasons the officer imposed the particular conditions of release or modifications or
10 additions to conditions previously imposed. The judicial officer shall inform the
11 person that a law enforcement officer **or a pretrial services officer under AS 33.07**
12 may arrest the person without a warrant for violation of the court's order establishing
13 conditions of release.

14 * **Sec. 47.** AS 12.30.011 is repealed and reenacted to read:

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

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

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

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

21 (b) A person charged with a misdemeanor that does not include an offense
22 under AS 11.41, AS 11.56.730, 11.56.757, AS 28.35.030, 28.35.032, or a crime
23 involving domestic violence as defined under AS 18.66.990 and who is assessed by a
24 pretrial services officer as

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

28 (2) high risk shall be released on the person's own recognizance or
29 upon execution of an unsecured appearance bond or unsecured performance bond
30 unless the judicial officer finds on the record that there is clear and convincing
31 evidence that no nonmonetary conditions of release in combination with the release of

1 the person on the person's own recognizance or upon execution of an unsecured bond
2 can reasonably ensure the appearance of the person in court and the safety of the
3 victim, other persons, and the community.

4 (c) A person charged with a class C felony that does not include an offense
5 under AS 11.41, AS 11.56.730, AS 28.35.030, 28.35.032, or a crime involving
6 domestic violence as defined under AS 18.66.990 and who is assessed by a pretrial
7 services officer as

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

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

17 (d) A person charged under AS 28.35.030 or 28.35.032 who is assessed by a
18 pretrial services officer as low, moderate, or high risk shall be released on the person's
19 own recognizance or upon execution of an unsecured appearance bond or unsecured
20 performance bond unless the judicial officer finds on the record that there is clear and
21 convincing evidence that no nonmonetary conditions of release in combination with
22 the release of the person on the person's own recognizance or upon execution of an
23 unsecured bond can reasonably ensure the appearance of the person in court and the
24 safety of the victim, other persons, and the community.

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

27 (1) low to moderate risk shall be released on the person's own
28 recognizance or upon execution of an unsecured appearance bond or unsecured
29 performance bond unless the judicial officer finds on the record that there is clear and
30 convincing evidence that no nonmonetary conditions of release in combination with
31 the release of the person on the person's own recognizance or upon execution of an

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

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

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

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

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

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

16 (1) low risk shall be released on the person's own recognizance or
17 upon execution of an unsecured appearance bond or unsecured performance bond
18 unless the judicial officer finds on the record that there is clear and convincing
19 evidence that no nonmonetary conditions of release in combination with the release of
20 the person on the person's own recognizance or upon execution of an unsecured bond
21 can reasonably ensure the appearance of the person in court and the safety of the
22 victim, other persons, and the community; or

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

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

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

31 (C) a performance bond with a full or partial posting of the

1 specified amount of the bond with the condition that the deposit be returned
2 upon the performance of the conditions of release set by the court.

3 (g) A person released under this section shall be released on the condition that
4 the person

5 (1) obey all court orders;

6 (2) obey all laws;

7 (3) make all court appearances;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (14) require the person to comply with a program established under
15 AS 47.38.020, except that a judicial officer may not impose this condition unless the
16 person has been charged with an alcohol-related or substance-abuse-related offense
17 that is an unclassified felony, a class A felony, a sexual felony, or a crime involving
18 domestic violence;

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

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

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

25 (2) the weight of the evidence against the person;

26 (3) the nature and extent of the person's family ties and relationships;

27 (4) the person's employment status and history;

28 (5) the length and character of the person's past and present residence;

29 (6) the person's record of convictions;

30 (7) the person's record of appearance at court proceedings;

31 (8) assets available to the person to meet monetary conditions of

1 release;

2 (9) the person's reputation, character, and mental condition;

3 (10) the effect of the offense on the victim, any threats made to the
4 victim, and the danger that the person poses to the victim;

5 (11) the conditions of release recommended by the pretrial services
6 officer;

7 (12) the person's pretrial risk assessment score; and

8 (13) any other facts that are relevant to the person's appearance or the
9 person's danger to the victim, other persons, or the community.

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

16 (k) If the report prepared by the pretrial services officer under AS 33.07 is not
17 available at the time of the first appearance or bail review hearing, the court shall
18 impose the least restrictive condition or conditions that will reasonably ensure the
19 appearance of the person in court and the safety of the victim, other persons, and the
20 community.

21 * **Sec. 48.** AS 12.30.016(b) is amended to read:

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

24 (1) to refrain from

25 (A) consuming alcoholic beverages; or

26 (B) possessing on the person, in the person's residence, or in
27 any vehicle or other property over which the person has control, alcoholic
28 beverages;

29 (2) to submit to a search without a warrant of the person, the person's
30 personal property, the person's residence, or any vehicle or other property over which
31 the person has control, for the presence of alcoholic beverages by a peace officer or

1 **pretrial services officer** who has reasonable suspicion that the person is violating the
2 conditions of the person's release by possessing alcoholic beverages;

3 (3) to submit to a breath test when requested by a law enforcement
4 officer **or pretrial services officer**;

5 (4) to provide a sample for a urinalysis or blood test when requested by
6 a law enforcement officer **or pretrial services officer**;

7 (5) to take a drug or combination of drugs intended to prevent
8 substance abuse;

9 (6) to follow any treatment plan imposed by the court under
10 AS 28.35.028;

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

12 * **Sec. 49.** AS 12.30.016(c) is amended to read:

13 (c) In a prosecution charging a violation of AS 11.71 or AS 11.73, a judicial
14 officer may order the person

15 (1) to refrain from

16 (A) consuming a controlled substance; or

17 (B) possessing on the person, in the person's residence, or in
18 any vehicle or other property over which the person has control, a controlled
19 substance or drug paraphernalia;

20 (2) to submit to a search without a warrant of the person, the person's
21 personal property, the person's residence, or any vehicle or other property over which
22 the person has control, for the presence of a controlled substance or drug paraphernalia
23 by a peace officer **or pretrial services officer** who has reasonable suspicion that the
24 person is violating the terms of the person's release by possessing controlled
25 substances or drug paraphernalia;

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

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

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

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

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

8 * **Sec. 50.** AS 12.30.021(a) is amended to read:

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

12 (1) pretrial supervision under AS 33.07 is not available in the
13 person's location;

14 (2) no secured appearance or performance bonds have been
15 ordered; and

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

20 * **Sec. 51.** AS 12.30.021(c) is amended to read:

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

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

24 (2) the proposed custodian has been convicted in the previous three
25 years of a crime under AS 11.41 or a similar crime in this or another jurisdiction;

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

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

30 (5) there is a reasonable probability that the state will call the
31 proposed custodian [MAY BE CALLED] as a witness in the prosecution of the

1 person;

2 (6) the proposed custodian resides out of state; however, a nonresident
3 may serve as a custodian if the nonresident resides in the state while serving as
4 custodian.

5 * **Sec. 52.** AS 12.30.055 is amended by adding a new subsection to read:

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

10 * **Sec. 53.** AS 12.55.011 is amended by adding a new subsection to read:

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

13 (1) provides information on

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

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

18 (2) allows the victim to update the victim's contact information with
19 the court and with the Department of Corrections.

20 * **Sec. 54.** AS 12.55.025(a) is amended to read:

21 (a) When imposing a sentence for conviction of a felony offense or a sentence
22 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a
23 regulation adopted under AS 04, or an ordinance adopted in conformity with
24 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that
25 includes the following:

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

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

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

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

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

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

10 (5) in the case of a conviction for a felony offense, information
11 assessing

12 (A) the financial, emotional, and medical effects of the offense
13 on the victim;

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

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

16 * **Sec. 55.** AS 12.55.025(c) is amended to read:

17 (c) Except as provided in (d) of this section, when a defendant is sentenced to
18 imprisonment, the term of confinement commences on the date of imposition of
19 sentence unless the court specifically provides that the defendant must report to serve
20 the sentence on another date. If the court provides another date to begin the term of
21 confinement, the court shall provide the defendant with written notice of the date,
22 time, and location of the correctional facility to which the defendant must report. A
23 defendant shall receive credit for time spent in custody pending trial, sentencing, or
24 appeal, if the detention was in connection with the offense for which sentence was
25 imposed **including a technical violation of probation as provided in AS 12.55.110.**
26 A defendant may not receive credit for more than the actual time spent in custody
27 pending trial, sentencing, or appeal. The time during which a defendant is voluntarily
28 absent from official detention after the defendant has been sentenced may not be
29 credited toward service of the sentence.

30 * **Sec. 56.** AS 12.55.027(d) is amended to read:

31 (d) A court may grant credit **of not more than 120 days** against a sentence of

1 imprisonment imposed following conviction for an offense for time spent under
2 electronic monitoring that complies with AS 33.30.011(10), if the person has not
3 committed a criminal offense while under electronic monitoring and the court imposes
4 restrictions on the person's freedom of movement and behavior while under the
5 electronic monitoring program, including requiring the person to be confined to a
6 residence except for a

7 (1) court appearance;

8 (2) meeting with counsel; or

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

13 * **Sec. 57.** AS 12.55.027 is amended by adding a new subsection to read:

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

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

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

17 (3) require notification to the court or probation officer of violations of
18 conditions of bail or probation.

19 * **Sec. 58.** AS 12.55.051(a) is amended to read:

20 (a) If the defendant defaults in the payment of a fine or any installment or of
21 restitution or any installment, the court may order the defendant to show cause why
22 the defendant should not be sentenced to imprisonment for nonpayment and, if the
23 payment was made a condition of the defendant's probation, may revoke the probation
24 of the defendant subject to the limits set out in AS 12.55.110. In a contempt or
25 probation revocation proceeding brought as a result of failure to pay a fine or
26 restitution, it is an affirmative defense that the defendant was unable to pay despite
27 having made continuing good faith efforts to pay the fine or restitution. If the court
28 finds that the defendant was unable to pay despite having made continuing good faith
29 efforts, the defendant may not be imprisoned solely because of the inability to pay. If
30 the court does not find that the default was attributable to the defendant's inability to
31 pay despite having made continuing good faith efforts to pay the fine or restitution, the

1 court may order the defendant imprisoned subject to the limits set out in
2 AS 12.55.110 [UNTIL THE ORDER OF THE COURT IS SATISFIED]. A term of
3 imprisonment imposed under this section may not exceed one day for each \$50 of the
4 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall
5 be given toward satisfaction of the order of the court for every day a person is
6 incarcerated for nonpayment of a fine or restitution.

7 * **Sec. 59.** AS 12.55.055(a) is amended to read:

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

14 * **Sec. 60.** AS 12.55.055(c) is amended to read:

15 (c) The court may offer a defendant convicted of an offense the option of
16 performing community work in lieu of a fine, surcharge, or portion of a fine or
17 surcharge if the court finds the defendant is unable to pay the fine. The value of
18 community work in lieu of a fine is the state's minimum wage for each [\$3 PER]
19 hour.

20 * **Sec. 61.** AS 12.55.055 is amended by adding new subsections to read:

21 (g) The court may not

22 (1) offer a defendant convicted of an offense the option of serving jail
23 time in lieu of performing uncompleted community work previously ordered by the
24 court; or

25 (2) convert uncompleted community work hours into a sentence of
26 imprisonment.

27 (h) If a court orders community work as part of the defendant's sentence under
28 this section, the court shall provide notice to the defendant at sentencing and include
29 as a provision of the judgment that, if the defendant fails to provide proof of
30 community work within 20 days after the date set by the court, the court shall convert
31 those community work hours to a fine equal to the number of uncompleted work hours

1 multiplied by the state's minimum hourly wage and issue a judgment against the
2 defendant for that amount.

3 * **Sec. 62.** AS 12.55 is amended by adding a new section to read:

4 **Sec. 12.55.078. Suspending entry of judgment.** (a) Except as provided in (f)
5 of this section, if a person is found guilty or pleads guilty to a crime, the court may,
6 with the consent of the defendant and the prosecution and without imposing or
7 entering a judgment of guilt, defer further proceedings and place the person on
8 probation. The period of probation may not exceed the applicable terms set out in
9 AS 12.55.090(c).

10 (b) The court shall impose conditions of probation for a person on probation
11 as provided in (a) of this section, which may include that the person

- 12 (1) abide by all local, state, and federal laws;
- 13 (2) not leave the state without prior consent of the court;
- 14 (3) pay restitution as ordered by the court; and
- 15 (4) obey any other conditions of probation set by the court.

16 (c) At any time during the probationary term of the person released on
17 probation, a probation officer may, without warrant or other process, rearrest the
18 person so placed in the officer's care and bring the person before the court, or the court
19 may, in its discretion, issue a warrant for the rearrest of the person. The court may
20 revoke and terminate the probation if the court finds that the person placed on
21 probation is

- 22 (1) violating the conditions of probation;
- 23 (2) engaging in criminal practices; or
- 24 (3) violating an order of the court to participate in or comply with the
25 treatment plan of a rehabilitation program under AS 12.55.015(a)(10).

26 (d) If the court finds that the person has successfully completed probation, the
27 court shall, at the end of the probationary period set by the court, or at any time after
28 the expiration of one year from the date of the original probation, discharge the person
29 and dismiss the proceedings against the person.

30 (e) If the court finds that the person has violated the conditions of probation
31 ordered by the court, the court may revoke and terminate the person's probation, enter

1 judgment on the person's previous plea or finding of guilt, and pronounce sentence at
2 any time within the maximum probation period authorized by this section.

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

5 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260
6 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,
7 AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.135;

8 (2) uses a firearm in the commission of the offense for which the
9 person is convicted;

10 (3) has previously been granted a suspension of judgment under this
11 section or a similar statute in another jurisdiction, unless the court enters written
12 findings that by clear and convincing evidence the person's prospects for rehabilitation
13 are high and suspending judgment under this section adequately protects the victim of
14 the offense, if any, and the community;

15 (4) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony
16 and the person has one or more prior convictions for a misdemeanor violation of
17 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
18 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
19 felony in this state; for the purposes of this paragraph, a person shall be considered to
20 have a prior conviction even if

21 (A) the charges were dismissed under this section;

22 (B) the conviction has been set aside under AS 12.55.085; or

23 (C) the charge or conviction was dismissed or set aside under
24 an equivalent provision of the laws of another jurisdiction; or

25 (5) has been convicted of a crime involving domestic violence, as
26 defined in AS 18.66.990.

27 * **Sec. 63.** AS 12.55.090(b) is amended to read:

28 (b) Except as otherwise provided in (f) of this section, the court may revoke or
29 modify any condition of probation, [OR MAY] change the period of probation, or
30 terminate probation and discharge the defendant from probation.

31 * **Sec. 64.** AS 12.55.090(c) is amended to read:

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

2 (1) 10 [25] years for a felony sex offense; [OR]

3 (2) 10 years for an unclassified felony under AS 11;

4 (3) five years for a felony offense not listed in (1) or (2) of this

5 subsection;

6 (4) three years for an offense under AS 11.41.230;

7 (5) two years for a misdemeanor offense under AS 28.35.030 or
8 28.35.032, if the person has previously been convicted of an offense under

9 AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or another
10 jurisdiction; or

11 (6) one year for an offense not listed in (1) - (5) of this subsection

12 [ANY OTHER OFFENSE].

13 * **Sec. 65.** AS 12.55.090(f) is amended to read:

14 (f) Unless the defendant and the prosecuting authority agree at the probation
15 revocation proceeding or other proceeding related to a probation violation, the
16 person qualifies for a reduction under AS 33.05.020(h), or a probation officer
17 recommends to the court that probation be terminated and the defendant be
18 discharged from probation under (g) of this section or AS 33.05.040, the court may
19 not reduce the specific period of probation [,] or the specific term of suspended
20 incarceration except by the amount of incarceration imposed for a probation violation,
21 if

22 (1) the sentence was imposed in accordance with a plea agreement
23 under Rule 11, Alaska Rules of Criminal Procedure; and

24 (2) the agreement required a specific period of probation or a specific
25 term of suspended incarceration.

26 * **Sec. 66.** AS 12.55.090 is amended by adding new subsections to read:

27 (g) A probation officer shall recommend to the court that probation be
28 terminated and a defendant be discharged from probation if the defendant

29 (1) has completed at least one year on probation;

30 (2) has completed all treatment programs required as a condition of
31 probation;

1 (3) has not been found in violation of conditions of probation by the
2 court for at least one year;

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

5 (5) has not been convicted of

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

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

8 (C) a crime involving domestic violence as defined by
9 AS 18.66.990; or

10 (D) a misdemeanor.

11 (h) Before a court may terminate probation and discharge the defendant before
12 the period of probation for the offense has been completed under (g) of this section,
13 the court shall allow victims to comment in writing to the court or allow a victim to
14 give sworn testimony or make an unsworn oral presentation at a hearing held to
15 determine whether to reduce the period of probation or terminate probation and
16 discharge the defendant.

17 (i) If a probation officer recommends to the court that probation be terminated
18 and a defendant be discharged from probation under (g) of this section and the victim
19 has earlier requested to be notified, the Department of Corrections shall send the
20 victim notice of the recommendation under (g) of this section and inform the victim of
21 the victim's rights under this section, the deadline for receipt of written comments, the
22 hearing date, and the court's address.

23 (j) If the victim submits written comments directly to the court and the parties
24 do not otherwise have the victim statements, the court shall distribute the statements to
25 the parties.

26 (k) In deciding whether to terminate probation and discharge the defendant
27 from probation under (g) of this section, the court shall consider the victim's
28 comments, testimony, or unsworn oral presentation, when relevant, and any response
29 by the prosecuting attorney and defendant.

30 (l) If a victim desires notice under this section, the victim shall maintain a
31 current, valid mailing address on file with the commissioner of corrections. The

1 commissioner shall send the notice to the victim's last known address. The victim's
2 address may not be disclosed to the defendant or the defendant's attorney.

3 (m) The court shall discharge the defendant from probation upon completion
4 of the period of probation. The period of probation is considered to be completed
5 when the combination of time served and credits earned under AS 33.05.020 is equal
6 to the probation period imposed, or after the probationer has been discharged from
7 probation under this section.

8 * **Sec. 67.** AS 12.55.100(a) is amended to read:

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

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

12 **(2)** may be required

13 **(A)** [(1)] to pay a fine in one or several sums;

14 **(B)** [(2)] to make restitution or reparation to aggrieved parties
15 for actual damages or loss caused by the crime for which conviction was had,
16 including compensation to a victim that is a nonprofit organization for the
17 value of labor or goods provided by volunteers if the labor or goods were
18 necessary to alleviate or mitigate the effects of the defendant's crime; when
19 determining the amount of actual damages or loss under this **subparagraph**
20 [PARAGRAPH], the court shall value property as the market value of the
21 property at the time and place of the crime or, if the market value cannot
22 reasonably be ascertained, the cost of the replacement of the property within a
23 reasonable time after the crime;

24 **(C)** [(3)] to provide for the support of any persons for whose
25 support the defendant is legally responsible;

26 **(D)** [(4)] to perform community work in accordance with
27 AS 12.55.055;

28 **(E)** [(5)] to participate in or comply with the treatment plan of
29 an inpatient or outpatient rehabilitation program specified by either the court or
30 the defendant's probation officer that is related to the defendant's offense or to
31 the defendant's rehabilitation;

1 (F) [(6)] to satisfy the screening, evaluation, referral, and
2 program requirements of an agency authorized by the court to make referrals
3 for rehabilitative treatment or to provide rehabilitative treatment;

4 (G) [AND (7)] to comply with a program established under
5 AS 47.38.020; and

6 (H) to comply with the sanctions imposed by the
7 defendant's probation officer under AS 33.05.020(g).

8 * **Sec. 68.** AS 12.55.100(c) is amended to read:

9 (c) A program of inpatient treatment may be required by the authorized
10 agency under (a)(2)(F) [(a)(6)] of this section only if authorized in the judgment, and
11 may not exceed the maximum term of inpatient treatment specified in the judgment. A
12 person who has been referred for inpatient treatment may make a written request to the
13 sentencing court asking the court to review the referral. The request for review shall be
14 made within seven days after [OF] the agency's referral, and shall specifically set out
15 the grounds on [UPON] which the request for review is based. The court may order a
16 hearing on the request for review.

17 * **Sec. 69.** AS 12.55.110 is amended by adding new subsections to read:

18 (c) If a defendant is serving a period of probation for an offense, the court may
19 find that the defendant has committed a technical violation of probation. If the court
20 finds that a defendant has committed a technical violation of probation that does not
21 include absconding, the court may reinstate the term of probation with appropriate
22 conditions or impose a sentence of imprisonment of not more than

23 (1) three days for the first petition to revoke probation filed with the
24 court;

25 (2) five days for the second petition to revoke probation filed with the
26 court;

27 (3) 10 days for the third petition to revoke probation filed with the
28 court; or

29 (4) up to the remainder of the suspended portion of the sentence for a
30 fourth or subsequent petition to revoke probation.

31 (d) If the court revokes a person's probation for absconding, the court may

1 impose a period of imprisonment not to exceed 30 days.

2 (e) The limits set out in this section on the length of imprisonment for a
3 revocation do not apply if a probationer is enrolled in a program established under
4 AS 33.05.020(f).

5 (f) If the defendant is ordered to complete treatment under
6 AS 12.55.100(a)(2)(E) and does not comply with the court's order, the court may order
7 the defendant to show cause why the defendant should not be sentenced to
8 imprisonment for noncompletion of treatment and may revoke the suspended sentence
9 subject to the limits established in this section. In a contempt or probation revocation
10 proceeding brought as a result of failure to complete treatment, it is an affirmative
11 defense that the defendant was unable to afford the cost of treatment or secure a place
12 in a free treatment program, despite having made continuing good faith efforts. If the
13 court finds that the defendant was unable to complete treatment despite having made
14 continuing good faith efforts, the defendant may not be imprisoned solely because of
15 an inability to pay. If the court does not find that the noncompletion of treatment was
16 attributable to the defendant's inability to pay, the court may order the defendant
17 imprisoned subject to the limits established in this section.

18 (g) Notwithstanding (c) of this section, a court may not find a technical
19 violation under this section if a person convicted of a sex offense, as described in
20 AS 12.63.100, violates a condition of probation provided in AS 12.55.100(e).

21 (h) In this section,

22 (1) "absconding" means failing to report within five working days after
23 release from custody under AS 33.20.030 or failing to report for a scheduled meeting
24 with a probation officer, as ordered by the court or as directed by the probation officer,
25 and failing to make contact with the probation officer within 30 days following the
26 missed meeting;

27 (2) "technical violation" means a violation of the conditions of
28 probation that does not result from

29 (A) an arrest for a new criminal offense;

30 (B) failing to complete sex offender treatment; or

31 (C) failing to complete an intervention program for batterers.

1 * **Sec. 70.** AS 12.55.115 is amended to read:

2 **Sec. 12.55.115. Fixing eligibility for discretionary or administrative parole**
3 **at sentencing.** The court may, as part of a sentence of imprisonment, further restrict
4 the eligibility of a prisoner for discretionary or administrative parole for a term
5 greater than that required under AS 33.16.089, 33.16.090, [AS 33.16.090] and
6 33.16.100.

7 * **Sec. 71.** AS 12.55.125(a) is amended to read:

8 (a) A defendant convicted of murder in the first degree or murder of an unborn
9 child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment
10 of at least 25 [20] years but not more than 99 years. A defendant convicted of murder
11 in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years
12 when

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

16 (2) the defendant has been previously convicted of

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

19 (B) murder in the second degree under AS 11.41.110 or former
20 AS 11.15.030; or

21 (C) homicide under the laws of another jurisdiction when the
22 offense of which the defendant was convicted contains elements similar to first
23 degree murder under AS 11.41.100 or second degree murder under
24 AS 11.41.110;

25 (3) the defendant subjected the murder victim to substantial physical
26 torture;

27 (4) the defendant is convicted of the murder of and personally caused
28 the death of a person, other than a participant, during a robbery; or

29 (5) the defendant is a peace officer who used the officer's authority as a
30 peace officer to facilitate the murder.

31 * **Sec. 72.** AS 12.55.125(b) is amended to read:

1 (b) A defendant convicted of attempted murder in the first degree, solicitation
2 to commit murder in the first degree, conspiracy to commit murder in the first degree,
3 kidnapping, or misconduct involving a controlled substance in the first degree shall be
4 sentenced to a definite term of imprisonment of at least five years but not more than
5 99 years. A defendant convicted of murder in the second degree or murder of an
6 unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of
7 imprisonment of at least 15 [10] years but not more than 99 years. A defendant
8 convicted of murder in the second degree shall be sentenced to a definite term of
9 imprisonment of at least 20 years but not more than 99 years when the defendant is
10 convicted of the murder of a child under 16 years of age and the court finds by clear
11 and convincing evidence that the defendant (1) was a natural parent, a stepparent, an
12 adoptive parent, a legal guardian, or a person occupying a position of authority in
13 relation to the child; or (2) caused the death of the child by committing a crime against
14 a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and
15 "position of authority" have the meanings given in AS 11.41.470.

16 * **Sec. 73.** AS 12.55.125(c) is amended to read:

17 (c) Except as provided in (i) of this section, a defendant convicted of a class A
18 felony may be sentenced to a definite term of imprisonment of not more than 20 years,
19 and shall be sentenced to a definite term within the following presumptive ranges,
20 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

21 (1) if the offense is a first felony conviction and does not involve
22 circumstances described in (2) of this subsection, three [FIVE] to six [EIGHT] years;

23 (2) if the offense is a first felony conviction

24 (A) and the defendant possessed a firearm, used a dangerous
25 instrument, or caused serious physical injury or death during the commission
26 of the offense, or knowingly directed the conduct constituting the offense at a
27 uniformed or otherwise clearly identified peace officer, firefighter, correctional
28 employee, emergency medical technician, paramedic, ambulance attendant, or
29 other emergency responder who was engaged in the performance of official
30 duties at the time of the offense, five [SEVEN] to nine [11] years;

31 (B) and the conviction is for manufacturing related to

1 methamphetamine under AS 11.71.030(a)(4)(A) or **(B)**
2 [AS 11.71.020(a)(2)(A) OR (B)], seven to 11 years, if

3 (i) the manufacturing occurred in a building with
4 reckless disregard that the building was used as a permanent or
5 temporary home or place of lodging for one or more children under 18
6 years of age or the building was a place frequented by children; or

7 (ii) in the course of manufacturing or in preparation for
8 manufacturing, the defendant obtained the assistance of one or more
9 children under 18 years of age or one or more children were present;

10 (3) if the offense is a second felony conviction, eight [10] to 12 [14]
11 years;

12 (4) if the offense is a third felony conviction and the defendant is not
13 subject to sentencing under (I) of this section, 13 [15] to 20 years.

14 * **Sec. 74.** AS 12.55.125(d) is amended to read:

15 (d) Except as provided in (i) of this section, a defendant convicted of a class B
16 felony may be sentenced to a definite term of imprisonment of not more than 10 years,
17 and shall be sentenced to a definite term within the following presumptive ranges,
18 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

19 (1) if the offense is a first felony conviction and does not involve
20 circumstances described in (2) of this subsection, zero [ONE] to two [THREE] years;
21 a defendant sentenced under this paragraph may, if the court finds it appropriate, be
22 granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of
23 probation under AS 12.55.086, the defendant is required to serve an active term of
24 imprisonment within the range specified in this paragraph, unless the court finds that a
25 mitigation factor under AS 12.55.155 applies;

26 (2) if the offense is a first felony conviction,

27 (A) the defendant violated AS 11.41.130, and the victim

28 (i) was a child under 16 years of age, two to four years;

29 (ii) was 16 years of age or older, one to two years;

30 (B) two to four years if the conviction is for an attempt,
31 solicitation, or conspiracy to manufacture related to methamphetamine under

1 AS 11.31 and AS 11.71.030(a)(4)(A) or (B) [AS 11.71.020(a)(2)(A) OR (B)],
2 and

3 (i) the attempted manufacturing occurred, or the
4 solicited or conspired offense was to have occurred, in a building with
5 reckless disregard that the building was used as a permanent or
6 temporary home or place of lodging for one or more children under 18
7 years of age or the building was a place frequented by children; or

8 (ii) in the course of an attempt to manufacture, the
9 defendant obtained the assistance of one or more children under 18
10 years of age or one or more children were present;

11 (3) if the offense is a second felony conviction, two [FOUR] to five
12 [SEVEN] years;

13 (4) if the offense is a third felony conviction, four [SIX] to 10 years.

14 * **Sec. 75.** AS 12.55.125(e) is amended to read:

15 (e) Except as provided in (i) of this section, a defendant convicted of a class C
16 felony may be sentenced to a definite term of imprisonment of not more than five
17 years, and shall be sentenced to a definite term within the following presumptive
18 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

19 (1) if the offense is a first felony conviction and does not involve
20 circumstances described in (4) of this subsection, probation, with a suspended term
21 of imprisonment of zero to 18 months [TWO YEARS; A DEFENDANT
22 SENTENCED UNDER THIS PARAGRAPH MAY, IF THE COURT FINDS IT
23 APPROPRIATE, BE GRANTED A SUSPENDED IMPOSITION OF SENTENCE
24 UNDER AS 12.55.085, AND THE COURT MAY, AS A CONDITION OF
25 PROBATION UNDER AS 12.55.086, REQUIRE THE DEFENDANT TO SERVE
26 AN ACTIVE TERM OF IMPRISONMENT WITHIN THE RANGE SPECIFIED IN
27 THIS PARAGRAPH];

28 (2) if the offense is a second felony conviction, one to three [TWO
29 TO FOUR] years;

30 (3) if the offense is a third felony conviction, two [THREE] to five
31 years;

1 (4) if the offense is a first felony conviction, and the defendant violated
2 AS 08.54.720(a)(15), one to two years.

3 * **Sec. 76.** AS 12.55.135(a) is amended to read:

4 (a) A defendant convicted of a class A misdemeanor may be sentenced to a
5 definite term of imprisonment of not more than

6 (1) one year, if the

7 (A) conviction is for a crime with a mandatory minimum
8 term of 30 days or more of active imprisonment;

9 (B) trier of fact finds the aggravating factor that the
10 conduct constituting the offense was among the most serious conduct
11 included in the definition of the offense;

12 (C) defendant has past criminal convictions for conduct
13 violative of criminal laws, punishable as felonies or misdemeanors, similar
14 in nature to the offense for which the defendant is being sentenced; or

15 (D) conviction is for the crime of assault in the fourth
16 degree under AS 11.41.230; or

17 (2) 30 days.

18 * **Sec. 77.** AS 12.55.135(b) is amended to read:

19 (b) A defendant convicted of a class B misdemeanor may be sentenced to a
20 definite term of imprisonment of not more than 10 [90] days unless otherwise
21 specified in the provision of law defining the offense or in this section.

22 * **Sec. 78.** AS 12.55.135 is amended by adding new subsections to read:

23 (l) A court sentencing a person convicted of theft in the fourth degree under
24 AS 11.46.150, concealment of merchandise under AS 11.46.220(c)(3), removal of
25 identification marks under AS 11.46.260(b)(3), unlawful possession under
26 AS 11.46.270(b)(3), issuing a bad check under AS 11.46.280(d)(4), or criminal
27 simulation under AS 11.46.530(b)(3) may not impose

28 (1) a sentence of more than five days of suspended imprisonment and a
29 term of probation of more than six months if the person has previously been convicted
30 two or more times of an offense under AS 11.46.110 - 11.46.220, 11.46.260 -
31 11.46.290, 11.46.360 or 11.46.365, or a law or ordinance of this or another jurisdiction

1 with substantially similar elements; or

2 (2) a sentence of active or suspended imprisonment if the person has
3 not been previously convicted, or has previously been convicted once, of an offense
4 under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360 or 11.46.365, or a
5 law or ordinance of this or another jurisdiction with substantially similar elements.

6 (m) A court may not impose a sentence of imprisonment for a definite term of
7 more than 24 hours for a person convicted of disorderly conduct under AS 11.61.110.

8 (n) A court sentencing a person convicted of misconduct involving a
9 controlled substance in the fourth degree under AS 11.71.050(a)(4) or misconduct
10 involving a controlled substance in the fifth degree under AS 11.71.060(a)(2) may not
11 impose

12 (1) a sentence of active imprisonment, unless the person has previously
13 been convicted more than once of an offense under AS 11.71 or a law of this or
14 another jurisdiction with elements substantially similar to an offense under AS 11.71;
15 or

16 (2) a sentence of suspended imprisonment greater than

17 (A) 30 days, if the defendant has not been previously convicted
18 of an offense under AS 11.71 or a law of this or another jurisdiction with
19 elements substantially similar to an offense under AS 11.71; or

20 (B) 180 days, if the person has been previously convicted of an
21 offense under AS 11.71 or a law of this or another jurisdiction with elements
22 substantially similar to an offense under AS 11.71.

23 (o) If an aggravating factor is a necessary element of the present offense, that
24 factor may not be used to impose a sentence above the high end of the range.

25 (p) If the state seeks to establish an aggravating factor at sentencing

26 (1) under (a)(1)(C) of this section, written notice must be served on the
27 opposing party and filed with the court not later than 10 days before the date set for
28 imposition of sentence; the aggravating factors in (a)(1)(C) of this section must be
29 established by clear and convincing evidence before the court sitting without a jury; all
30 findings must be set out with specificity;

31 (2) the aggravating factor under (a)(1)(B) of this section shall be

1 presented to a trial jury under procedures set by the court, unless the defendant waives
2 trial by jury, stipulates to the existence of the factor, or consents to have the factor
3 proven under procedures set out in (1) of this subsection; an aggravating factor
4 presented to a jury is established if proved beyond a reasonable doubt; written notice
5 of the intent to establish an aggravating factor must be served on the defendant and
6 filed with the court

7 (A) not later than 10 days before trial or at a time specified by
8 the court;

9 (B) not later than within 48 hours, or at a time specified by the
10 court, if the court instructs the jury about the option to return a verdict for a
11 lesser included offense; or

12 (C) not later than five days before entering a plea that results in
13 a finding of guilt or at a time specified by the court unless the defendant
14 waives the notice requirement.

15 * **Sec. 79.** AS 12.61.015(a) is amended to read:

16 (a) If a victim of a felony or a crime involving domestic violence requests, the
17 prosecuting attorney shall make a reasonable effort to

18 (1) confer with the person against whom the offense has been
19 perpetrated about that person's testimony before the defendant's trial;

20 (2) in a manner reasonably calculated to give prompt actual notice,
21 notify the victim

22 (A) of the defendant's conviction and the crimes of which the
23 defendant was convicted;

24 (B) of the victim's right in a case that is a felony to make a
25 written or oral statement for use in preparation of the defendant's presentence
26 report, and of the victim's right to appear personally at the defendant's
27 sentencing hearing to present a written statement and to give sworn testimony
28 or an unsworn oral presentation;

29 (C) of the address and telephone number of the office that will
30 prepare the presentence report; and

31 (D) of the time and place of the sentencing proceeding;

1 (3) notify the victim in writing of the final disposition of the case
2 within 30 days after final disposition of the case;

3 (4) confer with the victim [OF A CRIME INVOLVING DOMESTIC
4 VIOLENCE] concerning a proposed plea agreement before entering into an
5 agreement;

6 (5) inform the victim of a pending motion that may substantially delay
7 the prosecution and inform the court of the victim's position on the motion; in this
8 paragraph, a "substantial delay" is

9 (A) for a misdemeanor, a delay of one month or longer;

10 (B) for a felony, a delay of two months or longer; and

11 (C) for an appeal, a delay of six months or longer.

12 * **Sec. 80.** AS 12.70.130 is amended to read:

13 **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be
14 lawfully made by a peace officer or a private person without a warrant upon
15 reasonable information that the accused stands charged in the courts of another state
16 with a crime punishable by death or imprisonment for a term exceeding one year, but
17 when arrested the accused must be taken before a judge or magistrate without
18 unnecessary delay and, in any event, within 24 [48] hours after arrest, **absent**
19 **compelling circumstances**, including Sundays and holidays, and complaint shall be
20 made against the accused under oath setting out the ground for the arrest as in
21 AS 12.70.120. **The hearing before the judge or magistrate may not take place**
22 **more than 48 hours after arrest.** Thereafter the answer of the accused shall be heard
23 as if the accused had been arrested on a warrant.

24 * **Sec. 81.** AS 22.35.030 is amended by adding a new subsection to read:

25 (b) Notwithstanding (a) of this section, the Alaska Court System shall publish
26 the court record of a person who is granted a suspended entry of judgment under
27 AS 12.55.078 on a publicly available website with a notation indicating a suspended
28 entry of judgment.

29 * **Sec. 82.** AS 28.15.165 is amended by adding a new subsection to read:

30 (e) A person whose driver's license, privilege to drive, or privilege to obtain a
31 license has been revoked under this section as a result of a refusal to submit to a

1 chemical test authorized under AS 28.35.031(a) or (g) or a similar municipal
2 ordinance or a chemical test administered under AS 28.35.031(a) or (g) or a similar
3 municipal ordinance in which the test produced a result described in
4 AS 28.35.030(a)(2) may request that the department rescind the revocation. The
5 department shall rescind a revocation under this subsection if the department finds that
6 the person has supplied proof in a form satisfactory to the department that

7 (1) the person has been acquitted of driving while under the influence
8 under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a
9 similar municipal ordinance for the incident on which the revocation was based; or

10 (2) all criminal charges against the person for driving while under the
11 influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit
12 to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to
13 the incident on which the revocation is based have been dismissed without prejudice.

14 * **Sec. 83.** AS 28.15.181(f) is amended to read:

15 (f) The court may terminate a revocation for an offense described in (a)(5) or
16 (8) of this section if

17 (1) **either**

18 (A) the person's license, privilege to drive, or privilege to
19 obtain a license has been revoked for the minimum periods set out in (c) of this
20 section; **or**

21 (B) **the person**

22 (i) **has successfully completed a court-ordered**
23 **treatment program under AS 28.35.028;**

24 (ii) **has not been convicted of a violation of**
25 **AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or**
26 **another jurisdiction since completing the program; and**

27 (iii) **has been granted limited license privileges under**
28 **AS 28.15.201(g) and has successfully driven for three years under**
29 **that limited license without having the limited license privileges**
30 **revoked;** and

31 (2) the person complies with the provisions of AS 28.15.211(d) and

1 (e).

2 * **Sec. 84.** AS 28.15.201 is amended by adding new subsections to read:

3 (g) Notwithstanding (d) of this section, a court revoking a driver's license,
4 privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the
5 department when revoking a driver's license, privilege to drive, or privilege to obtain a
6 license under AS 28.15.165(c), may grant limited license privileges if

7 (1) the revocation was for a felony conviction under AS 28.35.030;

8 (2) the person has successfully participated for at least six months in,
9 or has successfully completed, a court-ordered treatment program under
10 AS 28.35.028;

11 (3) the person provides proof of insurance as required by AS 28.20.230
12 and 28.20.240;

13 (4) the person is required to use an ignition interlock device during the
14 period of the limited license whenever the person operates a motor vehicle in a
15 community not included in the list published by the department under
16 AS 28.22.011(b) and, when applicable,

17 (A) the person provides proof of installation of the ignition
18 interlock device on every vehicle the person operates;

19 (B) the person signs an affidavit acknowledging that

20 (i) operation by the person of a vehicle that is not
21 equipped with an ignition interlock device is subject to penalties for
22 driving with a revoked license;

23 (ii) circumventing or tampering with the ignition
24 interlock device is a class A misdemeanor; and

25 (iii) the person is required to maintain the ignition
26 interlock device throughout the period of the limited license, to keep
27 up-to-date records in each vehicle showing that any required service
28 and calibration is current, and to produce those records immediately on
29 request;

30 (5) the person is enrolled in and is in compliance with or has
31 successfully completed the alcoholism screening, evaluation, referral, and program

1 requirements of the Department of Health and Social Services under AS 28.35.030(h);

2 (6) the person has not previously been granted a limited license under
3 this subsection and had the license revoked under (h) of this section;

4 (7) the person is participating in a program established under
5 AS 47.38.020 for a minimum of 120 days from the date a limited license is granted
6 under this section.

7 (h) The court or the department may immediately revoke a limited license
8 granted under (g) of this section if the person is convicted of a violation of
9 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction
10 or if the person is not in compliance with a court-ordered treatment program under
11 AS 28.35.028.

12 * **Sec. 85.** AS 28.15.291(a) is repealed and reenacted to read:

13 (a) A person commits the crime of driving while license canceled, suspended,
14 revoked, or in violation of a limitation if the person drives

15 (1) a motor vehicle on a highway or vehicular way or area at a time
16 when that person's driver's license, privilege to drive, or privilege to obtain a license
17 has been canceled, suspended, or revoked under circumstances described in
18 AS 28.15.181(c) or a similar law in another jurisdiction;

19 (2) a motor vehicle on a highway or vehicular way or area at a time
20 when that person's driver's license, privilege to drive, or privilege to obtain a license
21 has been canceled, suspended, or revoked under circumstances other than those
22 described in (1) of this subsection; or

23 (3) in violation of a limitation placed on that person's license or
24 privilege to drive in this or another jurisdiction.

25 * **Sec. 86.** AS 28.15.291(b) is repealed and reenacted to read:

26 (b) Driving while license canceled, suspended, revoked, or in violation of a
27 limitation is

28 (1) a class A misdemeanor if the person violates (a)(1) of this section;
29 upon conviction the court shall impose a minimum sentence of imprisonment of not
30 less than 10 days

31 (A) with 10 days suspended if the person has not been

1 previously convicted under (a)(1) of this section or a similar law of another
2 jurisdiction; or

3 (B) if the person has been previously convicted under (a)(1) of
4 this section or a similar law in another jurisdiction;

5 (2) an infraction if the person violates (a)(2) or (3) of this section.

6 * **Sec. 87.** AS 28.35.028(b) is amended to read:

7 (b) Once the court elects to proceed under this section, the defendant shall
8 enter a no contest or guilty plea to the offense or shall admit to a probation violation,
9 as appropriate. The state and the defendant may enter into a plea agreement to
10 determine the offense or offenses to which the defendant is required to plead. If the
11 court accepts the agreement, the court shall enforce the terms of the agreement. The
12 court shall enter a judgment of conviction for the offense or offenses for which the
13 defendant has pleaded or an order finding that the defendant has violated probation, as
14 appropriate. A judgment of conviction or an order finding a probation violation must
15 set a schedule for payment of restitution owed by the defendant. In a judgment of
16 conviction and on probation conditions that the court considers appropriate, the court
17 may withhold pronouncement of a period of imprisonment or a fine to provide an
18 incentive for the defendant to complete recommended treatment successfully.
19 Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any
20 mandatory minimum or other sentencing provision applicable to the offense.
21 However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any
22 other provision of law, the court, at any time after the period when a reduction of
23 sentence is normally available, may consider and reduce the defendant's sentence,
24 including imprisonment, fine, or license revocation, based on the defendant's
25 compliance with the treatment plan; when reducing a sentence, the court (1) may not
26 reduce the sentence below the mandatory minimum sentence for the offense unless the
27 court finds that the defendant has successfully complied with and completed the
28 treatment plan and that the treatment plan approximated the severity of the minimum
29 period of imprisonment, and (2) may consider the defendant's compliance with the
30 treatment plan as a mitigating factor allowing a reduction of a sentence under
31 AS 12.55.155(a). A court entering an order finding the defendant has violated

1 probation may withhold pronouncement of disposition to provide an incentive for the
2 defendant to complete the recommended treatment successfully.

3 * **Sec. 88.** AS 28.35.030(k) is amended to read:

4 (k) Imprisonment required under (b)(1)(A) of this section shall be served [AT
5 A COMMUNITY RESIDENTIAL CENTER OR] by electronic monitoring at a
6 private residence under AS 33.30.065. If [A COMMUNITY RESIDENTIAL
7 CENTER OR] electronic monitoring [AT A PRIVATE RESIDENCE] is not available,
8 imprisonment required under (b)(1)(A) of this section **shall** [MAY] be served at **a**
9 private residence by other means determined by the commissioner of corrections
10 [ANOTHER APPROPRIATE PLACE DETERMINED BY THE COMMISSIONER
11 OF CORRECTIONS]. Imprisonment required under (b)(1)(B) - (F) of this section
12 may be served at a community residential center or at a private residence if approved
13 by the commissioner of corrections. Imprisonment served at a private residence must
14 include electronic monitoring under AS 33.30.065 or, if electronic monitoring is not
15 available, by other means as determined by the commissioner of corrections. The
16 cost of imprisonment resulting from the sentence imposed under (b)(1) of this section
17 shall be paid to the state by the person being sentenced. **The** [PROVIDED,
18 HOWEVER, THAT THE] cost of imprisonment required to be paid under this
19 subsection may not exceed \$2,000. Upon the person's conviction, the court shall
20 include the costs of imprisonment as a part of the judgment of conviction. Except for
21 reimbursement from a permanent fund dividend as provided in this subsection,
22 payment of the cost of imprisonment is not required if the court determines the person
23 is indigent. For costs of imprisonment that are not paid by the person as required by
24 this subsection, the state shall seek reimbursement from the person's permanent fund
25 dividend as provided under AS 43.23.065. [WHILE AT THE COMMUNITY
26 RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A PERSON
27 SENTENCED UNDER (b)(1)(A) OF THIS SECTION SHALL PERFORM AT
28 LEAST 24 HOURS OF COMMUNITY SERVICE WORK.] A person sentenced
29 under (b)(1)(B) of this section shall perform at least 160 hours of community service
30 work, as required by the director of the community residential center or other
31 appropriate place, or as required by the commissioner of corrections if the sentence is

1 being served at a private residence. In this subsection, "appropriate place" means a
2 facility with 24-hour on-site staff supervision that is specifically adapted to provide a
3 residence, and includes a correctional center, residential treatment facility, hospital,
4 halfway house, group home, work farm, work camp, or other place that provides
5 varying levels of restriction.

6 * **Sec. 89.** AS 28.35.030(l) is amended to read:

7 (l) The commissioner of corrections shall determine and prescribe by
8 regulation a uniform average cost of imprisonment for the purpose of determining the
9 cost of imprisonment required to be paid under (k) of this section by a convicted
10 person. **The regulations must include the costs associated with electronic**
11 **monitoring under AS 33.30.065.**

12 * **Sec. 90.** AS 28.35.030(o) is amended to read:

13 (o) Upon request, the department shall review a driver's license revocation
14 imposed under **(b) or** (n)(3) of this section and

15 **(1)** may restore the driver's license if

16 **(A)** [(1)] the license has been revoked for a period of at least 10
17 years;

18 **(B)** [(2)] the person has not been convicted of a criminal
19 offense since the license was revoked; and

20 **(C)** [(3)] the person provides proof of financial responsibility;

21 **(2)** shall restore the driver's license if

22 **(A)** the person has been granted limited license privileges
23 **under AS 28.15.201(g) and has successfully driven under that limited**
24 **license for three years without having the limited license privileges**
25 **revoked;**

26 **(B)** the person has successfully completed a court-ordered
27 **treatment program under AS 28.35.028;**

28 **(C)** the court previously terminated the person's revocation
29 **as provided in AS 28.15.181(f)(1)(B);**

30 **(D)** the person has not been convicted of a violation of
31 **AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another**

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jurisdiction since the license was revoked;

(E) the person's privilege to drive may be restored as provided in AS 28.15.211; and

(F) the person provides proof of financial responsibility.

* Sec. 91. AS 28.35.032(o) is amended to read:

(o) Imprisonment required under (g)(1)(A) of this section shall be served at a private residence by electronic monitoring under AS 33.30.065. If electronic monitoring [AT A COMMUNITY RESIDENTIAL CENTER, OR IF A COMMUNITY RESIDENTIAL CENTER] is not available, imprisonment under (g)(1)(A) of this section shall be served at a private residence by other means as determined by the commissioner of corrections [AT ANOTHER APPROPRIATE PLACE DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. Imprisonment required under (g)(1)(B) - (F) of this section may be served at a community residential center or at a private residence if approved by the commissioner of corrections. Imprisonment served at a private residence must include electronic monitoring under AS 33.30.065 or, if electronic monitoring is not available, shall be served by other means as determined by the commissioner of corrections. The cost of imprisonment resulting from the sentence imposed under (g)(1) of this section shall be paid to the state by the person being sentenced. The [PROVIDED, HOWEVER, THAT THE] cost of imprisonment required to be paid under this subsection may not exceed \$2,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065. [WHILE AT THE COMMUNITY RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A PERSON SENTENCED UNDER (g)(1)(A) OF THIS SECTION SHALL PERFORM AT LEAST 24 HOURS OF COMMUNITY SERVICE WORK.] A person sentenced under (g)(1)(B) of this section shall perform at least 160 hours of community service

1 work, as required by the director of the community residential center or other
2 appropriate place, or as required by the commissioner of corrections if the sentence is
3 being served at a private residence. In this subsection, "appropriate place" means a
4 facility with 24-hour on-site staff supervision that is specifically adapted to provide a
5 residence, and includes a correctional center, residential treatment facility, hospital,
6 halfway house, group home, work farm, work camp, or other place that provides
7 varying levels of restriction.

8 * **Sec. 92.** AS 28.35.036(a) is amended to read:

9 (a) After conviction of an offense under [AS 28.15.291(b),] AS 28.35.030 [,]
10 or 28.35.032, a motor vehicle, aircraft, or watercraft involved in the commission of the
11 offense is subject to forfeiture as provided under [AS 28.15.291(b),] AS 28.35.030 [,]
12 and 28.35.032.

13 * **Sec. 93.** AS 29.10.200(21) is amended to read:

14 (21) AS 29.25.070(e) **and (g) (penalties)** [(NOTICES OF CERTAIN
15 CIVIL ACTIONS)];

16 * **Sec. 94.** AS 29.25.070(a) is amended to read:

17 (a) For the violation of an ordinance, a municipality may by ordinance
18 prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days,
19 **except as limited by (g) of this section.** For a violation that cannot result in
20 incarceration or the loss of a valuable license, a municipality may allow disposition of
21 the violation without court appearance and establish a schedule of fine amounts for
22 each offense.

23 * **Sec. 95.** AS 29.25.070 is amended by adding a new subsection to read:

24 (g) If a municipality prescribes a penalty for a violation of a municipal
25 ordinance, including a violation under (a) of this section, and there is a comparable
26 state offense under AS 11 or AS 28 with elements that are similar to the municipal
27 ordinance, the municipality may not impose a greater punishment than that imposed
28 for a violation of the state law. This subsection applies to home rule and general law
29 municipalities.

30 * **Sec. 96.** AS 33.05.020 is amended by adding new subsections to read:

31 (g) The commissioner shall establish an administrative sanction and incentive

1 program to facilitate a swift and effective response to a probationer's compliance with
2 or violation of the conditions of probation. The commissioner shall adopt regulations
3 to implement the program. At a minimum, the regulations must include

4 (1) a decision-making process to guide probation officers in
5 determining the suitable response to positive and negative offender behavior that
6 includes a list of sanctions for the most common types of negative behavior, including
7 technical violations of conditions of probation, and a list of incentives for compliance
8 with conditions and positive behavior that exceeds those conditions;

9 (2) policies and procedures that ensure

10 (A) a process for responding to negative behavior that includes
11 a review of previous violations and sanctions;

12 (B) that enhanced sanctions for certain negative conduct are
13 approved by the commissioner or the commissioner's designee; and

14 (C) that appropriate due process protections are included in the
15 process, including notice of negative behavior, an opportunity to dispute the
16 accusation and the sanction, and an opportunity to request a review of the
17 accusation and the sanction.

18 (h) The commissioner shall establish by regulation a program allowing
19 offenders on probation for a felony offense to earn credits for complying with the
20 conditions of probation. The credits earned reduce the period of probation. Nothing in
21 this subsection prohibits the department from recommending to the court the early
22 discharge of the probationer as provided in AS 33.30. At a minimum, the regulations
23 must

24 (1) require that a probationer earn a credit of 30 days for each 30-day
25 period served in which the defendant complied with the conditions of probation;

26 (2) include policies and procedures for

27 (A) calculating and tracking credits earned by probationers;

28 (B) reducing the probationer's period of probation based on
29 credits earned by the probationer; and

30 (C) notifying a victim under AS 33.30.013.

31 * **Sec. 97.** AS 33.05.040 is amended to read:

1 **Sec. 33.05.040. Duties of probation officers.** A probation officer shall

2 (1) furnish to each probationer under the supervision of the officer a
3 written statement of the conditions of probation and shall instruct the probationer
4 regarding the same;

5 (2) keep informed concerning the conduct and condition of each
6 probationer under the supervision of the officer and shall report on the probationer to
7 the court placing **the** [SUCH] person on probation;

8 (3) use all suitable methods, not inconsistent with the conditions
9 imposed by the court, to aid probationers and to bring about improvements in their
10 conduct and condition;

11 (4) keep records of the probation work, **including administrative**
12 **sanctions and incentives the probation officer imposes under AS 33.05.020(g),**
13 keep accurate and complete accounts of all money collected from persons under the
14 supervision of the officer, give receipts for money collected and make at least monthly
15 returns of it, make the reports to the court and the commissioner required by them, and
16 perform other duties the court may direct;

17 (5) perform **the** [SUCH] duties with respect to persons on parole as the
18 commissioner shall request [,] and, in **that** [SUCH] service, shall be termed a parole
19 officer;

20 **(6) use administrative sanctions and incentives developed under**
21 **AS 33.05.020(g) to respond to a probationer's negative and positive behavior,**
22 **including responses to technical violations of conditions of probation, in a way**
23 **that is intended to interrupt negative behavior in a swift, certain, and**
24 **proportional manner and support progress with a recognition of positive**
25 **behavior; and**

26 **(7) upon determining that a probationer under the supervision of**
27 **the officer meets the requirements of AS 12.55.090(g), recommend to the court as**
28 **soon as practicable that probation be terminated and the probationer be**
29 **discharged from probation.**

30 * **Sec. 98.** AS 33.05.080 is amended by adding a new paragraph to read:

31 (3) "administrative sanctions and incentives" means responses by a

1 probation officer to a probationer's compliance with or violation of the conditions of
2 probation under AS 33.05.020(g).

3 * **Sec. 99.** AS 33 is amended by adding a new chapter to read:

4 **Chapter 07. Pretrial Services Program.**

5 **Sec. 33.07.010. Pretrial services program; establishment.** The commissioner
6 shall establish and administer a pretrial services program that provides a pretrial risk
7 assessment for all defendants, recommendations to the court concerning pretrial
8 release decisions, and supervision of defendants released while awaiting trial as
9 ordered by the court.

10 **Sec. 33.07.020. Duties of commissioner; pretrial services.** The commissioner
11 shall

12 (1) appoint and make available to the superior court and district court
13 qualified pretrial services officers;

14 (2) fix pretrial services officers' salaries;

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

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

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

23 (6) adopt regulations in consultation with the Department of Law, the
24 public defender, the Department of Public Safety, the office of victims' rights, and the
25 Alaska Court System, consistent with this chapter and as necessary to implement the
26 program; the regulations must include a process for pretrial services officers to make a
27 recommendation to the court concerning a pretrial release decision and guidelines for
28 pretrial diversion recommendations.

29 **Sec. 33.07.030. Duties of pretrial services officers.** (a) Pretrial services
30 officers shall, in advance of a first appearance before a judicial officer under
31 AS 12.30, conduct a pretrial risk assessment on the defendant using an instrument

1 approved by the commissioner for the purpose of making a recommendation to the
2 court concerning an appropriate pretrial release decision and conditions of release. In
3 conducting a pretrial risk assessment and making a recommendation to the court, the
4 department shall follow the decision-making process established by regulation under
5 this chapter. The pretrial risk assessment shall be completed and presented to the court
6 in a pretrial release report that contains a risk assessment rating of low, moderate, or
7 high and a recommendation regarding release and release conditions before the
8 defendant's first appearance before a judicial officer.

9 (b) A pretrial services officer shall make a recommendation under (a) of this
10 section for pretrial release to the court based on factors that include the results of a
11 pretrial risk assessment, the offense charged, and the least restrictive condition or
12 conditions that will reasonably ensure the appearance of the person in court and the
13 safety of the victim, other persons, and the community. The recommendation must
14 take into account

15 (1) the defendant's risk rating;

16 (2) the appropriateness for release on the defendant's own
17 recognizance or upon the execution of an unsecured appearance bond, unsecured
18 performance bond, or both; and

19 (3) the appropriateness of nonmonetary release conditions permitted
20 under AS 12.30.011, 12.30.016, 12.30.021, and 12.30.027 and supervision of those
21 conditions by a pretrial services officer for defendants who are recommended for
22 release.

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

27 (1) a misdemeanor, unless that misdemeanor is

28 (A) a crime involving domestic violence, as defined in
29 AS 18.66.990;

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

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

- 1 (2) a class C felony unless that felony is
- 2 (A) a crime involving domestic violence, as defined in
- 3 AS 18.66.990;
- 4 (B) a crime against the person under AS 11.41;
- 5 (C) an offense under AS 11.56.730;
- 6 (3) an offense under AS 28.35.030 or 28.35.032, if the defendant has
- 7 been assessed as being low or moderate risk on the pretrial risk assessment.
- 8 (d) A pretrial services officer shall recommend release on personal
- 9 recognizance, upon execution of an unsecured appearance bond, or upon execution of
- 10 an unsecured performance bond, with nonmonetary conditions as appropriate, unless
- 11 the pretrial services officer finds
- 12 (1) by substantial evidence that no nonmonetary conditions of release
- 13 in combination with release on personal recognizance or upon execution of unsecured
- 14 bond can reasonably ensure public safety and appearance in court; and
- 15 (2) the defendant has been charged with
- 16 (A) an offense under AS 28.35.030 or 28.35.032, and the
- 17 offender has been assessed as high risk under a pretrial risk assessment;
- 18 (B) an offense under AS 11.56.730 or 11.56.757, and the
- 19 offender has been assessed as low to moderate risk under a pretrial risk
- 20 assessment; or
- 21 (C) any other offense, and the defendant has been assessed as
- 22 being low risk under a pretrial risk assessment.
- 23 (e) A pretrial services officer may supervise a defendant released while
- 24 awaiting trial, imposing the least restrictive level of supervision that will reasonably
- 25 ensure the appearance of the person in court and the safety of the victim, other
- 26 persons, and the community, and prioritizing higher levels of supervision for a
- 27 defendant accused of serious charges or assessed as moderate or high risk under a
- 28 pretrial risk assessment. The commissioner may, in accordance with AS 36.30,
- 29 procure and enter into agreements or contracts for the supervision of defendants on
- 30 electronic monitoring during the pretrial period.
- 31 (f) A pretrial services officer may

1 (1) recommend pretrial diversion to the court and parties before
2 adjudication in accordance with the guidelines established by the commissioner under
3 AS 33.07.020(6);

4 (2) arrest without a warrant a defendant who has been released while
5 awaiting trial if the officer has probable cause to believe the defendant has committed
6 an offense under AS 11.56.730 or 11.56.757 or has violated the defendant's release
7 conditions;

8 (3) refer interested defendants for substance abuse screening,
9 assessment, and treatment on a voluntary basis;

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

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

15 **Sec. 33.07.040. Pretrial services officers as officers of court.** All pretrial
16 services officers shall be available to the superior and district courts and shall be
17 officers of the court.

18 **Sec. 33.07.090. Definitions.** In this chapter,

19 (1) "commissioner" means the commissioner of corrections;

20 (2) "program" means the pretrial services program.

21 * **Sec. 100.** AS 33.16.010(c) is amended to read:

22 (c) A prisoner who is not eligible for special medical, administrative, or
23 discretionary parole, or who is not released on special medical, administrative, or
24 discretionary parole, shall be released on mandatory parole for the term of good time
25 deductions credited under AS 33.20, if the term or terms of imprisonment are two
26 years or more.

27 * **Sec. 101.** AS 33.16.010(d) is amended to read:

28 (d) A prisoner released on special medical, administrative, discretionary, or
29 mandatory parole is subject to the conditions of parole imposed under AS 33.16.150.
30 Parole may be revoked under AS 33.16.220.

31 * **Sec. 102.** AS 33.16.010 is amended by adding a new subsection to read:

1 (f) A prisoner eligible under AS 33.16.089 shall be released on administrative
2 parole by the board of parole.

3 * **Sec. 103.** AS 33.16.060(a) is amended to read:

4 (a) The board shall

5 (1) serve as the parole authority for the state;

6 (2) [UPON RECEIPT OF AN APPLICATION,] consider the
7 suitability for parole of a prisoner who is eligible for discretionary parole at least 90
8 days before the prisoner's first date of eligibility and upon receipt of the
9 prisoner's application for special medical [OR DISCRETIONARY] parole;

10 (3) impose parole conditions on all prisoners released under special
11 medical, administrative, discretionary, or mandatory parole;

12 (4) under AS 33.16.210, discharge a person from parole when custody
13 is no longer required;

14 (5) maintain records of the meetings and proceedings of the board;

15 (6) recommend to the governor and the legislature changes in the law
16 administered by the board;

17 (7) recommend to the governor or the commissioner changes in the
18 practices of the department and of other departments of the executive branch
19 necessary to facilitate the purposes and practices of parole;

20 (8) upon request of the governor, review and recommend applicants
21 for executive clemency; and

22 (9) execute other responsibilities prescribed by law.

23 * **Sec. 104.** AS 33.16 is amended by adding a new section to read:

24 **Sec. 33.16.089. Eligibility for administrative parole.** (a) A prisoner who has
25 been convicted of a class B or C felony that is not a sex offense as defined in
26 AS 12.63.100 or criminally negligent homicide under AS 11.41.130, has not been
27 previously convicted of a felony in this or another jurisdiction, and has been sentenced
28 to an active term of imprisonment of at least 181 days shall be released on
29 administrative parole by the board without a hearing if

30 (1) the prisoner has served the greater of

31 (A) one-fourth of the active term of imprisonment imposed;

1 (B) the mandatory minimum term of imprisonment imposed; or

2 (C) a term of imprisonment imposed under AS 12.55.115;

3 (2) the prisoner is not excluded from eligibility for administrative
4 parole by court order;

5 (3) the prisoner has agreed to and signed the conditions of parole under
6 AS 33.16.150;

7 (4) the victim does not request a hearing to consider issues of public
8 safety under AS 33.16.120; and

9 (5) the prisoner has met the requirements of the case plan established
10 under AS 33.30.011(8).

11 (b) If a prisoner who is eligible for discretionary parole under AS 33.16.090
12 does not meet the criteria for release on administrative parole under (a) of this section,
13 the board shall consider the prisoner for discretionary parole.

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

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

22 * **Sec. 105.** AS 33.16.090(a) is amended to read:

23 (a) A prisoner sentenced to an active term of imprisonment of at least 181
24 days **and who has not been released on administrative parole as provided in**
25 **AS 33.16.089** may, in the discretion of the board, be released on discretionary parole
26 if the prisoner

27 **(1)** has served the amount of time specified under (b) of this section,
28 except that

29 **(A)** [(1)] a prisoner sentenced to one or more mandatory 99-
30 year terms under AS 12.55.125(a) or one or more definite terms under
31 AS 12.55.125(l) is not eligible for consideration for discretionary parole;

1 **(B)** [(2)] a prisoner is not eligible for consideration of
2 discretionary parole if made ineligible by order of a court under AS 12.55.115;

3 **(C)** [(3)] a prisoner imprisoned under AS 12.55.086 is not
4 eligible for discretionary parole unless the actual term of imprisonment is more
5 than one year; **or**

6 **(2) is at least 60 years of age, has served at least 10 years of a**
7 **sentence for one or more crimes in a single judgment, and has not been convicted**
8 **of an unclassified felony or a sexual felony as defined in AS 12.55.185.**

9 * **Sec. 106.** AS 33.16.090(b) is amended to read:

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

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

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

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

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

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

29 (i) the prisoner has successfully completed all
30 rehabilitation programs ordered by the three-judge panel that were
31 made available to the prisoner; and

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

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

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

9 (B) any term set under AS 12.55.115;

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

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

16 (A) any mandatory minimum sentence or sentences imposed
17 under any provision of law;

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

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

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

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

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

27 (C) the amount of time that is required to be served under (1) -
28 (5) of this subsection for the sentence imposed for the primary crime, had that
29 been the only sentence imposed, plus one-quarter of the composite total of the
30 active term of imprisonment imposed as consecutive or partially consecutive
31 sentences imposed for all crimes other than the primary crime;

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

* Sec. 107. AS 33.16.100(a) is amended to read:

(a) The board may authorize the release of a prisoner convicted of an unclassified felony who is otherwise eligible under AS 12.55.115 and AS 33.16.090(a)(1) on discretionary parole if it determines a reasonable probability exists that

(1) the prisoner will live and remain at liberty without violating any laws or conditions imposed by the board;

(2) the prisoner's rehabilitation and reintegration into society will be furthered by release on parole;

(3) the prisoner will not pose a threat of harm to the public if released on parole; and

(4) release of the prisoner on parole would not diminish the seriousness of the crime.

* Sec. 108. AS 33.16.100(b) is amended to read:

(b) If the board finds a change in circumstances in a prisoner's preparole reports listed in AS 33.16.110(a) [PAROLE RELEASE PLAN SUBMITTED UNDER AS 33.16.130(a)], or discovers new information concerning a prisoner who has been granted a parole release date, the board may rescind or revise the previously granted parole release date. In reconsidering the release date, the procedures set out in AS 33.16.130 [AS 33.16.130(b) AND (c)] shall be followed.

* Sec. 109. AS 33.16.100 is amended by adding new subsections to read:

(f) The board shall authorize the release of a prisoner who has been convicted of a class A, class B, or class C felony, or a misdemeanor, who is eligible for parole under AS 12.55.115 and AS 33.16.090, has met the requirement of a case plan created under AS 33.30.011(8), has agreed to and signed the condition of parole under AS 33.16.150, and has not been released on administrative parole under AS 33.16.089,

1 unless the board finds by clear and convincing evidence on the record that the prisoner
2 poses a threat of harm to the public if released on parole. If the board finds that the
3 incomplete case plan is not the fault of the prisoner or that the prisoner would not pose
4 a threat of harm to the public if released on parole, the board may waive the case plan
5 requirement.

6 (g) When considering a prisoner for release on discretionary parole under
7 AS 33.16.090(a)(2), the board may release a prisoner if, taking into consideration the
8 prisoner's likelihood of recidivism given the prisoner's age, criminal history, behavior
9 in prison, participation in treatment, and plans for reentering the community, a
10 reasonable probability exists that

11 (1) the prisoner will live and remain at liberty without violating any
12 laws or conditions imposed by the board;

13 (2) the prisoner's rehabilitation and reintegration into society will be
14 furthered by release on parole;

15 (3) the prisoner will not pose a threat of harm to the public if released
16 on parole; and

17 (4) release of the prisoner on parole would not diminish the
18 seriousness of the crime.

19 * **Sec. 110.** AS 33.16.110(a) is amended to read:

20 (a) In determining whether a prisoner is suitable for discretionary parole, the
21 board shall consider the preparole reports including

22 (1) the presentence report made to the sentencing court;

23 (2) the recommendations made by the sentencing court, by the
24 prosecuting attorney, and by the defense attorney, and any statements made by the
25 victim or the prisoner at sentencing;

26 (3) the prisoner's institutional conduct history while incarcerated;

27 (4) recommendations made by the staff of the correctional facilities in
28 which the prisoner was incarcerated;

29 (5) reports of prior crimes, juvenile histories, and previous experiences
30 of the prisoner on parole or probation;

31 (6) physical, mental, and psychiatric examinations of the prisoner;

1 (7) information submitted by the prisoner, the sentencing court, the
2 victim of the crime, the prosecutor, or other persons having knowledge of the prisoner
3 or the crime;

4 (8) information concerning an unjustified disparity in the sentence
5 imposed on a prisoner in relation to other sentences imposed under similar
6 circumstances;

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

9 **(10) a reentry plan created under AS 33.30.011(9); and**

10 **(11) [AND (9)] other relevant information that may be reasonably**
11 **available.**

12 * **Sec. 111.** AS 33.16.120(a) is amended to read:

13 (a) If the victim of a crime against a person or arson in the first degree
14 requests notice of a scheduled hearing to review or consider discretionary parole for a
15 prisoner convicted of that crime, the board shall send notice of the hearing to the
16 victim at least 30 days before the hearing. The notice must be accompanied by a copy
17 of the prisoner's **parole plan submitted to the board** [APPLICATION FOR
18 PAROLE SUBMITTED UNDER AS 33.16.130(a)]. However, the copy of the **parole**
19 **plan** [APPLICATION] sent to the victim may not include the prisoner's **confidential**
20 **health information, information protected under AS 33.16.170,** proposed
21 residence, **or** [AND] employment addresses.

22 * **Sec. 112.** AS 33.16.120(f) is amended to read:

23 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c),
24 **33.16.089, or 33.16.090,** the board shall make every reasonable effort to notify the
25 victim before the prisoner's release date. Notification under this subsection must
26 include the expected date of the prisoner's release, the geographic area in which the
27 prisoner is required to reside, and other pertinent information concerning the prisoner's
28 conditions of parole that may affect the victim.

29 * **Sec. 113.** AS 33.16.120(g) is amended to read:

30 (g) A victim of a crime involving domestic violence **or of a sexual assault**
31 **under AS 11.41.410 - 11.41.427** shall be informed by the board at least 30 days in

1 advance of a scheduled hearing to review or consider [DISCRETIONARY] parole for
2 a prisoner. The board shall inform the victim of any decision to grant or deny
3 [DISCRETIONARY] parole or to release the prisoner under AS 33.16.010(c). If the
4 prisoner is to be released, the victim shall be notified of the expected date of the
5 release, the geographic area in which the prisoner will reside, and any other
6 information concerning conditions of parole that may affect the victim. The victim
7 shall also be informed of any changes in the conditions of parole that may affect the
8 victim. The board shall send the notice required to the last known address of the
9 victim. A person may not bring a civil action for damages for a failure to comply with
10 the provisions of this subsection.

11 * **Sec. 114.** AS 33.16.120 is amended by adding a new subsection to read:

12 (h) A victim who has a right to notice under (a) of this section may request a
13 hearing before a prisoner is released on administrative parole under AS 33.16.089. The
14 notice to the victim must include the procedure and time frame for requesting a
15 hearing.

16 * **Sec. 115.** AS 33.16.130 is repealed and reenacted to read:

17 **Sec. 33.16.130. Parole procedures; consultation before parole.** (a) The
18 parole board shall hold a hearing before granting an eligible prisoner special medical
19 or discretionary parole. The board shall also hold a hearing if requested by a victim
20 under procedures established for the request for a prisoner eligible for administrative
21 parole. A hearing shall be conducted within the following time frames:

22 (1) for prisoners eligible under AS 33.16.100(a) or (f), not less than 90
23 days before the first parole eligibility date, unless the prisoner is eligible for
24 administrative parole;

25 (2) for all other prisoners, not less than 30 days after the board is
26 notified of the need for a hearing by the commissioner or the commissioner's designee.

27 (b) The commissioner or the commissioner's designee shall furnish to the
28 prisoner a copy of the preparole reports listed in AS 33.16.110(a), and the prisoner
29 shall be permitted access to all records that the board will consider in making its
30 decision except those that are made confidential by law. The prisoner may also
31 respond in writing to all materials the board considers, be present at the hearing, and

1 present evidence to the board.

2 (c) If the board denies parole, the board shall state the reasons for the denial,
3 identify all of the factors considered relevant to the denial, and provide a written plan
4 for addressing all of the factors relevant to the denial. The board may schedule a
5 subsequent parole hearing at the time of the denial or at a later date as follows:

6 (1) for the first parole denial, within two years after the first parole
7 eligibility date;

8 (2) for the second and subsequent denials, within two years after the
9 most recent parole hearing.

10 (d) The board shall issue its decision in writing and provide a copy of the
11 decision to the prisoner.

12 (e) Before granting parole to a prisoner under this chapter, the board shall
13 consult with a corrections officer designated by the commissioner.

14 * **Sec. 116.** AS 33.16.140 is amended to read:

15 **Sec. 33.16.140. Order for parole.** An order for parole issued by the board,
16 setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole
17 custody ends, shall be furnished to each prisoner released on special medical,
18 administrative, discretionary, or mandatory parole.

19 * **Sec. 117.** AS 33.16.150(a) is amended to read:

20 (a) As a condition of parole, a prisoner released on special medical,
21 administrative, discretionary, or mandatory parole

22 (1) shall obey all state, federal, or local laws or ordinances, and any
23 court orders applicable to the parolee;

24 (2) shall make diligent efforts to maintain steady employment or meet
25 family obligations;

26 (3) shall, if involved in education, counseling, training, or treatment,
27 continue in the program unless granted permission from the parole officer assigned to
28 the parolee to discontinue the program;

29 (4) shall report

30 (A) upon release to the parole officer assigned to the parolee;

31 (B) at other times, and in the manner, prescribed by the board

1 or the parole officer assigned to the parolee;

2 (5) shall reside at a stated place and not change that residence without
3 notifying, and receiving permission from, the parole officer assigned to the parolee;

4 (6) shall remain within stated geographic limits unless written
5 permission to depart from the stated limits is granted the parolee;

6 (7) may not use, possess, handle, purchase, give, distribute, or
7 administer a controlled substance as defined in AS 11.71.900 or under federal law or a
8 drug for which a prescription is required under state or federal law without a
9 prescription from a licensed medical professional to the parolee;

10 (8) may not possess or control a firearm; in this paragraph, "firearm"
11 has the meaning given in AS 11.81.900;

12 (9) may not enter into an agreement or other arrangement with a law
13 enforcement agency or officer that will place the parolee in the position of violating a
14 law or parole condition without the prior approval of the board;

15 (10) may not contact or correspond with anyone confined in a
16 correctional facility of any type serving any term of imprisonment or a felon without
17 the permission of the parole officer assigned to a parolee;

18 (11) shall agree to waive extradition from any state or territory of the
19 United States and to not contest efforts to return the parolee to the state;

20 (12) shall provide a blood sample, an oral sample, or both, when
21 requested by a health care professional acting on behalf of the state to provide the
22 sample or samples, or an oral sample when requested by a juvenile or adult
23 correctional, probation, or parole officer, or a peace officer, if the prisoner is being
24 released after a conviction of an offense requiring the state to collect the sample or
25 samples for the deoxyribonucleic acid identification system under AS 44.41.035;

26 (13) from a conviction for a sex offense shall submit to regular
27 periodic polygraph examinations; in this paragraph, "sex offense" has the meaning
28 given in AS 12.63.100.

29 * **Sec. 118.** AS 33.16.150(b) is amended to read:

30 (b) The board may require as a condition of special medical, administrative,
31 discretionary, or mandatory parole, or a member of the board acting for the board

1 under (e) of this section may require as a condition of administrative or mandatory
2 parole, that a prisoner released on parole

3 (1) not possess or control a defensive weapon, a deadly weapon other
4 than an ordinary pocket knife with a blade three inches or less in length, or
5 ammunition for a firearm, or reside in a residence where there is a firearm capable of
6 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly
7 weapon," "defensive weapon," and "firearm" have the meanings given in
8 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

9 (2) refrain from possessing or consuming alcoholic beverages;

10 (3) submit to reasonable searches and seizures by a parole officer, or a
11 peace officer acting under the direction of a parole officer;

12 (4) submit to appropriate medical, mental health, or controlled
13 substance or alcohol examination, treatment, or counseling;

14 (5) submit to periodic examinations designed to detect the use of
15 alcohol or controlled substances; the periodic examinations may include testing under
16 the program established under AS 33.16.060(c);

17 (6) make restitution ordered by the court according to a schedule
18 established by the board;

19 (7) refrain from opening, maintaining, or using a checking account or
20 charge account;

21 (8) refrain from entering into a contract other than a prenuptial contract
22 or a marriage contract;

23 (9) refrain from operating a motor vehicle;

24 (10) refrain from entering an establishment where alcoholic beverages
25 are served, sold, or otherwise dispensed;

26 (11) refrain from participating in any other activity or conduct
27 reasonably related to the parolee's offense, prior record, behavior or prior behavior,
28 current circumstances, or perceived risk to the community, or from associating with
29 any other person that the board determines is reasonably likely to diminish the
30 rehabilitative goals of parole, or that may endanger the public; in the case of special
31 medical parole, for a prisoner diagnosed with a communicable disease, comply with

1 conditions set by the board designed to prevent the transmission of the disease.

2 * **Sec. 119.** AS 33.16.150(e) is amended to read:

3 (e) The board may designate a member of the board to act on behalf of the
4 board in imposing conditions of administrative or mandatory parole under (a) and (b)
5 of this section, in delegating imposition of conditions of administrative or mandatory
6 parole under (c) of this section, and in setting the period of compliance with the
7 conditions of administrative or mandatory parole under (d) of this section. The
8 decision of a member of the board under this section is the decision of the board. A
9 prisoner or parolee aggrieved by a decision of a member of the board acting for the
10 board under this subsection may apply to the board under AS 33.16.160 for a change
11 in the conditions of administrative or mandatory parole.

12 * **Sec. 120.** AS 33.16.150(f) is amended to read:

13 (f) In addition to other conditions of parole imposed under this section, the
14 board may impose as a condition of special medical, administrative, discretionary, or
15 mandatory parole for a prisoner serving a term for a crime involving domestic
16 violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) - (7); (2) a
17 requirement that, at the prisoner's expense, the prisoner participate in and complete, to
18 the satisfaction of the board, a program for the rehabilitation of perpetrators of
19 domestic violence that meets the standards set by, and that is approved by, the
20 department under AS 44.28.020(b); and (3) any other condition necessary to
21 rehabilitate the prisoner. The board shall establish procedures for the exchange of
22 information concerning the parolee with the victim and for responding to reports of
23 nonattendance or noncompliance by the parolee with conditions imposed under this
24 subsection. The board may not under this subsection require a prisoner to participate
25 in and complete a program for the rehabilitation of perpetrators of domestic violence
26 unless the program meets the standards set by, and is approved by, the department
27 under AS 44.28.020(b).

28 * **Sec. 121.** AS 33.16.150(g) is amended to read:

29 (g) In addition to other conditions of parole imposed under this section for a
30 prisoner serving a sentence for an offense where the aggravating factor provided in
31 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a

1 condition of special medical, administrative, discretionary, and mandatory parole a
2 requirement that the prisoner submit to electronic monitoring. Electronic monitoring
3 under this subsection must comply with AS 33.30.011(10) and provide for
4 monitoring of the prisoner's location and movements by Global Positioning System
5 technology. The board shall require a prisoner serving a period of parole
6 [PROBATION] with electronic monitoring as provided under this subsection to pay
7 all or a portion of the costs of the electronic monitoring, but only if the prisoner has
8 sufficient financial resources to pay the costs or a portion of the costs. A prisoner
9 subject to electronic monitoring under this subsection is not entitled to a credit for
10 time served in a correctional facility while the defendant is on parole. In this
11 subsection, "correctional facility" has the meaning given in AS 33.30.901.

12 * **Sec. 122.** AS 33.16.150 is amended by adding a new subsection to read:

13 (h) In addition to other conditions of parole imposed under this section, for a
14 prisoner serving a sentence for an offense involving the use of alcohol or controlled
15 substances, the board may impose, as a condition of special medical, administrative,
16 discretionary, or mandatory parole, a requirement that the prisoner comply with a
17 program established under AS 33.16.060(c) or AS 47.38.020. The board may require a
18 prisoner serving a period of parole and complying with a program established under
19 AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of the costs associated with
20 the program.

21 * **Sec. 123.** AS 33.16.180 is amended to read:

22 **Sec. 33.16.180. Duties of the commissioner.** The commissioner shall

23 (1) conduct investigations of prisoners eligible for administrative or
24 discretionary parole, as requested by the board and as provided in this section;

25 (2) supervise the conduct of parolees;

26 (3) appoint and assign parole officers and personnel;

27 (4) provide the board, within 30 days after sentencing, information on
28 a sentenced prisoner who may be eligible for administrative parole under
29 AS 33.16.089 or discretionary parole under AS 33.16.090;

30 (5) notify the board and provide information on a prisoner 120 days
31 before the prisoner's mandatory release date, if the prisoner is to be released on [TO]

1 mandatory parole; [AND]

2 (6) maintain records, files, and accounts as requested by the board;

3 (7) prepare preparole reports under AS 33.16.110(a);

4 (8) notify the board in writing of a prisoner's compliance or
5 noncompliance with the prisoner's case plan created under AS 33.30.011(8) not
6 less than 30 days before the prisoner's next parole eligibility date or the
7 prisoner's parole hearing date, whichever is earlier;

8 (9) establish an administrative sanction and incentive program to
9 facilitate a swift and certain response to a parolee's compliance with or violation
10 of the conditions of parole and shall adopt regulations to implement the program;
11 at a minimum, the regulations must include

12 (A) a decision-making process to guide parole officers in
13 determining the suitable response to positive and negative offender
14 behavior that includes a list of sanctions for the most common types of
15 negative behavior, including technical violations of conditions of parole,
16 and a list of incentives for compliance with conditions and positive
17 behavior that exceeds those conditions;

18 (B) policies and procedures that ensure

19 (i) a process for responding to negative behavior
20 that includes a review of previous violations and sanctions;

21 (ii) that enhanced sanctions for certain negative
22 conduct are approved by the commissioner or the commissioner's
23 designee; and

24 (iii) that appropriate due process protections are
25 included in the process, including notice of negative behavior, an
26 opportunity to dispute the accusation and the sanction, and an
27 opportunity to request a review of the accusation and the sanction;
28 and

29 (10) within 30 days after sentencing of an offender, provide the
30 victim of a crime information on the earliest dates the offender could be released
31 on furlough, probation, or parole, including deductions or reductions for good

1 time or other good conduct incentives and the process for release, including
2 contact information for the decision-making bodies.

3 * **Sec. 124.** AS 33.16.200 is amended to read:

4 **Sec. 33.16.200. Custody of parolee.** Except as provided in AS 33.16.210, the
5 board retains custody of special medical, **administrative**, discretionary, and
6 mandatory parolees until the expiration of the maximum term or terms of
7 imprisonment to which the parolee is sentenced.

8 * **Sec. 125.** AS 33.16.210 is amended to read:

9 **Sec. 33.16.210. Discharge of parolee.** (a) The board may unconditionally
10 discharge a parolee from the jurisdiction and custody of the board after the parolee has
11 completed **one year** [TWO YEARS] of parole. A discretionary parolee with a residual
12 period of probation may, after **one year** [TWO YEARS] of parole, be discharged by
13 the board to immediately begin serving the residual period of probation.

14 (b) Notwithstanding (a) of this section, the board may unconditionally
15 discharge a mandatory parolee before the parolee has completed **one year** [TWO
16 YEARS] of parole if the parolee is serving a concurrent period of residual probation
17 under AS 33.20.040(c), and the period of residual probation and the period of
18 suspended imprisonment each equal or exceed the period of mandatory parole.

19 * **Sec. 126.** AS 33.16.210 is amended by adding a new subsection to read:

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

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

23 (2) have completed all treatment programs required as a condition of
24 parole;

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

27 (4) have not been convicted of

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

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

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

31 AS 18.66.990; or

1 (D) a misdemeanor.

2 * **Sec. 127.** AS 33.16 is amended by adding a new section to read:

3 **Sec. 33.16.215. Sanctions for a technical violation of parole.** (a) If a parolee
4 is serving a period of parole for an offense, the board may find that the parolee has
5 committed a technical violation of parole. If the board finds that a parolee has
6 committed a technical violation of parole that does not include absconding, the board
7 may revoke parole and return the parolee to the custody of the commissioner and then
8 place the person back on parole after the appropriate period of time below:

9 (1) three days for the first technical violation of parole filed with the
10 board;

11 (2) five days for the second technical violation of parole filed with the
12 board;

13 (3) 10 days for the third technical violation of parole filed with the
14 board; and

15 (4) up to the remainder of the sentence for a fourth or subsequent
16 technical violation of parole.

17 (b) If the board revokes a parolee's parole for absconding, the board may
18 impose a period of imprisonment not to exceed 30 days.

19 (c) The limits on length of imprisonment the board may impose under this
20 section if the board revokes a parolee's parole do not apply if the parolee is enrolled in
21 the program established under AS 33.16.060(c).

22 (d) If the defendant is ordered to complete treatment under AS 33.16.150(a)(3)
23 and does not comply with the board's order, the board may order the parolee to show
24 cause why the board should not revoke the parole for noncompletion of treatment. In a
25 parole revocation proceeding brought as a result of failure to complete treatment, it is
26 an affirmative defense that the parolee was unable to afford the cost of treatment or
27 secure a place in a free treatment program, despite having made continuing good faith
28 efforts. If the board finds that the parolee was unable to complete treatment despite
29 having made continuing good faith efforts, the parole may not be revoked solely
30 because of an inability to pay. If the board does not find that the noncompletion of
31 treatment was attributable to the parolee's inability to pay, the board may revoke

1 parole subject to the limits established in this section.

2 (e) Notwithstanding (a) of this section, the board may not find a technical
3 violation under this section if a person convicted of a sex offense, as described in
4 AS 12.63.100, violates a special condition of parole that is similar to a probation
5 condition described in AS 12.55.100(e).

6 (f) In this section,

7 (1) "absconding" means failing to report within five working days after
8 release from custody under AS 33.20.030 or failing to report for a scheduled meeting
9 with a parole officer, as directed by the board or the parole officer, and failing to make
10 contact with the parole officer within 30 days following the missed meeting;

11 (2) "technical violation" means a violation of the conditions of parole
12 that does not result from

13 (A) an arrest for a new criminal offense;

14 (B) failing to complete sex offender treatment; or

15 (C) failing to complete an intervention program for batterers.

16 * **Sec. 128.** AS 33.16.220(b) is amended to read:

17 (b) **If a parolee has been arrested for the commission of a new criminal**
18 **offense or for failing to complete a sex offender treatment program, except**
19 **[EXCEPT] as provided in (e) of this section, the board or its designee shall hold a**
20 **preliminary hearing** within 15 working days after the arrest and incarceration of a
21 parolee for violation of a condition of parole [, THE BOARD OR ITS DESIGNEE
22 SHALL HOLD A PRELIMINARY HEARING]. At the preliminary hearing, the board
23 or its designee shall determine if there is probable cause to believe that the parolee
24 violated the conditions of parole and, when probable cause exists, whether the parolee
25 should be released pending a final revocation hearing. A finding of probable cause at a
26 preliminary hearing in a criminal case is conclusive proof of probable cause that a
27 parole violation occurred.

28 * **Sec. 129.** AS 33.16.220(f) is amended to read:

29 (f) **If a parolee has had a preliminary hearing under (b) of this section, the**
30 **[THE] board shall hold a final revocation hearing not [NO] later than 120 days after a**
31 **parolee's arrest, subject to restrictions arising under AS 33.36.110 and (g) of this**

1 section.

2 * **Sec. 130.** AS 33.16.220(i) is amended to read:

3 (i) If, after the final revocation hearing, the board finds that the parolee has
4 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or
5 ordinance, the board may revoke all or a portion of the remaining period of parole
6 subject to the limits set out in AS 33.16.215, or change any condition of parole. A
7 parolee's period of parole is tolled from the date of filing with the parole board of
8 a violation report for absconding and the date of the parolee's arrest, if the
9 parole board finds after a hearing that the parolee violated parole by absconding,
10 as defined in AS 12.55.110(h). The board may not extend the period of parole
11 beyond the maximum release date calculated by the Department of Corrections
12 on the parolee's original sentence plus any time that has been tolled as described
13 in this section.

14 * **Sec. 131.** AS 33.16.220 is amended by adding a new subsection to read:

15 (j) If a parolee has been arrested for a technical violation of conditions of
16 parole, the board or its designee shall hold a final hearing within 15 working days.

17 * **Sec. 132.** AS 33.16.240 is amended by adding new subsections to read:

18 (h) A parolee arrested under this section for a technical violation under
19 AS 33.16.215 shall be released once the parolee has served the maximum number of
20 days that could be served for a technical violation under AS 33.16.215. Nothing in this
21 subsection prohibits the board or its designee from releasing a parolee sooner.

22 (i) The board or its designee may impose additional conditions necessary to
23 ensure the parolee's appearance at a hearing held under AS 33.16.220(h).

24 * **Sec. 133.** AS 33.16 is amended by adding a new section to read:

25 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish
26 by regulation a program allowing offenders on parole for a felony offense to earn
27 credits for complying with the conditions of parole. The earned compliance credits
28 reduce the period of parole. Nothing in this section prohibits the department from
29 recommending to the board the early discharge of the parolee as provided in AS 33.16.
30 At a minimum, the regulations must

31 (1) require that a parolee earn a credit of 30 days for each 30-day

1 period served in which the parolee complied with the conditions of parole;

2 (2) include policies and procedures for

3 (A) calculating and tracking credits earned by parolees;

4 (B) reducing the parolee's period of parole based on credits
5 earned by the parolee; and

6 (C) notifying a victim under AS 33.30.013.

7 * **Sec. 134.** AS 33.16.900 is amended by adding new paragraphs to read:

8 (14) "administrative parole" means the release of a prisoner who is
9 eligible for administrative parole under AS 33.16.089 and who has satisfied the
10 criteria for release, subject to conditions imposed by the board and subject to its
11 custody and jurisdiction;

12 (15) "administrative sanctions and incentives" means responses by a
13 parole officer to a parolee's compliance with or violation of the conditions of parole
14 under AS 33.16.180.

15 * **Sec. 135.** AS 33.20.010(a) is amended to read:

16 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner
17 convicted of an offense against the state or a political subdivision of the state and
18 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction
19 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner
20 follows the rules of the correctional facility in which the prisoner is confined. A
21 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

22 (1) to a mandatory 99-year term of imprisonment under
23 AS 12.55.125(a) after June 27, 1996;

24 (2) to a definite term under AS 12.55.125(l); [OR]

25 (3) for a sexual felony under AS 12.55.125(i)

26 (A) and has one or more prior sexual felony convictions as
27 determined under AS 12.55.145(a)(4); or

28 (B) that is an unclassified or a class A felony; or

29 **(4) to a definite term of imprisonment of not more than 10 days for**
30 **a technical violation of AS 12.55.110(c) or AS 33.16.215.**

31 * **Sec. 136.** AS 33.20.010(c) is amended to read:

1 (c) A prisoner may not be awarded a good time deduction under (a) of this
2 section for any period spent in a treatment program or [,] in a private residence unless,
3 during that time, the prisoner was [, OR WHILE] under electronic monitoring.

4 * **Sec. 137.** AS 33.30.011 is amended to read:

5 **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

6 (1) establish, maintain, operate, and control correctional facilities
7 suitable for the custody, care, and discipline of persons charged or convicted of
8 offenses against the state or held under authority of state law; each correctional facility
9 operated by the state shall be established, maintained, operated, and controlled in a
10 manner that is consistent with AS 33.30.015;

11 (2) classify prisoners;

12 (3) for persons committed to the custody of the commissioner,
13 establish programs, including furlough programs that are reasonably calculated to

14 (A) protect the public and the victims of crimes committed by
15 prisoners;

16 (B) maintain health;

17 (C) create or improve occupational skills;

18 (D) enhance educational qualifications;

19 (E) support court-ordered restitution; and

20 (F) otherwise provide for the rehabilitation and reformation of
21 prisoners, facilitating their reintegration into society;

22 (4) provide necessary

23 (A) medical services for prisoners in correctional facilities or
24 who are committed by a court to the custody of the commissioner, including
25 examinations for communicable and infectious diseases;

26 (B) psychological or psychiatric treatment if a physician or
27 other health care provider, exercising ordinary skill and care at the time of
28 observation, concludes that

29 (i) a prisoner exhibits symptoms of a serious disease or
30 injury that is curable or may be substantially alleviated; and

31 (ii) the potential for harm to the prisoner by reason of

1 delay or denial of care is substantial; and

2 (C) assessment or screening of the risks and needs of offenders
3 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal
4 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based
5 disorder;

6 (5) establish minimum standards for sex offender treatment programs
7 offered to persons who are committed to the custody of the commissioner;

8 (6) provide for fingerprinting in correctional facilities in accordance
9 with AS 12.80.060; [AND]

10 (7) establish a program to conduct assessments of the risks and needs
11 of offenders sentenced to serve a term of incarceration of 30 days or more and provide
12 to the legislature, by electronic means, by January 15, 2017, and thereafter by
13 January 15, preceding the first regular session of each legislature, a report
14 summarizing the findings and results of the program; the program must include a
15 requirement for an assessment before a prisoner's release on parole, furlough, or
16 electronic monitoring from a correctional facility;

17 (8) establish a procedure that provides for each prisoner required
18 to serve an active term of imprisonment of 30 days or more a written case plan
19 that

20 (A) is provided to the prisoner within 90 days after
21 sentencing;

22 (B) is based on the results of the assessment of the
23 prisoner's risks and needs under (7) of this section;

24 (C) includes a requirement to follow the rules of the
25 institution;

26 (D) is modified when necessary for changes in classification,
27 housing status, medical or mental health, and resource availability;

28 (E) includes participation in programming that addresses
29 the needs identified in the assessment;

30 (9) establish a program to begin reentry planning with each
31 prisoner serving an active term of imprisonment of 90 days or more; reentry

1 planning must begin at least 90 days before release on furlough or probation or
 2 parole; the written reentry plan must be completed upon release on furlough or
 3 probation or parole and must include

4 (A) information on the prisoner's proposed

5 (i) residence;

6 (ii) employment or alternative means of support;

7 (iii) treatment options;

8 (iv) counseling services;

9 (v) education or job training services;

10 (B) any other requirements for successful transition back to
 11 the community, including electronic monitoring or furlough for the period
 12 between a scheduled parole hearing and parole eligibility; and

13 (10) for offenders under electronic monitoring, establish

14 (A) minimum standards for electronic monitoring,
 15 including the requirement of active, real-time monitoring using global
 16 positioning systems; and

17 (B) procedures for oversight and approving electronic
 18 monitoring programs and systems provided by private contractors.

19 * **Sec. 138.** AS 33.30.013(a) is amended to read:

20 (a) The commissioner shall notify the victim if the offender

21 (1) escapes from custody;

22 (2) is discharged from parole under AS 33.16; or

23 (3) is released to the community on a furlough, on an early release
 24 program, or for any other reason.

25 * **Sec. 139.** AS 33.30.065(a) is amended to read:

26 (a) If the commissioner designates a prisoner to serve the prisoner's term of
 27 imprisonment or period of temporary commitment, or a part of the term or period, by
 28 electronic monitoring, the commissioner shall direct the prisoner to serve the term or
 29 period at the prisoner's residence or other place selected by the commissioner. The
 30 electronic monitoring shall be administered by the department or by a private
 31 contractor approved by the department under AS 33.30.011(10) and shall be

1 designed so that any attempt to remove, tamper with, or disable the monitoring
2 equipment or to leave the place selected for the service of the term or period will result
3 in a report or notice to the department.

4 * **Sec. 140.** AS 33.30 is amended by adding a new section to read:

5 **Sec. 33.30.095. Duties of commissioner before release of prisoner.** (a) The
6 commissioner shall establish a program to prepare a prisoner who is serving a sentence
7 of imprisonment exceeding one year for the prisoner's discharge, release on parole or
8 probation, or prerelease furlough under AS 33.30.111 that begins 90 days before the
9 date of the prisoner's discharge, release, or furlough.

10 (b) The program established under (a) of this section must include

11 (1) instruction on

12 (A) obtaining state identification;

13 (B) community resources available for housing, employment,
14 and treatment;

15 (2) an individualized reentry plan under AS 30.30.011(9) for the
16 prisoner;

17 (3) probation and parole orientation, if appropriate; and

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

24 * **Sec. 141.** AS 33.30.151 is amended to read:

25 **Sec. 33.30.151. Correctional restitution centers.** (a) The commissioner shall
26 establish correctional restitution centers in the state. The purpose of the centers is to
27 provide certain offenders with rehabilitation through **comprehensive treatment for**
28 **substance abuse, cognitive behavioral disorders, and other criminal risk factors,**
29 **including aftercare support,** community service, and employment, while protecting
30 the community through partial incarceration of the offender, and to create a means to
31 provide restitution to victims of crimes.

1 (b) The commissioner shall adopt regulations setting standards for the
2 operation of the centers including

3 (1) requirements that the centers be secure and in compliance with
4 state and local safety laws;

5 (2) standards for disciplinary rules to be imposed on prisoners confined
6 to the centers;

7 (3) standards for the granting of emergency absence to prisoners
8 confined to the centers;

9 (4) standards for classifying prisoners to centers;

10 (5) standards for mandatory employment and participation in
11 community service programs in each center; [AND]

12 (6) standards for periodic review of the performance of prisoners
13 confined to the centers and quality assurance measures to ensure centers are
14 meeting state standards and contractual obligations;

15 (7) standards for the provision of treatment, including substance
16 abuse treatment, cognitive behavioral therapy, and aftercare designed to address
17 an offender's individual criminogenic needs; and

18 (8) standards and a process to assess an offender's risk of
19 recidivating and the criminal risk factors and needs that reduce the risk of
20 recidivating and ensure that

21 (A) high risk offenders with moderate to high needs are a
22 priority for acceptance into a correctional restitution center; and

23 (B) centers establish internal procedures to limit the mixing
24 of low and high risk prisoners.

25 * Sec. 142. AS 34.03.360(7) is amended to read:

26 (7) "illegal activity involving a controlled substance" means a violation
27 of AS 11.71.010(a), 11.71.030(a)(1), (2), or (4) - (8) [11.71.020(a), 11.71.030(a)(1)
28 OR (2)], or 11.71.040(a)(1), (2), or (5);

29 * Sec. 143. AS 43.23.065(b) is amended to read:

30 (b) An exemption is not available under this section for permanent fund
31 dividends taken to satisfy

1 (1) child support obligations required by court order or decision of the
2 child support services agency under AS 25.27.140 - 25.27.220;

3 (2) court ordered restitution under AS 12.55.045 - 12.55.051,
4 12.55.100, or AS 47.12.120(b)(4);

5 (3) claims on defaulted education loans under AS 43.23.067;

6 (4) court ordered fines;

7 (5) writs of execution under AS 09.35 of a judgment that is entered

8 (A) against a minor in a civil action to recover damages and
9 court costs;

10 (B) under AS 09.65.255 against the parent, parents, or legal
11 guardian of an unemancipated minor;

12 (6) a debt owed by an eligible individual to an agency of the state,
13 including the University of Alaska, unless the debt is contested and an appeal is
14 pending, or the time limit for filing an appeal has not expired;

15 (7) a debt owed to a person for a program for the rehabilitation of
16 perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15),
17 AS 25.20.061(3), or AS 33.16.150(f)(2);

18 (8) a judgment for unpaid rent or damage owed to a landlord by an
19 eligible individual that was a tenant of the landlord; in this paragraph, "tenant" has the
20 meaning given in AS 34.03.360;

21 **(9) court-ordered forfeiture of an appearance or performance**
22 **bond under AS 12.30.075.**

23 * **Sec. 144.** AS 43.61.010 is amended by adding new subsections to read:

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

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

30 (e) Nothing in this section creates a dedicated fund.

31 * **Sec. 145.** AS 44.19.645 is amended to read:

1 **Sec. 44.19.645. Powers and duties of the commission.** (a) The commission
2 shall evaluate the effect of sentencing laws and criminal justice practices on the
3 criminal justice system to evaluate whether those sentencing laws and criminal justice
4 practices provide for protection of the public, community condemnation of the
5 offender, the rights of victims of crimes, the rights of the accused and the person
6 convicted, restitution from the offender, and the principle of reformation. The
7 commission shall make recommendations for improving criminal sentencing practices
8 and criminal justice practices, including rehabilitation and restitution. **The**
9 **commission shall annually make recommendations to the governor and the**
10 **legislature on how savings from criminal justice reforms should be reinvested to**
11 **reduce recidivism.** In formulating its recommendations, the commission shall
12 consider

13 (1) statutes, court rules, and court decisions relevant to sentencing of
14 criminal defendants in misdemeanor and felony cases;

15 (2) sentencing practices of the judiciary, including use of presumptive
16 sentences;

17 (3) means of promoting uniformity, proportionality, and accountability
18 in sentencing;

19 (4) alternatives to traditional forms of incarceration;

20 (5) the efficacy of parole and probation in ensuring public safety,
21 achieving rehabilitation, and reducing recidivism;

22 (6) the adequacy, availability, and effectiveness of treatment and
23 rehabilitation programs;

24 (7) crime and incarceration rates, including the rate of violent crime
25 and the abuse of controlled substances, in this state compared to other states, and best
26 practices adopted by other states that have proven to be successful in reducing
27 recidivism;

28 (8) the relationship between sentencing priorities and correctional
29 resources;

30 (9) the effectiveness of the state's current methodologies for the
31 collection and dissemination of criminal justice data; and

1 (10) whether the schedules for controlled substances in AS 11.71.140 -
2 11.71.190 are reasonable and appropriate, considering the criteria established in
3 AS 11.71.120(c).

4 (b) The commission may

5 (1) recommend legislative and administrative action on criminal justice
6 practices; [AND]

7 (2) select and retain the services of consultants as necessary;

8 **(3) appoint a working group to review and analyze the**
9 **implementation of the recommendations made in the justice reinvestment report**
10 **in December 2015, and other recommendations issued by the commission, and**
11 **regularly report to the commission on the status of the implementation; a**
12 **working group may include representatives of criminal justice agencies and key**
13 **constituencies who are not members of the commission; and**

14 **(4) enter into data-sharing agreements with the Justice Center at**
15 **the University of Alaska, the Alaska Judicial Council, or other research**
16 **institutions for the purposes of analyzing data and performance metrics.**

17 * Sec. 146. AS 44.19.645 is amended by adding new subsections to read:

18 (c) The commission shall

19 (1) receive and analyze data collected by agencies and entities charged
20 with implementing the recommendations of the 2015 justice reinvestment report and
21 other recommendations issued by the commission and who are collecting data during
22 the implementation and management of specific commission recommendations;

23 (2) track and assess outcomes from the recommendations the
24 commission has made and corresponding criminal justice reforms;

25 (3) request, receive, and review data and reports on performance
26 outcome data relating to criminal justice reform;

27 (4) appoint a working group to review and analyze sexual offense
28 statutes and report to the legislature if there are circumstances under which victims'
29 rights, public safety, and the rehabilitation of offenders are better served by changing
30 existing laws; the commission shall deliver the report to the senate secretary and the
31 chief clerk of the house of representatives and notify the legislature that the report is

1 available; the commission may include in the working group people representing a
2 variety of viewpoints who are not members of the commission; and

3 (5) explore the possibility of entering into mutually agreeable
4 arrangements with regional nonprofit organizations, including tribes and tribal
5 organizations, to provide the pretrial, probation, and parole services needed in
6 underserved areas of the state.

7 (d) Agencies and entities reporting data to the working group authorized in
8 (b)(3) of this section under (e) - (g) of this section shall

9 (1) report data individually by case number, including an identifier
10 number such as the Alaska Public Safety Information Network number, the court case
11 number, the Alaska Corrections Offender Management System number, and the arrest
12 tracking number, as available;

13 (2) include demographic information necessary for tracking
14 individuals across multiple databases, including the individual's first name, last name,
15 middle initial as available, and date of birth; and

16 (3) include information necessary to measure possible disparate effects
17 of criminal justice laws and policies, such as race and gender as available.

18 (e) The judiciary shall report quarterly to the working group authorized in
19 (b)(3) of this section. The report shall include criminal case processing data, including

20 (1) the date, type, and number of all charges disposed within the
21 quarter;

22 (2) the disposition of each charge, whether convicted, dismissed,
23 acquitted, or otherwise disposed; and

24 (3) the date of the disposition for each charge.

25 (f) The Department of Public Safety shall report quarterly to the working
26 group authorized under (b)(3) of this section. The report shall include the following
27 information:

28 (1) data on citations and arrests for criminal offenses, including the
29 offense charged and reason for arrest if an arrest was made;

30 (2) data on all criminal convictions and sentences during the quarter;
31 and

1 (3) criminal history information for selected offenders as agreed on by
2 the department and the working group authorized in (b)(3) of this section.

3 (g) The Department of Corrections shall report quarterly to the working group
4 authorized in (b)(3) of this section. The report shall include the following information:

5 (1) data on pretrial decision making and outcomes, including
6 information on pretrial detainees admitted for a new criminal charge; detainees
7 released at any point before case resolution; time spent detained before first release or
8 case resolution; pretrial defendant risk level and charge; pretrial release
9 recommendations made by pretrial service officers; pretrial conditions imposed on
10 pretrial detainees by judicial officers, including amount of bail, and supervision
11 conditions; and information on pretrial outcomes, including whether or not the
12 defendant appeared in court or was re-arrested during the pretrial period;

13 (2) data on offenders admitted to the Department of Corrections for a
14 new criminal conviction, including the offense type, number of prior felony
15 convictions, sentence length, and length of stay;

16 (3) data on the population of the Department of Corrections, using a
17 one-day snapshot on the first day of the first month of each quarter, broken down by
18 type of admission, offense type, and risk level;

19 (4) data on offenders on probation supervised by the Department of
20 Corrections, including the total number of offenders supervised using a one-day
21 snapshot on the first month of each quarter; admissions to probation; assignments to a
22 program under AS 33.05.020(f); probation sentence length; time served on the
23 sentence; whether probation was successfully completed, any new convictions for a
24 felony offense, and any sentences to a term of imprisonment while on probation;

25 (5) data on parole, including the number of offenders supervised on
26 parole, using a one-day snapshot on the first month of each quarter; the number of
27 parole hearings; the parole grant rate and number of parolees released on
28 administrative, discretionary, and special medical parole; and information on parolees,
29 including time spent on parole, whether parole was successfully completed, any new
30 convictions for a new felony offense, and any sentences to a term of imprisonment
31 while on parole;

1 (6) data on the implementation of policies from the 2015 justice
2 reinvestment report, including the number and percentage of offenders who earn
3 compliance credits under AS 33.05.020(g) in one or more months, and the total
4 amount of credits earned; the average number of sanctions issued under
5 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most
6 common violations of probation or parole; and

7 (7) data on probation and parole revocations, including information on
8 probationers and parolees admitted for a supervision violation pre-case and post-case
9 resolution; probationers and parolees admitted solely for a technical violation;
10 probationers and parolees admitted for a new arrest; the number of previous
11 revocations on the current sentence, if any; the length of time held pre-case resolution;
12 the length of time to case resolution; and the length of stay.

13 * **Sec. 147.** AS 44.19.647 is amended to read:

14 **Sec. 44.19.647. Annual report and recommendations.** The commission shall
15 submit to the governor and the legislature an annual report. **The report must include**

16 **(1) a description** of its proceedings for the previous calendar year;

17 **(2) a summary of savings and recommendations on how savings**
18 **from criminal justice reform should be reinvested to reduce recidivism;**

19 **(3) performance metrics and outcomes from the recommendations**
20 **the commission made in its December 2015 report, including recidivism rates,**
21 **defined as**

22 **(A) the percentage of inmates who return to prison within**
23 **three years after release, broken down by offense type and risk level; and**

24 **(B) the percentage of inmates who return to prison within**
25 **three years after release for a new criminal conviction, broken down by**
26 **offense type and risk level; and**

27 **(4) recommendations for additional reforms, which may include**
28 [AND MAY SUBMIT] recommendations for legislative and administrative action [.
29 [REPORTS AND RECOMMENDATIONS PROVIDED UNDER THIS SECTION
30 SHALL BE SUBMITTED NOT LATER THAN FEBRUARY 1 OF EACH YEAR].

31 * **Sec. 148.** AS 44.19.647 is amended by adding a new subsection to read:

1 (b) The commission shall submit the reports and recommendations provided
2 under (a) of this section not later than November 1 of each year.

3 * **Sec. 149.** AS 44.66.010(a)(12) is amended to read:

4 (12) Alaska Criminal Justice Commission (AS 44.19.641) - **June 30,**
5 **2021** [JUNE 30, 2017];

6 * **Sec. 150.** AS 47.12.315(a) is amended to read:

7 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this
8 section, the department shall disclose information to the public, on request, concerning
9 a minor subject to this chapter who was at least 13 years of age at the time of
10 commission of

11 (1) a felony offense against a person under AS 11.41;

12 (2) arson in the first or second degree;

13 (3) burglary in the first degree;

14 (4) distribution of child pornography;

15 (5) sex trafficking in the first degree;

16 (6) misconduct involving a controlled substance in the first **or** [,]
17 second [, OR THIRD] degrees involving distribution or possession with intent to
18 deliver; or

19 (7) misconduct involving weapons in the first through fourth degrees.

20 * **Sec. 151.** AS 47.27.015 is amended by adding a new subsection to read:

21 (i) A person convicted after August 22, 1996, of an offense that is classified as
22 a felony under AS 11.71.010 - 11.71.040 or by the law of another jurisdiction that has
23 as an element the possession, use, or distribution of a controlled substance, as defined
24 in AS 11.71.900, is disqualified from receiving temporary assistance under this
25 chapter or food stamps under AS 47.25 unless the person demonstrates, to the
26 satisfaction of the department, that the person

27 (1) is satisfactorily serving, or has successfully completed, a period of
28 probation or parole;

29 (2) is in the process of serving, or has successfully completed,
30 mandatory participation in a drug or alcohol treatment program; or

31 (3) has taken action toward rehabilitation, including participation in a

1 drug or alcohol treatment program.

2 * **Sec. 152.** AS 47.37.040 is amended to read:

3 **Sec. 47.37.040. Duties of department.** The department shall

4 (1) develop, encourage, and foster statewide, regional, and local plans
5 and programs for the prevention of alcoholism and drug abuse and treatment of
6 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with
7 public and private agencies, organizations, and individuals, and provide technical
8 assistance and consultation services for these purposes;

9 (2) coordinate the efforts and enlist the assistance of all public and
10 private agencies, organizations, and individuals interested in prevention of alcoholism,
11 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug
12 abusers, and inhalant abusers;

13 (3) cooperate with the Department of Corrections in establishing and
14 conducting programs to provide treatment for alcoholics, intoxicated persons, drug
15 abusers, and inhalant abusers in or on parole from penal institutions;

16 (4) cooperate with the Department of Education and Early
17 Development, school boards, schools, police departments, courts, and other public and
18 private agencies, organizations, and individuals in establishing programs for the
19 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
20 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
21 materials for use at all levels of school education;

22 (5) prepare, publish, evaluate, and disseminate educational material
23 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous
24 volatile substances;

25 (6) develop and implement, as an integral part of treatment programs,
26 an educational program for use in the treatment of alcoholics, intoxicated persons,
27 drug abusers, and inhalant abusers that includes the dissemination of information
28 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

29 (7) organize and foster training programs for all persons engaged in
30 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
31 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant

1 abuse workers;

2 (8) sponsor and encourage research into the causes and nature of
3 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
4 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse
5 for information relating to alcoholism, drug abuse, and inhalant abuse;

6 (9) specify uniform methods for keeping statistical information by
7 public and private agencies, organizations, and individuals, and collect and make
8 available relevant statistical information, including number of persons treated,
9 frequency of admission and readmission, and frequency and duration of treatment;

10 (10) conduct program planning activities approved by the Advisory
11 Board on Alcoholism and Drug Abuse;

12 (11) review all state health, welfare, and treatment plans to be
13 submitted for federal funding, and advise the commissioner on provisions to be
14 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant
15 abusers;

16 (12) assist in the development of, and cooperate with, alcohol, drug
17 abuse, and inhalant abuse education and treatment programs for employees of state
18 and local governments and businesses and industries in the state;

19 (13) use the support and assistance of interested persons in the
20 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to
21 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo
22 treatment;

23 (14) cooperate with the Department of Public Safety and the
24 Department of Transportation and Public Facilities in establishing and conducting
25 programs designed to deal with the problem of persons operating motor vehicles while
26 under the influence of an alcoholic beverage, inhalant, or controlled substance, and
27 develop and approve alcohol information courses required to be taken by drivers under
28 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic
29 laws;

30 (15) encourage hospitals and other appropriate health facilities to
31 admit without discrimination alcoholics, intoxicated persons, drug abusers, and

1 inhalant abusers and to provide them with adequate and appropriate treatment;

2 (16) encourage all health insurance programs to include alcoholism
3 and drug abuse as a covered illness;

4 (17) prepare an annual report covering the activities of the department
5 and notify the legislature that the report is available;

6 (18) develop and implement a training program on alcoholism and
7 drug abuse for employees of state and municipal governments, and private institutions;

8 (19) develop curriculum materials on drug and alcohol abuse and the
9 misuse of hazardous volatile substances for use in grades kindergarten through 12, as
10 well as a course of instruction for teachers to be charged with presenting the
11 curriculum;

12 (20) develop and implement or designate, in cooperation with other
13 state or local agencies, a juvenile alcohol safety action program that provides alcohol
14 and substance abuse screening, referral, and monitoring of persons under 18 years of
15 age who have been referred to it by

16 (A) a court in connection with a charge or conviction of a
17 violation or misdemeanor related to the use of alcohol or a controlled
18 substance;

19 (B) the agency responsible for the administration of motor
20 vehicle laws in connection with a license action related to the use of alcohol or
21 a controlled substance; or

22 (C) department staff after a delinquency adjudication that is
23 related to the use of alcohol or a controlled substance;

24 (21) develop and implement, or designate, in cooperation with other
25 state or local agencies, an alcohol safety action program that provides [ALCOHOL
26 AND SUBSTANCE ABUSE SCREENING, REFERRAL, AND MONITORING]
27 services to persons who have been referred by a court [IN CONNECTION WITH A
28 CHARGE OR CONVICTION OF A MISDEMEANOR INVOLVING THE USE OF
29 A MOTOR VEHICLE, AIRCRAFT, OR WATERCRAFT AND ALCOHOL OR A
30 CONTROLLED SUBSTANCE, REFERRED BY A COURT] under AS 28.35.028,
31 28.35.030, or 28.35.032, or referred by an agency of the state with the responsibility

1 for administering motor vehicle laws in connection with a driver's license action
2 involving the use of alcohol or a controlled substance;

3 (22) whenever possible, apply evidence-based, research-based, and
4 consensus-based substance abuse and co-occurring substance abuse and mental health
5 disorders treatment practices and remove barriers that prevent the use of those
6 practices;

7 (23) collaborate with first responders, hospitals, schools, primary care
8 providers, developmental disability treatment providers, law enforcement, corrections,
9 attorneys, the Alaska Court System, community behavioral treatment providers,
10 Alaska Native organizations, and federally funded programs in implementing
11 programs for co-occurring substance abuse and mental health disorders treatment.

12 * **Sec. 153.** AS 47.37.130(h) is amended to read:

13 (h) The department shall

14 (1) inspect, on a regular basis, approved public and private alcohol
15 safety action programs at reasonable times and in a reasonable manner; [AND]

16 (2) maintain a list of approved public and private alcohol safety action
17 programs; **and**

18 **(3) develop regulations for the operation and management of**
19 **alcohol safety action programs that ensure**

20 **(A) screenings are conducted using a validated risk tool;**

21 **and**

22 **(B) monitoring of participants is appropriate to the risk of**
23 **reoffense of the participant as determined by the screening.**

24 * **Sec. 154.** AS 47.37.130 is amended by adding a new subsection to read:

25 (k) The public and private alcohol safety action programs established under
26 AS 47.37.040(21) shall provide

27 (1) screening of eligible persons to determine the risk of the person to
28 reoffend and the criminal risk factors that are contributing to the risk; and

29 (2) monitoring of participants based on the risk to reoffend as
30 determined by the screening.

31 * **Sec. 155.** AS 47.38.020 is amended to read:

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

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

9 (c) The commissioner shall include in the program

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

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

19 (A) fails to appear for an appointment **or fails to complete a**
20 **test through the use of remote alcohol or substance abuse monitoring**
21 **technology** as required by the program requirements; or

22 (B) tests positive for the use of controlled substances or
23 alcoholic beverages; and

24 (3) a requirement that the person or offender pay, based on the person's
25 or offender's ability under financial guidelines established by the commissioner, for
26 the cost of participating in the program.

27 (d) The department shall **contract with one or more vendors using a**
28 **competitive procurement process in accordance with AS 36.30** to provide or
29 conduct the testing required under (c) of this section.

30 * **Sec. 156.** AS 47.38.100(a) is amended to read:

31 (a) The recidivism reduction program is established to promote the

1 rehabilitation [THROUGH TRANSITIONAL RE-ENTRY PROGRAMS] of persons
2 on probation or parole or incarcerated for offenses and recently released from
3 correctional facilities.

4 * **Sec. 157.** AS 47.38.100(b) is amended to read:

5 (b) The commissioner, in cooperation with the Alaska Criminal Justice
6 Commission established in AS 44.19.641 [COMMISSIONER OF CORRECTIONS],
7 may provide for programs that have, as a primary focus, rehabilitation and reduction
8 of recidivism [THROUGH TRANSITIONAL RE-ENTRY] for persons on probation
9 or parole or incarcerated for offenses and recently released from correctional
10 facilities. The commissioner may enter into contracts to provide for programs under
11 this section. An eligible [A] program under this section must accomplish at least one
12 of the following objectives:

13 (1) increasing access to evidence-based rehabilitation programs,
14 including drug and alcohol treatment, mental health treatment, and cognitive
15 behavioral programs; or

16 (2) supporting offenders' transition and re-entry from correctional
17 facilities to the community, including transitional housing services, employment
18 services, vocational training, educational support, and counseling [INCLUDE
19 CASE MANAGEMENT;

20 (2) REQUIRE SOBER LIVING;

21 (3) PROVIDE, ON-SITE OR BY REFERRAL, TREATMENT FOR
22 SUBSTANCE ABUSE OR MENTAL HEALTH TREATMENT;

23 (4) REQUIRE EMPLOYMENT, EDUCATIONAL
24 PROGRAMMING, VOCATIONAL TRAINING, OR COMMUNITY VOLUNTEER
25 WORK AS APPROVED BY THE DIRECTOR OF THE TREATMENT PROGRAM;
26 AND

27 (5) LIMIT RESIDENTIAL PLACEMENTS IN THE PROGRAM TO
28 A MAXIMUM OF ONE YEAR].

29 * **Sec. 158.** AS 47.38.100 is amended by adding a new subsection to read:

30 (d) In this section, "evidenced-based" means a program or practice that offers
31 a high level of research on effectiveness.

1 * **Sec. 159.** The uncodified law of the State of Alaska is amended by adding a new section
2 to read:

3 DIRECT COURT RULE AMENDMENT. Rule 38, Alaska Rules of Criminal
4 Procedure, is amended by adding new subsections to read:

5 (d) **Hearing Notice.** The court shall provide a notice to a defendant of the
6 date, time, and place of a scheduled hearing at which the defendant is required to
7 appear in a form and manner established by the court.

8 (e) **Hearing Reminder.** In addition to the notice required under (d) of this
9 rule, the court shall provide a reminder notification to a defendant who is not in
10 custody and to the Department of Corrections at least 48 hours prior to a scheduled
11 hearing at which the defendant is required to appear regarding the date, time, and
12 place of the scheduled hearing and the potential consequences of failure to appear, in a
13 form and manner established by the court.

14 * **Sec. 160.** The uncodified law of the State of Alaska is amended by adding a new section
15 to read:

16 DIRECT COURT RULE AMENDMENT. Rule 41, Alaska Rules of Criminal
17 Procedure, is amended by adding a new subsection to read:

18 (j) **Misdemeanor and Felony Bail Schedules.** No bail schedule shall be
19 established for misdemeanors or felonies.

20 * **Sec. 161.** The uncodified law of the State of Alaska is amended by adding a new section
21 to read:

22 REPEAL OF COURT RULES. Rules 41(d) and (e), Alaska Rules of Criminal
23 Procedure, are repealed.

24 * **Sec. 162.** AS 11.46.140(a)(3), 11.46.220(c)(2)(B); AS 11.56.757(c); AS 11.71.020,
25 11.71.040(a)(3), 11.71.050(a)(2), 11.71.060(a)(2)(A); AS 12.30.016(d); AS 12.55.125(o),
26 12.55.135(j); AS 28.15.181(d); and AS 33.16.100(e) are repealed.

27 * **Sec. 163.** The uncodified law of the State of Alaska is amended by adding a new section
28 to read:

29 INDIRECT COURT RULE AMENDMENT. (a) AS 12.30.011, as repealed and
30 reenacted by sec. 47 of this Act, has the effect of changing Rule 41, Alaska Rules of Criminal
31 Procedure, by changing and establishing release conditions for certain defendants, providing

1 for recommendations by pretrial services officers of release conditions based on a pretrial risk
2 assessment score, providing that a court shall order the release of a person under certain
3 circumstances upon execution of an appearance or performance bond, and providing new
4 procedures for use of appearance, surety, and performance bonds.

5 (b) AS 12.55.055(g), enacted by sec. 61 of this Act, has the effect of changing Rule
6 32, Alaska Rules of Criminal Procedure, by directing the court to include a provision in the
7 judgment that community work hours that are not completed shall be converted to a fine as
8 provided in AS 12.55.055(h), added by sec. 61 of this Act.

9 (c) AS 12.55.078, enacted by sec. 62 of this Act, has the effect of changing Rule 43,
10 Alaska Rules of Criminal Procedure, by creating an alternate procedure for when the court
11 may dismiss charges.

12 (d) AS 12.55.135(p), enacted by sec. 78 of this Act, has the effect of changing Rule
13 32.1, Alaska Rules of Criminal Procedure, by changing the procedure for notice of
14 aggravating factors.

15 (e) AS 33.07, enacted by sec. 99 of this Act, has the effect of changing Rule 41,
16 Alaska Rules of Criminal Procedure, by establishing pretrial services officers and procedures
17 and duties for pretrial services officers as officers of the superior and district courts, for the
18 purposes of performing risk assessments and making pretrial recommendations to the court
19 regarding a person's pretrial release and bail conditions.

20 * **Sec. 164.** The uncodified law of the State of Alaska is amended by adding a new section
21 to read:

22 COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. The Council
23 on Domestic Violence and Sexual Assault established in AS 18.66.010 shall create or expand
24 community-based violence prevention programming and services for victims of a crime
25 involving domestic violence or sexual assault in the fiscal year ending June 30, 2017. In this
26 section "domestic violence" and "sexual assault" have the meanings given to those terms in
27 AS 18.66.990.

28 * **Sec. 165.** The uncodified law of the State of Alaska is amended by adding a new section
29 to read:

30 REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING
31 BARRIER OFFENSES. The Alaska Criminal Justice Commission shall provide in the

1 commission's 2017 annual report required under AS 44.19.647 an evaluation of the
2 relationship between offenses on a person's criminal justice record that may be a barrier to
3 entry into certain occupations and the successful re-entry of a person with barrier offenses on
4 the person's criminal justice record into the community and an evaluation of the relationship
5 between legal expungement or pardons and successful re-entry.

6 * **Sec. 166.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 **APPLICABILITY.** (a) The following sections apply to offenses committed on or after
9 the effective date of those sections:

- 10 (1) AS 11.46.130(a), as amended by sec. 3 of this Act;
- 11 (2) AS 11.46.140(a), as amended by sec. 4 of this Act;
- 12 (3) AS 11.46.220(c), as amended by sec. 5 of this Act;
- 13 (4) AS 11.46.260(b), as amended by sec. 6 of this Act;
- 14 (5) AS 11.46.270(b), as amended by sec. 7 of this Act;
- 15 (6) AS 11.46.280(d), as amended by sec. 8 of this Act;
- 16 (7) AS 11.46.285(b), as amended by sec. 9 of this Act;
- 17 (8) AS 11.46.295, as amended by sec. 10 of this Act;
- 18 (9) AS 11.46.360(a), as amended by sec. 11 of this Act;
- 19 (10) AS 11.46.482(a), as amended by sec. 13 of this Act;
- 20 (11) AS 11.46.484(a), as amended by sec. 14 of this Act;
- 21 (12) AS 11.46.530(b), as amended by sec. 15 of this Act;
- 22 (13) AS 11.46.620(d), as amended by sec. 16 of this Act;
- 23 (14) AS 11.46.730(c), as amended by sec. 17 of this Act;
- 24 (15) AS 11.56.730(c), as amended by sec. 19 of this Act;
- 25 (16) AS 11.56.730(d), enacted by sec. 20 of this Act;
- 26 (17) AS 11.61.110(c), as amended by sec. 24 of this Act;
- 27 (18) AS 11.61.145(d), as amended by sec. 25 of this Act;
- 28 (19) AS 11.66.200(c), as amended by sec. 29 of this Act;
- 29 (20) AS 11.71.030(a), as amended by sec. 30 of this Act;
- 30 (21) AS 11.71.040(a), as amended by sec. 33 of this Act;
- 31 (22) AS 11.71.050, as amended by sec. 35 of this Act;

- 1 (23) AS 11.71.311(a), as amended by sec. 37 of this Act;
2 (24) AS 12.55.055(a), as amended by sec. 59 of this Act;
3 (25) AS 12.55.125(a), as amended by sec. 71 of this Act;
4 (26) AS 12.55.125(b), as amended by sec. 72 of this Act;
5 (27) AS 28.15.291(a), as repealed and reenacted by sec. 85 of this Act;
6 (28) AS 28.15.291(b), as repealed and reenacted by sec. 86 of this Act;
7 (29) AS 29.10.200(21), as amended by sec. 93 of this Act;
8 (30) AS 29.25.070(a), as amended by sec. 94 of this Act;
9 (31) AS 29.25.070(g), enacted by sec. 95 of this Act;
10 (32) AS 43.23.065(b), as amended by sec. 143 of this Act;
11 (33) AS 47.12.315(a), as amended by sec. 150 of this Act; and
12 (34) AS 47.27.015(i), enacted by sec. 151 of this Act.

13 (b) The following sections apply to offenses committed before, on, or after the
14 effective date of those sections:

- 15 (1) AS 11.46.460, as amended by sec. 12 of this Act;
16 (2) AS 11.56.757(b), as amended by sec. 22 of this Act; and
17 (3) AS 11.61.150(c), as amended by sec. 27 of this Act.

18 (c) The following sections apply to offenses committed before, on, or after the
19 effective date of those sections for contacts with peace officers occurring on or after the
20 effective date of those sections:

- 21 (1) AS 12.25.180, as amended by sec. 39 of this Act;
22 (2) AS 12.25.190(b), as amended by sec. 41 of this Act; and
23 (3) AS 12.70.130, as amended by sec. 80 of this Act.

24 (d) The following sections apply to sentences imposed on or after the effective date of
25 those sections for conduct occurring before, on, or after the effective date of those sections:

- 26 (1) AS 12.55.027(d), as amended by sec. 56 of this Act;
27 (2) AS 12.55.125(c), as amended by sec. 73 of this Act;
28 (3) AS 12.55.125(d), as amended by sec. 74 of this Act;
29 (4) AS 12.55.125(e), as amended by sec. 75 of this Act;
30 (5) AS 12.55.135(a), as amended by sec. 76 of this Act;
31 (6) AS 12.55.135(b), as amended by sec. 77 of this Act;

1 (7) AS 12.55.135(l) - (p), enacted by sec. 78 of this Act; and

2 (8) AS 28.35.036(a), as amended by sec. 92 of this Act.

3 (e) The following sections apply to sentences imposed on or after the effective date of
4 those sections for conduct occurring before, on, or after the effective date of those sections:

5 (1) AS 12.55.025(a), as amended by sec. 54 of this Act;

6 (2) AS 12.55.025(c), as amended by sec. 55 of this Act;

7 (3) AS 12.55.115, as amended by sec. 70 of this Act;

8 (4) AS 28.35.030(k), as amended by sec. 88 of this Act;

9 (5) AS 28.35.032(o), as amended by sec. 91 of this Act;

10 (6) AS 33.16.010(f), enacted by sec. 102 of this Act;

11 (7) AS 33.16.089, enacted by sec. 104 of this Act;

12 (8) AS 33.16.090(b), as amended by sec. 106 of this Act; and

13 (9) AS 33.20.010(a), as amended by sec. 135 of this Act.

14 (f) AS 12.30.055(b), enacted by sec. 52 of this Act, applies to persons in custody for a
15 probation violation on or after the effective date of sec. 52 for a probation violation that
16 occurred before, on, or after the effective date of sec. 52 of this Act.

17 (g) The following sections apply to community work service imposed on or after the
18 effective date of those sections for offenses committed on or after the effective date of those
19 sections:

20 (1) AS 12.55.055(c), as amended by sec. 60 of this Act; and

21 (2) AS 12.55.055(g) and (h), enacted by sec. 61 of this Act.

22 (h) AS 12.55.078, enacted by sec. 62 of this Act, applies to prosecutions occurring on
23 or after the effective date of those sections for offenses committed before, on, or after the
24 effective date of sec. 62 of this Act.

25 (i) AS 12.55.051(a), as amended by sec. 58 of this Act, applies to probation ordered
26 before, on, or after the effective date of sec. 58 of this Act, for offenses committed before, on,
27 or after the effective date of sec. 58 of this Act.

28 (j) AS 12.55.090(c), as amended by sec. 64 of this Act, applies to probation ordered
29 on or after the effective date of sec. 64 of this Act, for offenses committed before, on, or after
30 the effective date of sec. 64 of this Act.

31 (k) AS 12.55.100(a), as amended by sec. 67 of this Act, applies to probation ordered

1 on or after the effective date of sec. 67 of this Act, for offenses committed before, on, or after
2 the effective date of sec. 67 of this Act.

3 (l) The following sections apply to probation ordered before, on, or after the effective
4 date of those sections for offenses committed before, on, or after the effective date of those
5 sections:

- 6 (1) AS 12.55.090(b), as amended by sec. 63 of this Act;
- 7 (2) AS 12.55.090(f), as amended by sec. 65 of this Act;
- 8 (3) AS 12.55.090(g) - (m), enacted by sec. 66 of this Act;
- 9 (4) AS 12.55.110(c) - (h), enacted by sec. 69 of this Act; and
- 10 (5) AS 33.05.040, as amended by sec. 97 of this Act.

11 (m) The following sections apply to a revocation of a driver's license, privilege to
12 drive, or privilege to obtain a license occurring on or after the effective date of those sections
13 for conduct occurring before, on, or after the effective date of those sections:

- 14 (1) AS 28.15.165(e), enacted by sec. 82 of this Act;
- 15 (2) AS 28.15.181(f), as amended by sec. 83 of this Act;
- 16 (3) AS 28.15.201(g) and (h), enacted by sec. 84 of this Act; and
- 17 (4) AS 28.35.030(o), as amended by sec. 90 of this Act.

18 (n) The following sections apply to parole granted on or after the effective date of
19 those sections for conduct occurring before, on, or after the effective date of those sections:

- 20 (1) AS 33.16.010(c), as amended by sec. 100 of this Act;
- 21 (2) AS 33.16.010(d), as amended by sec. 101 of this Act;
- 22 (3) AS 33.16.060(a), as amended by sec. 103 of this Act;
- 23 (4) AS 33.16.090(a), as amended by sec. 105 of this Act;
- 24 (5) AS 33.16.100(a), as amended by sec. 107 of this Act;
- 25 (6) AS 33.16.100(b), as amended by sec. 108 of this Act;
- 26 (7) AS 33.16.100(f) and (g), enacted by sec. 109 of this Act;
- 27 (8) AS 33.16.130, as repealed and reenacted by sec. 115 of this Act;
- 28 (9) AS 33.16.140, as amended by sec. 116 of this Act;
- 29 (10) AS 33.16.150(a), as amended by sec. 117 of this Act;
- 30 (11) AS 33.16.150(b), as amended by sec. 118 of this Act;
- 31 (12) AS 33.16.150(e), as amended by sec. 119 of this Act;

- 1 (13) AS 33.16.150(f), as amended by sec. 120 of this Act;
2 (14) AS 33.16.150(g), as amended by sec. 121 of this Act;
3 (15) AS 33.16.150(h), enacted by sec. 122 of this Act; and
4 (16) AS 33.16.200, as amended by sec. 124 of this Act.

5 (o) AS 11.56.730(e), enacted by sec. 20 of this Act, and sec. 159 of this Act apply to
6 offenses committed on or after the effective date of AS 11.56.730(e), enacted by sec. 20 of
7 this Act and sec. 159 of this Act.

8 (p) The following sections apply to offenses committed on or after the effective date
9 of those sections:

- 10 (1) AS 12.30.006(b), as amended by sec. 43 of this Act;
11 (2) AS 12.30.006(c), as amended by sec. 44 of this Act;
12 (3) AS 12.30.006(d), as amended by sec. 45 of this Act;
13 (4) AS 12.30.006(f), as amended by sec. 46 of this Act;
14 (5) AS 12.30.011, as repealed and reenacted by sec. 47 of this Act;
15 (6) AS 12.30.016(b), as amended by sec. 48 of this Act;
16 (7) AS 12.30.016(c), as amended by sec. 49 of this Act;
17 (8) AS 12.30.021(a), as amended by sec. 50 of this Act;
18 (9) AS 12.30.021(c), as amended by sec. 51 of this Act; and
19 (10) AS 33.07, enacted by sec. 99 of this Act.

20 (q) AS 33.05.020(h), enacted by sec. 96 of this Act, applies to sentences imposed
21 before, on, or after the effective date of sec. 96 of this Act, for conduct occurring before, on,
22 or after the effective date of sec. 96 of this Act, for time served on probation on or after the
23 effective date of sec. 96 of this Act.

24 (r) AS 33.20.010(c), as amended by sec. 136 of this Act, applies to sentences imposed
25 before, on, or after the effective date of sec. 136 of this Act, for offenses committed before,
26 on, or after the effective date of sec. 136 of this Act, for time served on electronic monitoring
27 on or after the effect date of sec. 136 of this Act.

28 (s) The following sections apply to parole granted before, on, or after the effective
29 date of those sections:

- 30 (1) AS 33.16.180, as amended by sec. 123 of this Act;
31 (2) AS 33.16.210, as amended by sec. 125 of this Act;

- 1 (3) AS 33.16.210(c), enacted by sec. 126 of this Act;
- 2 (4) AS 33.16.215, enacted by sec. 127 of this Act;
- 3 (5) AS 33.16.220(b), as amended by sec. 128 of this Act;
- 4 (6) AS 33.16.220(f), as amended by sec. 129 of this Act;
- 5 (7) AS 33.16.220(i), as amended by sec. 130 of this Act;
- 6 (8) AS 33.16.220(j), enacted by sec. 131 of this Act;
- 7 (9) AS 33.16.240(h) and (i), enacted by sec. 132 of this Act; and
- 8 (10) AS 33.16.270, enacted by sec. 133 of this Act.

9 (t) AS 12.55.027(f), enacted by sec. 57 of this Act, applies to offenses committed on
 10 or after the effective date of sec. 57 of this Act.

11 (u) AS 12.25.150(a), as amended by sec. 38 of this Act, applies to offenses committed
 12 before, on, or after the effective date of sec. 38 of this Act, for contacts with peace officers
 13 occurring on or after the effective date of sec. 38 of this Act.

14 * **Sec. 167.** The uncodified law of the State of Alaska is amended by adding a new section
 15 to read:

16 **CONDITIONAL EFFECT.** (a) AS 11.56.730(e), enacted by sec. 20 of this Act, takes
 17 effect only if sec. 159 of this Act receives the two-thirds majority vote of each house required
 18 by art. IV, sec. 15, Constitution of the State of Alaska.

19 (b) AS 12.30.011, as repealed and reenacted by sec. 47 of this Act, takes effect only if
 20 sec. 163(a) of this Act receives the two-thirds majority vote of each house required by art. IV,
 21 sec. 15, Constitution of the State of Alaska.

22 (c) AS 12.55.055(g), enacted by sec. 61 of this Act, takes effect only if sec. 163(b) of
 23 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
 24 Constitution of the State of Alaska.

25 (d) AS 12.55.078, enacted by sec. 62 of this Act, takes effect only if sec. 163(c) of
 26 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
 27 Constitution of the State of Alaska.

28 (e) AS 12.55.135(p), enacted by sec. 78 of this Act, takes effect only if sec. 163(d) of
 29 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
 30 Constitution of the State of Alaska.

31 (f) AS 33.07, added by sec. 99 of this Act, takes effect only if sec. 163(e) of this Act

1 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
2 of the State of Alaska.

3 * **Sec. 168.** Sections 1 - 19, 21 - 37, 56, 59 - 62, 64, 71 - 79, 82 - 87, 90, 92 - 95, 136, 142,
4 143, 145 - 152, 162, 163(b), 163(c), and 163(d) of this Act and AS 11.56.730(d), enacted by
5 sec. 20 of this Act, take effect July 1, 2016.

6 * **Sec. 169.** Section 81 of this Act takes effect October 1, 2016.

7 * **Sec. 170.** Sections 39 - 42, 52, 54, 55, 58, 63, 65 - 70, 80, 88, 89, 91, 96 - 98, 100 - 135,
8 137, 138, 140, and 153 - 155 of this Act take effect January 1, 2017.

9 * **Sec. 171.** Section 139 of this Act takes effect July 1, 2017.

10 * **Sec. 172.** Sections 38, 43 - 51, 99, 160, 161, 163(a), and 163(e) of this Act take effect
11 January 1, 2018.

12 * **Sec. 173.** Section 141 of this Act takes effect July 1, 2018.

13 * **Sec. 174.** If AS 11.56.730(e), enacted by sec. 20 of this Act, and sec. 159 of this Act take
14 effect, they take effect January 1, 2019.

Alaska State Legislature

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SENATE BILL 91 SECTIONAL ANALYSIS

Omnibus Criminal Law & Procedure; Corrections
Version Y

Section 1

11.41.110(a) - Murder in the Second Degree (Amended)

Conforms to the realigned misconduct involving controlled substances statutes.

Section 2

11.41.150(a) - Murder of an Unborn child (Amended)

Conforms to the realigned misconduct involving controlled substances statutes.

Section 3

11.46.130(a) - Theft in the Second Degree (Amended)

Increases the threshold value for theft in the second degree from \$750 to \$2,000.

Section 4

11.46.140(a) - Theft in the Third Degree (Amended)

Increases the threshold value for theft in the third degree from \$750 to \$2,000.

Section 5

11.46.220(c) - Concealment of Merchandise (Amended)

Increases the threshold value for concealment of merchandise from \$750 to \$2,000.

Section 6

11.46.260(b) - Removal of Identification Marks (Amended)

Increases the threshold value for removal of identification marks from \$750 to \$2,000.

Section 7

11.46.270(b) - Unlawful Possession (Amended)

Increases the threshold value for unlawful possession from \$750 to \$2,000.

Section 8

11.46.280(d) - Issuing a Bad Check (Amended)

Increases the threshold value for issuing a bad check from \$750 to \$2,000.

Section 9

11.46.285(b) - Fraudulent Use of an Access Device (Amended)

Increases the threshold value for fraudulent use of an access device to \$2,000.

Section 10

11.46.295 - Prior Convictions (Amended)

Conforms definition for prior convictions for theft related crimes.

Section 11

11.46.360(a) - Vehicle Theft in the First Degree (Amended)

Increases the threshold value for vehicle theft from \$750 to \$2,000.

Section 12

11.46.460 - Disregard of a Highway Obstruction (Amended)

Reclassifies the crime of disregard of a highway obstruction to a violation punishable by up to \$1,000 fine.

Section 13

11.46.482(a) - Criminal Mischief in the Third Degree (Amended)

Increases the threshold value for criminal mischief in the third degree from \$750 to \$2,000.

Section 14

11.46.484(a) - Criminal Mischief in the Fourth Degree (Amended)

Increases the threshold value for criminal mischief in the fourth degree from \$750 to \$2,000.

Section 15

11.46.530(b) - Criminal Simulation (Amended)

Increases the threshold value for criminal simulation from \$750 to \$2,000.

Section 16

11.46.620(d) - Misapplication of Property (Amended)

Increases the threshold value for misapplication of property from \$750 to \$2,000.

Section 17

11.46.730(c) - Defrauding Creditors (Amended)

Increases the threshold value for defrauding creditors from \$750 to \$2,000.

Section 18

11.56.730(a) - Failure to Appear (Amended)

Conforms to the reclassification of failure to appear.

Section 19

11.56.730(c) - Failure to Appear (Amended)

Conforms to the reclassification of failure to appear.

Section 20

11.56.730 - Failure to Appear (New Subsection)

Establishes that failure to appear is a class C felony if the person was released in connection with a charge of a felony and class A misdemeanor if the person was charged with a misdemeanor, if the person does not make contact with the court within the 30 days of the first failure to appear or does not appear to avoid prosecution. Otherwise, failure to appear is a violation punishable up to \$1,000.

Section 21

11.56.757(a) - Violation of Condition of Release (Amended)

Conforms to the reclassification of the crime of violation of a condition of release to a violation.

Section 22

11.56.757(b) - Violation of Condition of Release (Amended)

Reclassifies the crime of violation of condition of release to a violation punishable by a fine up to \$1,000.

Section 23

11.56.759(a) - Violation by Sex Offender of Condition of Probation (Amended)

Conforms to renumbered statutes.

Section 24

11.61.110(c) - Disorderly Conduct (Amended)

Removes the language limiting sentences of imprisonment for disorderly conduct to 10 days.

Section 25

11.61.145(d) - Promoting an Exhibition of Fighting Animals (Amended)

Reclassifies the crime of attending an exhibition of fighting animals as a violation for the second offense. Maintains third and subsequent offenses as a class A misdemeanor.

Section 26

11.61.150(a) - Obstruction of Highways (Amended)

Conforms to the reclassification of the crime of obstruction of highways to a violation.

Section 27

11.61.150(c) - Obstruction of Highways (Amended)

Reclassifies the crime of obstruction of highways to a violation punishable by a fine up to \$1,000.

Section 28

11.66.100 - Prostitution (New Subsection)

Provides a person may not be prosecuted for prostitution if they are cooperating with law enforcement in the reporting of another crime.

Section 29

11.66.200(c) - Gambling (Amended)

Reclassifies the crime of unlawful gambling to a violation punishable by a fine up to \$1,000.

Section 30

11.71.030(a) - *Misconduct Involving a Controlled Substance in the **Second** [THIRD] Degree (Amended)*

Renames the crime of misconduct involving a controlled substance in the third degree as misconduct involving a controlled substance in second degree. Provides that manufacture or delivery of more than 1 gram of a IA controlled substance or more than 2.5 grams of a IIA or IIIA controlled substances is an element of the crime. Adds in manufacture of methamphetamine or methamphetamine precursors as an element of the offense.

Section 31

11.71.030(c) - *Misconduct Involving a Controlled Substance in the **Second** [THIRD] Degree (Amended)*

Conforms to renaming of misconduct involving a controlled substance in the third degree as misconduct involving a controlled substance in the second degree.

Section 32

11.71.030 - *Misconduct Involving a Controlled Substance in the **Second** [THIRD] Degree (New Subsection)*

Provides that possession of certain amount of specific chemicals is prima facie evidence of intent to manufacture or deliver methamphetamine or methamphetamine precursors.

Section 33

11.71.040(a) - *Misconduct Involving a Controlled Substance in the **Third** [FOURTH] Degree (Amended)*

Renames the crime of misconduct involving a controlled substance in the fourth degree as misconduct involving a controlled substance in the third degree. Provides that manufacture or delivery of less than 1 gram of a IA substance, and less than 2.5 grams of IIA, or IIIA controlled substance, is an element of the offense.

Section 34

11.71.040(d) - *Misconduct Involving a Controlled Substance in the **Third** [FOURTH] (Amended)*

Conforms to renaming of misconduct involving a controlled substance in the fourth degree as misconduct involving a controlled substance in the third degree.

Section 35

*11.71.050 - Misconduct Involving a Controlled Substance in the **Fourth** [FIFTH] Degree (Amended)*

Renames the crime of misconduct involving a controlled substance in the fifth degree as misconduct involving a controlled substance in the fourth degree. Consolidates simple possession of IA, IIA, IIIA, IVA,VA and VIA controlled substances into misconduct involving a controlled substance in the fifth degree, excepting small quantities of specified IIIA drugs as set forth in AS 11.71.060.

Section 36

*11.71.060 Misconduct Involving a Controlled Substance in the **Fifth** [SIXTH] Degree (Amended)*

Renames the crime of misconduct involving a controlled substance in the sixth degree as misconduct involving a controlled substance in the fifth degree.

Section 37

11.71.311(a) - Restriction on Prosecution for Certain Persons in Connection with a Drug Overdose (Amended)

Conforms to the realigned misconduct involving controlled substances statutes.

Section 38

12.25.150(a) - Rights of Prisoner after Arrest (Amended)

Provides that an arrested person shall appear before a judge or magistrate within 24 hours of arrest absent compelling circumstances, and that the hearing may not take place more than 48 hours after arrest. Provides that a delay or unavailability of a report prepared by the pretrial services officer may not be considered a justification to delay a hearing beyond 24 hours.

Section 39

12.25.180 - When Peace Officer May Issue Citation or Take Person Before the Court (Amended)

Establishes a presumption to cite and summons to court for nonviolent misdemeanors and class C felonies, with exceptions including danger to self or others, and specified crimes. For infractions or violations, provides that a peace officer may bring the person before a judge if the violation is for a violation of conditions of release or for failure to appear.

Section 40

12.25.180 - When Peace Officer May Issue Citation or Take Person Before the Court (New Section)

Forbids civil action for damages for failure to comply with this section.

Section 41

12.25.190(b) - When Person to be Given Five-Day Notice to Appear in Court (Amended)

Reduces the minimum duration, when issued a citation for certain offenses, before the first appearance from five days to two days

Section 42

12.25.190 - When Person to be Given Five-Day Notice to Appear in Court (New Section)

Conforming to allow the notice to appear to remain five working days after the issuance of a citation for certain offenses including traffic violations.

Section 43

12.30.006(b) - Release Procedures (Amended)

Conforming to changes made in 12.30.011.

Section 44

12.30.006(c) - Release Procedures (Amended)

Requires judicial review and reconsideration of the conditions of release for instances where the defendant is detained pre-trial due to those conditions, unless the judicial officer finds that less restrictive release conditions cannot reasonably ensure the appearance of the person in court and safety of the victim, other persons, and the community.

Section 45

12.30.006(d) - Release Procedures (Amended)

Allows for defendant's inability to pay to be considered as a factor to at bail review hearings. Specifies that a defendant may only receive one bail review hearing for new information relating to the person's inability to pay.

Section 46

12.30.006(f) - Release Procedures (Amended)

Conforms to creation of a pretrial services office, authorizing a pretrial services officer to arrest a person without a warrant for violating a court order.

Section 47

12.30.011 - Release Before Trial (Repealed and Reenacted)

Limits judicial discretion to detain low- and moderate-risk pretrial defendants charged with non-violent, non-DUI misdemeanors and low-risk pretrial defendants charged with non-violent, non-DUI Class C felonies. This section prevents the use of secured monetary bail for lower-risk defendants while ensuring conditions can be imposed to require defendants to refrain from alcohol consumption, to avoid all contact with victims, and to keep regular contact with a pretrial services officer. In determining the conditions of release, the court shall consider the conditions of release recommended by the pretrial services officer and the person's pretrial risk assessment score. In addition to conditions of release, the judicial officer may impose the least restrictive conditions that reasonably ensure the person's appearance and the safety of the victim, other persons, and the community.

Creates a presumption of release on personal recognizance or unsecured bond, with appropriate release conditions, for low-risk defendants and for most nonviolent misdemeanor and Class C felony defendants. The court can overcome this presumption and order partially- or fully-secured money bond if it finds on the record that no less restrictive conditions can reasonably assure court appearance and public safety.

Section 48

12.30.016(b) - Release Before Trial in Certain Cases (Amended)

Conforms to creation of a pretrial services office, authorizing a pretrial services officer to search a person's residence for the presence of alcohol under conditions to refrain from alcohol.

Section 49

12.30.016(c) - Release Before Trial in Certain Cases (Amended)

Conforms to creation of a pretrial services office, authorizing a pretrial services officer to search a person's residence for the presence of a controlled substance under conditions to refrain from consuming from controlled substances. A judicial officer may order a defendant to participate in random drug testing by the pretrial services division.

Section 50

12.30.021(a) - Third-Party Custodians (Amended)

Restricts availability of third-party custodian release conditions to cases in which pretrial supervision is not available, secured money bond has not been ordered, and no other combination of release conditions can reasonably assure court appearance and public safety.

Section 51

12.30.021(c) - Third-Party Custodians (Amended)

Changes the restrictions on people who are eligible to serve as third-party custodians to prohibit those who are likely to be called as witnesses, as opposed to those who may be called as witnesses.

Section 52

12.30.055 - Persons Appearing on Petition to Revoke (New Subsection)

Provides for a probationer arrested for a technical violation to be released upon reaching imprisonment limits.

Section 53

12.55.011 - Victim and Community Involvement in Sentencing (New Subsection)

Requires at sentencing the court provide the victim with a form that provides information about who to contact with questions about sentencing and potential release of the offender.

Section 54

12.55.025(a) - Sentencing Procedures (Amended)

Conforms to addition of administrative parole as a type of parole that the court must include in its sentencing report in stating the minimum term of imprisonment the defendant must serve before becoming eligible for parole.

Section 55

12.55.025(c) - Sentencing Procedures (Amended)

Conforming to ensure credit is applied for time spent in custody for a violation of a condition of probation or parole pending a revocation hearing.

Section 56

12.55.027(d) - Credit for Time Spent Toward Service of a Sentence of Imprisonment (Amended)

Limits pretrial credit to 120 days for time spent on electronic monitoring that complies with the Department of Corrections guidelines.

Section 57

12.55.027(f) - Credit for Time Spent Toward Service of a Sentence of Imprisonment (New Subsection)

Provides that in order to qualify as a treatment program, a program must address criminogenic traits, provide measures of progress, and require notification to the court or probation officer for violations of bail or probation.

Section 58

12.55.051(a) - Enforcement of Fines and Restitution (Amended)

Conforms to changes to the probation revocation process.

Section 59

12.55.055(a) - Community Work (Amended)

Conforms to allow a defendant to perform community work as a condition of suspended entry of judgement

Section 60

12.55.055(c) - Community Work (Amended)

Increases the value of an hour of community work from three dollars to the state's minimum wage if the defendant is unable to pay the fine and the court offers the defendant the option of performing community work in lieu of a fine.

Section 61

12.55.055 - Community Work (New Subsection)

Prevents the court from converting community work service into a sentence of imprisonment or offering the defendant the option of serving jail time in lieu of completing community work service.

Section 62

12.55.078 - Suspended Entry of Judgment (New Section)

Establishes a process for suspending an entry of judgment, whereby if a person pleads guilty to a crime, the court may, with the consent of the defense and prosecution, impose conditions of probation without imposing or entering a judgment of guilt. Upon successful completion of probation, the court shall discharge the person and dismiss the case.

Section 63

12.55.090(b) - Granting of Probation (Amended)

Conforms to new early discharge process.

Section 64

12.55.090(c) - Granting of Probation (Amended)

Limits probation terms to 10 years for an unclassified felony or felony sex offense, five years for any other felony offense, three years for assault in fourth degree, two years for a second-time misdemeanor DUI, and one year for all other misdemeanor offenses.

Section 65

12.55.090(c) - Granting of Probation (Amended)

Authorizes the court to alter a term of probation in accordance with the earned compliance policy, or if a probation officer recommends to the court that the probationer be discharged from probation for completing treatment and complying with the conditions of probation.

Section 66

12.55.090 - Granting of Probation (New Subsection)

Requires probation officers to recommend early discharge from probation to the court for any probationer who has served at least one year, completed any required treatment, and has not been found in violation of their conditions of probation, excepting offenders convicted of an unclassified or sex felony offenses, a crime involving domestic violence, or a misdemeanor. This section also establishes an opportunity for a crime victim to be notified and comment at an early discharge hearing. Provides that court shall discharge the defendant from probation upon completion of the period of probation, including the time served and earned credits.

Section 67

12.55.100(a) - Conditions of Probation (Amended)

Conforming to ensure that probationers can be required to comply with the graduated sanctions imposed by a probation officer.

Section 68

12.55.100(c) - Conditions of Probation (Amended)

Conforms to renumbered statutes.

Section 69

12.55.110 - Notice and Grounds for Revocation and Suspension (New Subsection)

Limits the maximum sentence for technical violations of probation for probationers who are not in the PACE program to 3 days for the first revocation, 5 days for the second revocation, 10 days for the third revocation, and up to the remainder of the suspended sentence for the fourth or subsequent revocation. For defendants found absconding, the court may impose a period of imprisonment of up to 30 days. For offenders who have failed to complete a required intervention program for batterers, sex offenders who have failed to complete sex offender treatment, or sex offenders who violated a special sex offender condition, the court may impose a period of imprisonment up to the

remainder of the suspended portion of the sentence. These limits would not apply to probationers enrolled in the PACE program.

Section 70

12.55.115 - Fixing Eligibility for Discretionary Parole at Sentencing (Amended)

Conforms to addition of administrative parole as a type of parole for which the court has discretion to restrict eligibility.

Section 71

12.55.125(a) - Sentences of Imprisonment for Felonies (Amended)

Increases the minimum sentence of imprisonment for murder in the first degree from 20 to 25 years.

Section 72

12.55.125(b) - Sentences of Imprisonment for Felonies (Amended)

Increases the minimum sentence of imprisonment for murder in the second degree from 10 to 15 years.

Section 73

12.55.125(c) - Sentences of Imprisonment for Felonies (Amended)

Maintains the maximum sentence for non-sex Class A felonies at 20 years, while reducing the presumptive range for a first felony conviction to three to six years, a first felony conviction if the defendant uses a dangerous instrument or the offense is directed at a first responder to five to nine years, a second felony conviction to eight to twelve years, and a third felony conviction to thirteen to twenty years. Conforms to refer to the realigned misconduct involving controlled substances statutes.

Section 74

12.55.125(d) - Sentences of Imprisonment for Felonies (Amended)

Maintains the maximum sentence for non-sex Class B felonies at 10 years, while reducing the presumptive range for a first felony conviction to zero to two years, a second felony conviction to two to five years, and a third felony conviction to four to 10 years. Conforms to refer to the realigned misconduct involving controlled substances statutes.

Section 75

12.55.125(e) - Sentences of Imprisonment for Felonies (Amended)

Maintains the maximum sentence for non-sex Class C felonies at 5 years, while reducing the presumptive range for a first felony conviction to a suspended term

of imprisonment of up to eighteen months, a second felony conviction to one to four years, and a third felony conviction to two to five years.

Section 76

12.55.135(a) – Sentences of Imprisonment for Misdemeanors (Amended)

Provides for a presumptive range of zero to thirty days for class A misdemeanors, excepting offenses with mandatory minimums thirty days or above or or if the conviction is for crime of assault in the fourth degree.. Allows the presumptive range to be overcome if the prosecution proves that the conduct constituting the offense was the most serious included in the definition of the offense or the defendant has past criminal convictions similar in nature to the offense in question.

Section 77

12.55.135(b) – Sentences of Imprisonment for Misdemeanors (Amended)

Truncates the maximum term of imprisonment for a class B misdemeanor to ten days.

Section 78

12.55.135 – Sentences of Imprisonment for Misdemeanors (Amended)

Provides that the court may not impose a sentence of imprisonment or suspended imprisonment for a person convicted of theft in the fourth degree; concealment of merchandise under \$250 dollars; removal of identification marks under \$250; unlawful possession under \$250; issuing a bad check under \$250; or criminal simulation under \$250 who has not been convicted of a theft offense twice prior. Provides that a court may not impose a sentence of more than five days prior and a term of probation or more than six months if the person is convicted of one of the above crimes and has been convicted of a theft offense twice prior.

Provides that the court may not impose a sentence of longer than 24 hours for a person convicted of disorderly conduct.

Provides that the court may not sentence active imprisonment for a person convicted of possession of a controlled substance in the fourth or fifth degree, unless the person has previously been convicted more than once of an offense under AS 11.71.

Provides that if the state seeks to establish a fact-based aggravating factor at sentencing, the factor must be established by clear and convincing evidence before the court sitting without a jury. If the state seeks to establish a law-based aggravating factor at sentencing, the factor must be presented to a trial jury and proved beyond a reasonable doubt, unless the defendant waives trial by jury,

stipulates to the existence of the factor, or consents to allow the court to establish the aggravator by clear and convincing evidence without a jury.

Section 79

12.61.015(a) – Duties of Prosecuting Attorney (Amended)

Requires the prosecuting attorney to confer with the victim of a felony crime in regards to a proposed plea agreement, at the request of the victim.

Section 80

12.70.130 – Arrest without warrant (Amended)

Reduces the period of time with which a person has to be taken before a judge after an arrest without a warrant from 48 hours to 24 hours. States that the hearing may not take place more than 48 hours after arrest.

Section 81

22.35.030 –

Requires the court to publish the court record of a person granted suspended entry of judgment or a person convicted of violation of conditions of release.

Section 82

28.15.165 - Administrative Revocations and Disqualifications resulting from chemical sobriety tests and refusals to submit to tests.

Requires the DMV to restore a person's driver's license if all charges have been dismissed or if the person has been acquitted of driving while under the influence.

Section 83

28.15.181(f) - Court Suspensions, Revocations, and Limitations (Amended)

Allows for the court to terminate a revocation if the person has successfully completed the therapeutic court program, has not been convicted of DUI, and has successfully driven under the limited license for three years without being revoked.

Section 84

28.15.201 - Limitation of Driver's License (New Subsection)

Authorizes the court to grant limited license privileges for felony DUI offenders if the person has completed the therapeutic court program, has proof of insurance, and an installed ignition interlock device. This section allows the court or the department to revoke a limited license if the person is convicted of a DUI or refusal.

Section 85

28.15.291 (Driving While License Suspended)

Conforms to section 78 by differentiating DWLS offenses related to DUI license revocations and those unrelated to DUI license revocations.

Section 86

28.15.291(b) - Driving While License Suspended (Repealed and Reenacted)

Reduces the mandatory minimum for second time DWLS offenders whose license revocation is related to DUI offenses to 10 days. Removes the mandatory minimum for first time DWLS offenders whose license revocation is related to DUI offenses. Reduces the penalty for non-DUI-related DWLS offenses from a misdemeanor to an infraction.

Section 87

28.35.028(b) - Court-Ordered Treatment (Amended)

Authorizes the court to reduce a license revocation for the purposes of granting a limited license to eligible offenders.

Section 88

28.35.030(k) - Operating a Vehicle... Under the Influence (Amended)

Requires first-time DUI offenders to serve a mandatory term of electronic monitoring. If unavailable, imprisonment is determined by the department.

Section 89

28.35.030(l) - Operating a Vehicle... Under the Influence (Amended)

Conforming to require that costs of imprisonment required to be paid under subsection (k) reflect the requirement to be placed on electronic monitoring.

Section 90

28.35.030(o) - Operating a Vehicle... Under the Influence (Amended)

Requires the department restore a driver's license to a person who has been granted a limited license and has successfully driven for three years without having driving privileges revoked, has successfully completed the therapeutic court program, has not been convicted of a DUI or refusal, and provides proof of insurance.

Section 91

28.35.032(o) - Refusal to Submit to Chemical Test (Amended)

Requires first-time refusal to submit to a chemical test to serve a mandatory term of electronic monitoring. If unavailable, imprisonment is determined by the department.

Section 92

28.35.036(a) - Forfeiture of Vehicle, Aircraft, or Watercraft (Amended)

Conforms to changes to the driving with a suspended license sections.

Section 93

29.10.200(21) - Limitations of Home Rule Powers (Amended)

Conforms to the requirement that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 94

29.25.070(a) - Penalties (Amended)

Conforms to the requirement that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 95

29.25.070 - Penalties (New Subsection)

Requires that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 96

33.05.020 - Duties of Commissioner (New Subsection)

Requires the commissioner to establish an administrative sanction and incentive program to facilitate a prompt and effective response to violations of probation. Also requires the commissioner to establish a system of earned compliance credits for offenders on probation for a felony offense

Section 97

33.05.040 - Duties of Probation Officers (Amended)

Conforms section to include earned compliance credits, administrative sanctions, and early discharge to the duties of probation officers.

Section 98

33.05.080 - Definitions (New Paragraph)

Defines “administrative sanctions and incentives” to mean responses by a probation officer to a probationer’s compliance or noncompliance with the conditions of probation.

Section 99

33.07.010 - Pretrial Services Program (New Section)

Establishes a pretrial services program at the Department of Corrections to conduct pretrial risk assessments, make recommendations to the court regarding release decisions, and supervise pretrial defendants who are released. Directs the Commissioner to adopt a risk assessment tool and relevant training and regulations.

Outlines duties of pretrial services officers to conduct pretrial risk assessments, make recommendations to the court regarding release and conditions of release, and provide supervision for defendants released pretrial. Authorizes pretrial services officers to make pretrial diversion recommendations and to arrest defendants who have failed to appear or violated their release conditions.

Requires pretrial services officers to recommend release on personal recognizance or unsecured bond for nonviolent, non-DV misdemeanor and Class C felony charges, low- or moderate-risk DUI charges, and other low-risk charges, with limited options for departing from this requirement if the pretrial services officer finds that no combination of non-money conditions can reasonably ensure court appearance and public safety.

Section 100

33.16.010(c) - Parole (Amended)

Conforms section to include administrative and special medical parole as not limiting eligibility for mandatory parole.

Section 101

33.16.010(d) - Parole (Amended)

Conforming to include prisoners released on administrative parole as being subject to the conditions of parole imposed by the board.

Section 102

33.16.010 Parole (New Subsection)

Provides for a prisoner meeting the eligibility requirements to be released on administrative parole by the board of parole.

Section 103

33.16.060(a) Duties of the Board (Amended)

Conforming to ensure the parole board shall impose conditions on all prisoners released on parole. Additionally, this section requires the board to consider prisoners who are eligible for administrative and discretionary parole at least 90 days before eligibility.

Section 104

33.16.089 - Eligibility for Administrative Parole (New Section)

Creates administrative parole for inmates convicted of a Class B or C felony that is not a sexual felony or criminally negligent homicide who have not been previously convicted of a felony. These inmates are eligible for administrative parole if they complete the requirements of their case action plan (including following institutional rules and completing treatment requirements) and if no victim requests a hearing.

Section 105

33.16.090(a) - Eligibility for Discretionary Parole ...Served (Amended)

Expands eligibility for discretionary parole to all inmates, excluding inmates convicted of an unclassified or sexual felony, who are over the age of 60 and have served at least 10 years of their sentence.

Section 106

33.16.090(b) - Eligibility for Discretionary Parole ...Served (Amended)

Expands eligibility for discretionary parole to all non-sex offenders. Expands eligibility for discretionary parole for certain lower-level sex offenders, after the offender has served at least half of their sentence.

Section 107

33.16.100(a) - Granting of Discretionary Parole (Amended)

Conforming to the expansion of eligibility for discretionary parole.

Section 108

33.16.100(b) - Granting of Discretionary Parole (Amended)

Conforming to changes in the parole release application and decision-making process.

Section 109

33.16.100 - Granting of Discretionary Parole (New Subsection)

Authorizes the parole board to grant discretionary parole to a prisoner who has been convicted of a class A, class B, or class C felony, or a misdemeanor, provided the prisoner is eligible for discretionary parole and has met the requirements of

their case plan. If the board finds by clear and convincing evidence that the prisoner poses a threat to the public, the board may deny discretionary parole.

When considering a prisoner over the age of 60 for release on discretionary parole, the board must take into consideration the prisoner's likelihood of recidivism given the prisoner's age, as well as whether or not the prisoner poses a threat to the public.

Section 110

33.16.110(a) - Preparole Reports (Amended)

Requires the parole board to consider the inmate's case plan and re-entry plan when evaluating an inmate's suitability for discretionary parole.

Section 111

33.16.120(a) - Rights of Certain Victims in Connection with Parole (Amended)

Conforms to reflect changes to the parole application process.

Section 112

33.15.120(f) - Rights of Certain Victims in Connection with Parole (Amended)

Conforming to ensure victims receive notification for inmates eligible for administrative parole.

Section 113

33.16.120(g) - Rights of Certain Victims in Connection with Parole (Amended)

Conforms to the requirement that the parole board notify a victim of a crime involving domestic violence or sexual assault thirty days in advance of discretionary and geriatric parole hearings. Additionally, the board shall inform the victim of any decision to grant or deny parole, and notify the victim of release on parole, including mandatory parole.

Section 114

33.16.120 - Rights of Certain Victims in Connection with Parole (New Subsection)

Requires notice to a victim who has a right to receive notice from the parole board and enables the victim to request a hearing before a prisoner is administratively paroled. The notice to the victim must include the procedure for requesting a hearing.

Section 115

33.16.130 - Parole Procedures (Repealed and Reenacted)

Streamlines the hearing process for discretionary parole by requiring the parole board to hold hearings for all prisoners who are eligible, rather than wait for prisoners to determine eligibility and prepare an application prior to a hearing. If the board denies parole, the board shall provide a written plan for addressing all of the factors relevant to the denial. The board shall schedule a subsequent hearing within two years after the first parole eligibility date, and for additional denials, within two years after the most recent hearing.

Section 116

33.16.140 - Order for Parole (Amended)

Conforming to include administrative parole in list of parole types where a parole order is issued by the board that sets out conditions of release.

Section 117

33.16.150(a) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries mandatory conditions of parole.

Section 118

33.16.150(b) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries conditions that can be imposed by the board or a designated member of the board.

Section 119

33.16.150(e) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that can carry conditions imposed by a designated member of the board acting on behalf of the full board.

Section 120

33.16.150(f) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries additional conditions for a prisoner serving a term for a crime involving domestic violence.

Section 121

33.16.150(g) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries the additional condition of electronic monitoring if the prisoner was sentenced with an aggravating factor relating to street gangs.

Section 122

33.16.150 – Conditions of Parole (New Subsection)

Provides that the parole board may require that prisoners serving a sentence for an offense involving the use of alcohol or controlled substances comply with a program established under AS 33.16.060(c) or AS 47.38.020

Section 123

33.16.180 - Duties of the Commissioner (Amended)

Includes administrative parole as a type of parole that the commissioner is responsible for conducting investigations of prisoner eligibility and notifying the board within 30 days after sentencing of potential eligibility. Requires preparation of pre-parole reports and notification to the parole board of ~~compliance or noncompliance with the prisoner's case plan no less than 30 days~~ before the next parole eligibility date or hearing. The commissioner is required to implement and administer a schedule of sanctions and incentives to facilitate a swift and certain response to violations, while including a process for due process considerations. Additionally, the commissioner shall facilitate the application of earned credit for compliance with the conditions of parole. Requires commissioner to notify victim information regarding release of offender.

Section 124

33.16.200 - Custody of Parolee (Amended)

Conforming to include administrative parolees as a type of parolees that the board retains custody of until the expiration of the maximum term of imprisonment to which the parolee is sentenced.

Section 125

33.16.210 - Discharge of Parolee (Amended)

Reduces the period of time before a parolee becomes eligible for unconditional discharge from parole, in some cases to serve a residual period of probation.

Section 126

33.16.210 - Discharge of Parolee (New Subsection)

Allows the board to initiate early discharge if the parolee has completed at least one year on parole, has completed all required treatment programs, has not violated all other conditions, and has not been convicted of unclassified felony, a

sexual felony, a crime involving domestic violence, or a misdemeanor. The board shall also grant monthly parole incentive reductions for compliance with conditions imposed by the board.

Section 127

33.16.215 - Sanctions for a Technical Violation of Parole (New Section)

Provides for a system of imprisonment for technical violations not to exceed three days for the first technical violation of parole; five days for the second technical violation of parole; 10 days for the third technical violation of parole; and up to the remainder of the suspended portion of the sentence for a fourth or subsequent technical violation of parole. For defendants found absconding, the board may impose a period of imprisonment of up to 30 days. For offenders who have failed to complete required batterers intervention programming, sex offenders who have failed to complete sex offender treatment, or who violated a special sex offender condition of parole the board may impose a period of imprisonment up to the remainder of the suspended portion of the sentence. These limits would not apply to parolees enrolled in the PACE program.

Section 128

33.16.220(b) - Revocation of Parole (Amended)

Conforms to include the commission of a new offense or failing to complete a sex offender treatment program as conduct that requires a preliminary hearing to determine if a violation of the conditions of parole occurred.

Section 129

33.16.220(f) - Revocation of Parole (Amended)

Conforms to ensure that revocation hearings for technical violations of parole occur within 15 days, while preserving current process for non-technical offenses.

Section 130

33.16.220(i) - Revocation of Parole (Amended)

Conforms to ensure the limits on parole revocations listed in Section 124 apply. Also conforming to ensure that any credits a parolee earned for compliance under Section 87 cannot indirectly be taken away through a board extension of the term of parole.

Section 131

33.16.220 - Revocation of Parole (New Subsection)

Changes the parole hearing process to ensure that revocation hearings for technical violations of parole occur within 15 days

Section 132

33.16.240 - Arrest of a Parole Violator (New Subsection)

Provides for a parolee arrested for a technical violation to be released upon reaching imprisonment limits.

Section 133

33.16.270 - Earned Compliance Credits (New Section)

Requires the commissioner to establish a program that allows parolees to earn credits for complying with the conditions of parole. A parolee can earn a credit of 30 days for each month served in which the parolee has complied with conditions of parole.

Section 134

33.16.900 - Definitions (New Paragraph)

Defines “administrative parole” as the release of a prisoner who is eligible for administrative parole under AS 33.16.089 and who has satisfied the criteria for release, subject to conditions imposed by the board and subject to its custody and jurisdiction.

Defines “administrative sanctions and incentives” as a response by a parole officer to a parolee’s compliance or noncompliance with the conditions of parole.

Section 135

33.20.010(a) - Computation of Good Time (Amended)

Conforms to new technical violation statute making it so technical violators are not eligible for good time credits.

Section 136

33.20.010(c) - Computation of Good Time (Amended)

This section extends credit to individuals on electronic monitoring.

Section 137

33.30.011 - Duties of Commissioner (Amended)

Requires the commissioner of corrections to establish a program to assess risk levels for pretrial defendants, as well as establish a procedure for providing a written case plan to prisoners within 90 days of sentencing and a reentry plan at least 90 days before release. Additionally, this section establishes standards for

electronic monitoring and the approval of private contractors that provide electronic monitoring.

Section 138

33.30.013(a) - Commissioner to Notify Victims (New Subsection)

Requires the Department of Corrections to notify the victim if the parolee is eligible for a parole reduction for compliance with conditions.

Section 139

33.30.065(a) – Service of Sentence by Electronic Monitoring (Amended)

Allows for a private contractor approve by the department to administer electronic monitoring.

Section 140

30.30.095 - Duties of Commissioner Before Release of Prisoner (New Section)

Requires the Department of Corrections to establish a program to prepare a prisoner for re-entry that begins 90 days before the date of release. The program must include a re-entry plan and instruction on resources available in the community and obtaining state identification. It must also include a partnership with one or more non-profits to assist in the re-entry process.

Section 141

33.30.151 - Correctional Restitution Centers (Amended)

Requires CRC's to provide treatment, reduce mixing low and high risk offenders, and adopt quality assurance measures, including standards for assessing risk levels.

Section 142

34.03.360(7) – Definitions (Amended)

Conforms to the realigned misconduct involving controlled substances statutes.

Section 143

43.23.065(b) - Exemption of and Levy on Permanent Fund Dividends (Amended)

Conforms to ensure that forfeiture of an appearance or performance bond is not exempted from permanent fund dividend garnishment

Section 144

43.61.010 – Marijuana Tax

Provides for 50 percent of marijuana tax revenue to be used for recidivism reduction programs.

Section 145

44.19.645 – Powers and duties of the commission. (Amended)

Provides that the Alaska Criminal Justice Commission shall annually make recommendations to the governor and legislature on how savings from criminal justice reforms should be reinvested to reduce recidivism. Allows the commission to appoint a working group to review and analyze the implementation of recommendations, as well as enter into data-sharing agreements with the University of Alaska and the Alaska Judicial Council.

Section 146

44.19.645 – Powers and duties of the commission (New Subsections)

Requires the commission to track and analyze data collected by agencies and entities charged with implementing the recommendations. Requires the Judiciary, the Department of Public Safety, and the Department of Corrections to report data to the commission on a quarterly basis.

Section 147

44.19.647 – Annual Report and Recommendations (Amended)

Requires the commission to issue an annual report that must include a description of the past year, a summary of savings, performance metrics and outcomes from the recommendations, and recommendations for additional reforms.

Section 148

44.19.647 – Annual Report and Recommendations (New Subsection)

Requires the commission to submit the report no later than November 1 of each year.

Section 149

44.66.010(a)(12)

Extends the life of the commission to June 30, 2021

Section 150

47.12.310(a) Agency Records

Conforms to new misconduct involving a controlled substance policy.

Section 151

47.27.015 - Disqualifying Conditions (New Subsection)

Lifts the restriction on eligibility for food stamps for persons convicted of drug felonies, provided the individual is compliant with conditions of probation, has completed treatment, or is working toward rehabilitation.

Section 152

47.37.040 – Duties of department (Amended)

Restricts ASAP referrals to persons who have been referred by a court under AS 28.35.028, 28.35.030, or 28.35.032.

Section 153

47.37.130(h) – Comprehensive program for treatment: regional facilities. (Amended)

Requires the department to develop regulations for the operation and management of public and private ASAP programs that ensures the uses of a validated risk tool.

Section 154

47.37.130 – Comprehensive program for treatment: regional facilities. (New Subsection)

Provides that ASAP assess participants for risk to re-offend and monitor based on that risk.

Section 155

47.38.020 – Alcohol, and Substance Abuse Monitoring Program (Amended)

Allows for department to enter into contracts to establish and implement test required in this section.

Section 156

47.38.100(a) – Recidivism Reduction Program (Amended)

Removes language reference Transitional Re-Entry Programs

Section 157

47.38.100(b) Recidivism Reduction Program (Amended)

Requires that programs that increase access to evidence-based rehabilitation programs and support offender transition and re-entry.

Section 158

47.38.100 – Recidivism Reduction Program (New Subsection)

Defines “evidence-based” as a program or practice that offers a high level of research on effectiveness.

Section 159

Uncodified Law

Amendment to Court Rule 38 of the Alaska Rules of Criminal Procedure providing for hearing reminders to defendants.

Section 160

Uncodified Law

Amendment to Court Rule 41 of the Alaska Rules of Criminal Procedure prohibiting bail schedules for misdemeanors or felonies.

Section 161

Uncodified Law

Repeals Court Rules 41(d) and (e)

Section 162

Repeals AS 11.46.140(a)(3), 11.46.220(c)(2)(B), AS 11.56.757(c), AS 11.71.020, 11.71.040(a)(3), 11.71.050(a)(2), 11.71.060(a)(2)(A); AS 12.30.016(d); AS 12.55.125(o), 12.55.135(j); AS 28.15.181(d), and AS 33.16.100 .

Section 163

Uncodified Law

Indirect Court Rule Amendments to the Alaska Rules of Criminal Procedure.

Section 164

Uncodified Law

The Council on Domestic Violence and Sexual Assault shall create or expand community-based violence prevention programming.

Section 165

Uncodified Law

The Alaska Criminal Justice Commission shall provide in the 2017 report an evaluation of barrier offenses.

Section 166

Uncodified Law

Applicability provisions.

Section 167

Uncodified Law

Provides that certain sections of the bill are conditional on a two-thirds majority vote of each house.

Section 168

Uncodified Law

Establishes effective dates for Sections 1-19, 21-37, 56, 59-62, 64, 71-79, 82-87, 90, 92-95, 136, 142, 143, 145-152, 162, 163(b), 163(c), 163(d) as July 1, 2016.

Section 169

Uncodified Law

Establishes effective date for Section 81 as October 1, 2016

Section 170

Uncodified Law

Establishes effective dates for sections 39-42, 52, 54, 55, 58, 63, 65-70, 80, 88, 89, 91, 96-98, 100-135, 137, 138, 140, 153-155 as January 1, 2017.

Section 171

Uncodified Law

Establishes effective date for Section 139 as July 1, 2017.

Section 172

Uncodified Law

Establishes effective dates for Sections 38, 43-51, 99, 160, 161, 163(a), and 163 as January 1, 2018.

Section 173

Uncodified Law

Establishes effective date for section 141 as July 1, 2018.

Section 174

Uncodified Law

Establishes effective dates for sections 20 and 159 as January 1, 2019.

Change

"190 to 191"
on page 10,
line 12

adapted 4/4/14

29-LS0541\F.1
Martin/Gardner
4/3/16

AMENDMENT #1

OFFERED IN THE SENATE

TO: CSSSSB 91(FIN), Draft version "F"

BY MACKINNON

1 Page 22, line 15, through page 23, line 19:

2 Delete all material and insert:

3 "* Sec. 39. AS 12.25.180 is amended to read:

4 **Sec. 12.25.180. When peace officer shall [MAY] issue citation or take**
5 **person before the court. (a) Except when arrest is required under another**
6 **provision of law, a peace officer shall issue a citation when [WHEN] a peace**
7 **officer stops or contacts a person for the commission of a class C felony offense,**
8 **a misdemeanor, or the violation of a municipal ordinance [, THE OFFICER MAY, IN**
9 **THE OFFICER'S DISCRETION, ISSUE A CITATION TO THE PERSON] instead**
10 **of taking the person before a judge or magistrate under AS 12.25.150, except the**
11 **officer may arrest if [UNLESS]**

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

13 (2) [THE CONTACTING OFFICER REASONABLY BELIEVES
14 THE PERSON IS A DANGER TO SELF OR OTHERS;

15 (3)] the crime for which the person is contacted is one involving
16 violence or harm to another person or to property;

17 **(3) the peace officer has probable cause to believe the person**
18 **committed a crime of escape under AS 11.56.320 or 11.56.330, unlawful evasion**
19 **under AS 11.56.335 or 11.56.340, unlawful contact under AS 11.56.750, or**
20 **possession of child pornography under AS 11.61.127;**

21 **(4) the person refuses to accept service of the citation; or**

22 **(5) the peace officer reasonably believes there is a risk the**
23 **defendant will fail to appear in court [(4) THE PERSON ASKS TO BE TAKEN**

1 BEFORE A JUDGE OR MAGISTRATE UNDER AS 12.25.150; OR

2 (5) THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE
3 THE PERSON COMMITTED A CRIME INVOLVING DOMESTIC VIOLENCE; IN
4 THIS PARAGRAPH, "CRIME INVOLVING DOMESTIC VIOLENCE" HAS THE
5 MEANING GIVEN IN AS 18.66.990].

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

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

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

12 (3) the peace officer has probable cause to believe the person has
13 committed

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

15 or

16 (B) the offense of failure to appear under AS 11.56.730."

adopted 4/4/16

29-LS0541\F
Martin/Gardner
4/3/16

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal law and procedure; relating to controlled substances;
2 relating to immunity from prosecution for the crime of prostitution; relating to
3 probation; relating to sentencing; establishing a pretrial services program with pretrial
4 services officers in the Department of Corrections; relating to the publication of
5 suspended entries of judgment on a publicly available Internet website; relating to
6 permanent fund dividends; relating to electronic monitoring; relating to penalties for
7 violations of municipal ordinances; relating to parole; relating to correctional restitution
8 centers; relating to community work service; relating to revocation, termination,
9 suspension, cancellation, or restoration of a driver's license; relating to the Alaska
10 Criminal Justice Commission; relating to the disqualification of persons convicted of
11 specified drug offenses from participation in the food stamp and temporary assistance
12 programs; relating to the duties of the commissioner of corrections; amending Rules 32,

1 32.1, 38, 41, and 43, Alaska Rules of Criminal Procedure, and repealing Rules 41(d) and
2 (e), Alaska Rules of Criminal Procedure; and providing for an effective date."

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

4 * Section 1. AS 11.41.110(a) is amended to read:

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

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

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

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

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

26 (5) the person with criminal negligence causes the death of a child
27 under the age of 16, and the person has been previously convicted of a crime involving
28 a child under the age of 16 that was

29 (A) a felony violation of AS 11.41;

30 (B) in violation of a law or ordinance in another jurisdiction

1 with elements similar to a felony under AS 11.41; or

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

4 * **Sec. 2.** AS 11.41.150(a) is amended to read:

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

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

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

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

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

27 * **Sec. 3.** AS 11.46.130(a) is amended to read:

28 (a) A person commits the crime of theft in the second degree if the person
29 commits theft as defined in AS 11.46.100 and

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

- 1 (2) the property is a firearm or explosive;
- 2 (3) the property is taken from the person of another;
- 3 (4) the property is taken from a vessel and is vessel safety or survival
- 4 equipment;
- 5 (5) the property is taken from an aircraft and the property is aircraft
- 6 safety or survival equipment;
- 7 (6) the value of the property is \$250 or more but less than \$2,000
- 8 [\$750] and, within the preceding five years, the person has been convicted and
- 9 sentenced on two or more separate occasions in this or another jurisdiction of
- 10 (A) an offense under AS 11.46.120, or an offense under
- 11 another law or ordinance with similar elements;
- 12 (B) a crime set out in this subsection or an offense under
- 13 another law or ordinance with similar elements;
- 14 (C) an offense under AS 11.46.140(a)(1), or an offense under
- 15 another law or ordinance with similar elements; or
- 16 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an
- 17 offense under another law or ordinance with similar elements; or
- 18 (7) the property is an access device.

19 * **Sec. 4.** AS 11.46.140(a) is amended to read:

- 20 (a) A person commits the crime of theft in the third degree if the person
- 21 commits theft as defined in AS 11.46.100 and
- 22 (1) the value of the property or services is \$250 or more but less than
- 23 \$2,000 [\$750]; or
- 24 (2) [REPEALED]
- 25 (3) the value of the property is less than \$250 and, within the past five
- 26 years, the person has been convicted and sentenced on two or more separate occasions
- 27 in this or another jurisdiction of theft or concealment of merchandise, or an offense
- 28 under another law or ordinance with similar elements.

29 * **Sec. 5.** AS 11.46.220(c) is amended to read:

- 30 (c) Concealment of merchandise is
- 31 (1) a class C felony if

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(A) the merchandise is a firearm;
(B) the value of the merchandise is \$2,000 [\$750] or more; or
(C) the value of the merchandise is \$250 or more but less than \$2,000 [\$750] and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of

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

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

(2) a class A misdemeanor if

(A) the value of the merchandise is \$250 or more but less than \$2,000 [\$750]; or

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

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

* Sec. 6. AS 11.46.260(b) is amended to read:

(b) Removal of identification marks is

(1) a class C felony if the value of the property on which the serial number or identification mark appeared is \$2,000 [\$750] or more;

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

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

1 * **Sec. 7.** AS 11.46.270(b) is amended to read:

2 (b) Unlawful possession is

3 (1) a class C felony if the value of the property on which the serial
4 number or identification mark appeared is \$2,000 [\$750] or more;

5 (2) a class A misdemeanor if the value of the property on which the
6 serial number or identification mark appeared is \$250 or more but less than \$2,000
7 [\$750];

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

10 * **Sec. 8.** AS 11.46.280(d) is amended to read:

11 (d) Issuing a bad check is

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

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

15 (3) a class A misdemeanor if the face amount of the check is \$250 or
16 more but less than \$2,000 [\$750];

17 (4) a class B misdemeanor if the face amount of the check is less than
18 \$250.

19 * **Sec. 9.** AS 11.46.285(b) is amended to read:

20 (b) Fraudulent use of an access device is

21 (1) a class B felony if the value of the property or services obtained is
22 \$25,000 or more;

23 (2) a class C felony if the value of the property or services obtained is
24 \$2,000 [\$750] or more but less than \$25,000;

25 (3) a class A misdemeanor if the value of the property or services
26 obtained is less than \$2,000 [\$750].

27 * **Sec. 10.** AS 11.46.295 is amended to read:

28 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior
29 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) [OR
30 11.46.140(a)(3),] or in prosecuting the crime of concealment of merchandise under
31 AS 11.46.220(c),

1 (1) a conviction for an offense under another law or ordinance with
2 similar elements is a conviction of an offense having elements similar to those of an
3 offense defined as such under Alaska law at the time the offense was committed;

4 (2) a conviction for an offense under Alaska law where the value of the
5 property or services for the offense was lower than the value of property or services
6 for the offense under current Alaska law is a prior conviction for that offense; and

7 (3) the court shall consider the date of a prior conviction as occurring
8 on the date that sentence is imposed for the prior offense.

9 * **Sec. 11.** AS 11.46.360(a) is amended to read:

10 (a) A person commits the crime of vehicle theft in the first degree if, having
11 no right to do so or any reasonable ground to believe the person has such a right, the
12 person drives, tows away, or takes

13 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft
14 of another;

15 (2) the propelled vehicle of another and

16 (A) the vehicle or any other property of another is damaged in a
17 total amount of \$2,000 [\$750] or more;

18 (B) the owner incurs reasonable expenses as a result of the loss
19 of use of the vehicle, in a total amount of \$2,000 [\$750] or more; or

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

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

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

26 (A) this section or AS 11.46.365;

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

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

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

31 (E) a law or ordinance of this or another jurisdiction with

1 elements substantially similar to those of an offense described in (A) - (D) of
2 this paragraph.

3 * **Sec. 12.** AS 11.46.460 is amended to read:

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

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

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

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

13 * **Sec. 13.** AS 11.46.482(a) is amended to read:

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

17 (1) with intent to damage property of another, the person damages
18 property of another in an amount of \$2,000 [\$750] or more;

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

21 (3) the person knowingly

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

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

29 * **Sec. 14.** AS 11.46.484(a) is amended to read:

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

1 right,

2 (1) with intent to damage property of another, the person damages
3 property of another in an amount of \$250 or more but less than \$2,000 [\$750];

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

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

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

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

15 * **Sec. 15.** AS 11.46.530(b) is amended to read:

16 (b) Criminal simulation is

17 (1) a class C felony if the value of what the object purports to represent
18 is \$2,000 [\$750] or more;

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

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

23 * **Sec. 16.** AS 11.46.620(d) is amended to read:

24 (d) Misapplication of property is

25 (1) a class C felony if the value of the property misapplied is \$2,000
26 [\$750] or more;

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

29 * **Sec. 17.** AS 11.46.730(c) is amended to read:

30 (c) Defrauding creditors is a class A misdemeanor unless that secured party,
31 judgment creditor, or creditor incurs a pecuniary loss of \$2,000 [\$750] or more as a

1 result of [TO] the defendant's conduct, in which case defrauding secured creditors is
 2 (1) a class B felony if the loss is \$25,000 or more;
 3 (2) a class C felony if the loss is \$2,000 [\$750] or more but less than
 4 \$25,000.

5 * **Sec. 18.** AS 11.56.730(a) is amended to read:

6 (a) A person commits the offense [CRIME] of failure to appear if the person
 7 (1) is released under the provisions of AS 12.30;
 8 (2) knows that the person is required to appear before a court or
 9 judicial officer at the time and place of a scheduled hearing; and
 10 (3) with criminal negligence does not appear before the court or
 11 judicial officer at the time and place of the scheduled hearing.

12 * **Sec. 19.** AS 11.56.730(c) is amended to read:

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

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

19 (2) CLASS A MISDEMEANOR IF THE PERSON WAS RELEASED
 20 IN CONNECTION WITH A

21 (A) CHARGE OF A MISDEMEANOR, OR WHILE
 22 AWAITING SENTENCE OR APPEAL AFTER CONVICTION OF A
 23 MISDEMEANOR; OR

24 (B) REQUIREMENT TO APPEAR AS A MATERIAL
 25 WITNESS IN A CRIMINAL PROCEEDING].

26 * **Sec. 20.** AS 11.56.730 is amended by adding new subsections to read:

27 (d) Failure to appear is a
 28 (1) class C felony if the person was released in connection with a
 29 charge of a felony or while awaiting sentence or appeal after conviction of a felony
 30 and the person

31 (A) does not make contact with the court or a judicial officer

1 within 30 days after the person does not appear at the time and place of a
2 scheduled hearing; or

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

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

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

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

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

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

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

19 (a) A person commits the offense [CRIME] of violation of condition of
20 release if the person

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

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

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

25 * **Sec. 22.** AS 11.56.757(b) is amended to read:

26 (b) Violation of condition of release is a violation punishable by a fine of up
27 to \$1,000

28 [(1) A CLASS A MISDEMEANOR IF THE PERSON IS RELEASED
29 FROM A CHARGE OR CONVICTION OF A FELONY;

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

1 * **Sec. 23.** AS 11.56.759(a) is amended to read:

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

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

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

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

11 * **Sec. 24.** AS 11.61.110(c) is amended to read:

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

16 * **Sec. 25.** AS 11.61.145(d) is amended to read:

17 (d) Promoting an exhibition of fighting animals

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

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

20 (A) a violation

21 (i) for the first offense;

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

24 (B) a class A misdemeanor for the third and each subsequent
25 offense.

26 * **Sec. 26.** AS 11.61.150(a) is amended to read:

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

29 (1) places, drops, or permits to drop on a highway any substance that
30 creates a substantial risk of physical injury to others using the highway; or

31 (2) renders a highway impassable or passable only with unreasonable

1 inconvenience or hazard.

2 * **Sec. 27.** AS 11.61.150(c) is amended to read:

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

5 * **Sec. 28.** AS 11.66.100 is amended by adding a new subsection to read:

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

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

- 9 (A) murder in the first degree under AS 11.41.100;
10 (B) murder in the second degree under AS 11.41.110;
11 (C) manslaughter under AS 11.41.120;
12 (D) criminally negligent homicide under AS 11.41.130;
13 (E) assault in the first degree under AS 11.41.200;
14 (F) assault in the second degree under AS 11.41.210;
15 (G) assault in the third degree under AS 11.41.220;
16 (H) assault in the fourth degree under AS 11.41.230;
17 (I) sexual assault in the first degree under AS 11.41.410;
18 (J) sexual assault in the second degree under AS 11.41.420;
19 (K) sexual assault in the third degree under AS 11.41.425;
20 (L) sexual assault in the fourth degree under AS 11.41.427;
21 (M) sex trafficking in the first degree under AS 11.66.110;
22 (N) sex trafficking in the second degree under AS 11.66.120;
23 (O) sex trafficking in the third degree under AS 11.66.130; or
24 (P) sex trafficking in the fourth degree under AS 11.66.135;

25 (2) evidence supporting the prosecution under (a)(1) of this section
26 was obtained or discovered as a result of the person's reporting the crime to law
27 enforcement; and

28 (3) person cooperated with law enforcement personnel.

29 * **Sec. 29.** AS 11.66.200(c) is amended to read:

30 (c) Gambling is a violation

31 **(1)** for the first offense;

1 — (2) punishable by a fine of not more than \$1,000 [. GAMBLING IS
2 A CLASS B MISDEMEANOR] for the second and each subsequent offense.

3 * **Sec. 30.** AS 11.71.030(a) is amended to read:

4 (a) Except as authorized in AS 17.30, a person commits the crime of
5 misconduct involving a controlled substance in the second [THIRD] degree if the
6 person

7 (1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER
8 AS 11.71.020(a)(2) - (6),] manufactures or delivers, [ANY AMOUNT OF A
9 SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] or possesses [ANY
10 AMOUNT OF A SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] with
11 intent to manufacture or deliver,

12 (A) one or more preparations, compounds, mixtures, or
13 substances of an aggregate weight of one gram or more containing a
14 schedule IA controlled substance;

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

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

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

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

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

26 (A) with reckless disregard that the possession occurs

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

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

29 or

30 (B) on a school bus;

31 (4) manufactures any material, compound, mixture, or

1 preparation that contains

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

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

6 (5) possesses an immediate precursor of methamphetamine, or the
7 salts, isomers, or salts of isomers of the immediate precursor of
8 methamphetamine, with the intent to manufacture any material, compound,
9 mixture, or preparation that contains methamphetamine, or its salts, isomers, or
10 salts of isomers;

11 (6) possesses a listed chemical with intent to manufacture any
12 material, compound, mixture, or preparation that contains

13 (A) methamphetamine, or its salts, isomers, or salts of
14 isomers; or

15 (B) an immediate precursor of methamphetamine, or its
16 salts, isomers, or salts of isomers;

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

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

21 (A) an immediate precursor of methamphetamine, or the
22 salts, isomers, or salts of isomers of the immediate precursor of
23 methamphetamine, to another person with reckless disregard that the
24 precursor will be used to manufacture any material, compound, mixture,
25 or preparation that contains methamphetamine, or its salts, isomers, or
26 salts of isomers; or

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

30 (i) methamphetamine, or its salts, isomers, or salts of
31 isomers;

- 1 (ii) an immediate precursor of methamphetamine, or
2 its salts, isomers, or salts of isomers; or
3 (iii) methamphetamine or its salts, isomers, or salts of isomers in an
4 organic solution.

5 * Sec. 31. AS 11.71.030(c) is amended to read:

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

8 * Sec. 32. AS 11.71.030 is amended by adding new subsections to read:

9 (d) In a prosecution under (a) of this section, possession of more than six
10 grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or
11 the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that
12 the person intended to use the listed chemicals to manufacture, aid or abet another
13 person to manufacture, or deliver to another person who intends to manufacture
14 methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers
15 of methamphetamine or its immediate precursors. The prima facie evidence described
16 in this subsection does not apply to a person who possesses

17 (1) the listed chemicals ephedrine, pseudoephedrine,
18 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

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

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

23 (i) retailer or wholesaler;

24 (ii) wholesale drug distributor licensed by the Board of
25 Pharmacy;

26 (iii) manufacturer of drug products licensed by the
27 Board of Pharmacy;

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

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

30 (2) less than 24 grams of ephedrine, pseudoephedrine,
31 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals,

1 kept in a locked storage area on the premises of a legitimate business or nonprofit
2 organization operating a camp, lodge, school, day care center, treatment center, or
3 other organized group activity, and the location or nature of the activity, or the age of
4 the participants, makes it impractical for the participants in the activity to obtain
5 medicinal products.

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

8 * **Sec. 33.** AS 11.71.040(a) is amended to read:

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

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

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

19 (3) possesses

20 (A) any amount of a

21 (i) schedule IA controlled substance; or

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

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

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

28 (i) three grams or more containing a schedule IIIA or
29 IVA controlled substance except a controlled substance in a form listed
30 in (ii) of this subparagraph;

31 (ii) 12 grams or more containing a schedule IIIA

1 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been
2 sprayed on or otherwise applied to tobacco, an herb, or another organic
3 material; or

4 (iii) 500 milligrams or more of a schedule IIA
5 controlled substance listed in AS 11.71.150(c)(11) - (15);

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

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

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

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

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

16 (A) with reckless disregard that the possession occurs

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

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

19 or

20 (B) on a school bus;

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

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

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

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

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

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

8 (11) manufactures or delivers, or possesses with the intent to
9 manufacture or deliver,

10 (A) one or more preparations, compounds, mixtures, or
11 substances of an aggregate weight of less than one gram containing a
12 schedule IA controlled substance;

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

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

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

20 * Sec. 34. AS 11.71.040(d) is amended to read:

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

23 * Sec. 35. AS 11.71.050 is amended to read:

24 **Sec. 11.71.050. Misconduct involving a controlled substance in the fourth**
25 **[FIFTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime of
26 misconduct involving a controlled substance in the fourth [FIFTH] degree if the
27 person

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

- 1 (2) possesses
- 2 (A) less than 25 tablets, ampules, or syrettes containing a
- 3 schedule IIIA or IVA controlled substance;
- 4 (B) one or more preparations, compounds, mixtures, or
- 5 substances of an aggregate weight of less than
- 6 (i) three grams containing a schedule IIIA or IVA
- 7 controlled substance except a controlled substance in a form listed in
- 8 (ii) of this subparagraph;
- 9 (ii) 12 grams but more than six grams containing a
- 10 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16)
- 11 that has been sprayed on or otherwise applied to tobacco, an herb, or
- 12 another organic material; or
- 13 (iii) 500 milligrams containing a schedule IIA
- 14 controlled substance listed in AS 11.71.150(e)(11) - (15);
- 15 (C) less than 50 tablets, ampules, or syrettes containing a
- 16 schedule VA controlled substance;
- 17 (D) one or more preparations, compounds, mixtures, or
- 18 substances of an aggregate weight of less than six grams containing a schedule
- 19 VA controlled substance; or
- 20 (E) one or more preparations, compounds, mixtures, or
- 21 substances of an aggregate weight of one ounce or more containing a schedule
- 22 VIA controlled substance; [OR]
- 23 (3) fails to make, keep, or furnish any record, notification, order form,
- 24 statement, invoice, or information required under AS 17.30; or
- 25 (4) under circumstances not proscribed under
- 26 AS 11.71.060(a)(2)(B), possesses any amount of a schedule IA, IIA, IIIA, IVA,
- 27 VA, or VIA controlled substance.
- 28 (b) Misconduct involving a controlled substance in the fourth [FIFTH] degree
- 29 is a class A misdemeanor.
- 30 * Sec. 36. AS 11.71.060 is amended to read:
- 31 **Sec. 11.71.060. Misconduct involving a controlled substance in the fifth**

1 **[SIXTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime of
2 misconduct involving a controlled substance in the **fifth** [SIXTH] degree if the person

3 (1) uses or displays any amount of a schedule VIA controlled
4 substance;

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

7 (A) less than one ounce containing a schedule VIA controlled
8 substance;

9 (B) six grams or less containing a schedule IIIA controlled
10 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or
11 otherwise applied to tobacco, an herb, or another organic material; or

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

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

16 * **Sec. 37.** AS 11.71.311(a) is amended to read:

17 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),
18 **11.71.040(a)(4), 11.71.050(a)(4)** [11.71.040(a)(3) OR (4), 11.71.050(a)(2)], or
19 11.71.060(a)(1) or (2) if that person

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

23 (A) the evidence supporting the prosecution for an offense
24 under AS 11.71.030(a)(3), **11.71.040(a)(4), 11.71.050(a)(4)** [11.71.040(a)(3)
25 OR (4), 11.71.050(a)(2)], or 11.71.060(a)(1) or (2) was obtained or discovered
26 as a result of the person seeking medical or law enforcement assistance;

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

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

31 (2) was experiencing a drug overdose and sought medical assistance,

1 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),
2 11.71.040(a)(4), 11.71.050(a)(4) [11.71.040(a)(3) OR (4), 11.71.050(a)(2)], or
3 11.71.060(a)(1) or (2) was obtained as a result of the overdose and the need for
4 medical assistance.

5 * Sec. 38. AS 12.25.150(a) is amended to read:

6 (a) A person arrested shall be taken before a judge or magistrate without
7 unnecessary delay [,] and in any event within 24 [48] hours after arrest, absent
8 compelling circumstances, including Sundays and holidays. The unavailability of a
9 report prepared by the pretrial services officer under AS 33.07 or a delay in the
10 transmittal of that report to the parties or to the court may not be considered a
11 sufficient compelling circumstance to justify delaying a hearing beyond 24 hours.
12 The hearing before the judge or magistrate may not take place more than 48
13 hours after arrest. This requirement applies to municipal police officers to the same
14 extent as it does to state troopers.

15 * Sec. 39. AS 12.25.180 is amended to read:

16 Sec. 12.25.180. When peace officer shall [MAY] issue citation or take
17 person before the court. (a) When a peace officer stops or contacts a person for the
18 commission of a class C felony offense that is not a crime against a person under
19 AS 11.41, a misdemeanor, or the violation of a municipal ordinance, the officer shall
20 [MAY, IN THE OFFICER'S DISCRETION,] issue a citation to the person instead of
21 taking the person before a judge or magistrate under AS 12.25.150, unless

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

23 (2) the peace [CONTACTING] officer reasonably believes the person
24 is a danger to self or others;

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

27 (4) [THE PERSON ASKS TO BE TAKEN BEFORE A JUDGE OR
28 MAGISTRATE UNDER AS 12.25.150; OR

29 (5)] the peace officer has probable cause to believe the person
30 committed a crime against a person under AS 11.41, a sex offense, theft in the
31 second degree under AS 11.46.130, escape under AS 11.56.300 - 11.56.330,

1 unlawful evasion under AS 11.56.335 or 11.56.340, unlawful contact under
 2 AS 11.56.750 or 11.56.755, or a crime involving domestic violence; in this paragraph,

3 (A) "crime involving domestic violence" has the meaning given
 4 in AS 18.66.990;

5 (B) "sex offense" has the meaning given in AS 12.63.100;

6 (5) the person refuses to accept service of the citation;

7 (6) the peace officer reasonably believes there is a risk the
 8 defendant will fail to appear in court; or

9 (7) the peace officer is required to arrest the person under another
 10 provision of law.

11 (b) When a peace officer stops or contacts a person for the commission of an
 12 infraction or a violation, the officer shall issue a citation instead of taking the person
 13 before a judge or magistrate under AS 12.25.150, unless

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

15 (2) the person refuses to accept service of the citation;

16 (3) the peace officer has probable cause to believe the person has
 17 committed a violation of conditions of release under AS 11.56.757; or

18 (4) the peace officer has probable cause to believe the person has
 19 committed the offense of failure to appear under AS 11.56.730.

20 * Sec. 40. AS 12.25.180 is amended by adding a new subsection to read:

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

23 * Sec. 41. AS 12.25.190(b) is amended to read:

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

26 * Sec. 42. AS 12.25.190 is amended by adding a new subsection to read:

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

29 * Sec. 43. AS 12.30.006(b) is amended to read:

30 (b) At the first appearance before a judicial officer, a person who is charged
 31 with a felony, other than a class C felony and the person has been assessed as low

1 risk under AS 12.30.011(c)(1), may be detained up to 48 hours for the prosecuting
2 authority to demonstrate that release of the person under AS 12.30.011
3 [AS 12.30.011(a)] would not reasonably ensure [ASSURE] the appearance of the
4 person or will pose a danger to the victim, other persons, or the community.

5 * **Sec. 44.** AS 12.30.006(c) is amended to read:

6 (c) A person who remains in custody 48 hours after appearing before a judicial
7 officer because of inability to meet the conditions of release shall, upon application, be
8 entitled to have the conditions reviewed by the judicial officer who imposed them. If
9 the judicial officer who imposed the conditions of release is not available, any judicial
10 officer in the judicial district may review the conditions. Upon review of the
11 conditions, the judicial officer shall revise any conditions of release that have
12 prevented the defendant from being released unless the judicial officer finds on
13 the record that there is clear and convincing evidence that less restrictive release
14 conditions cannot reasonably ensure the

15 (1) appearance of the person in court; and

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

17 * **Sec. 45.** AS 12.30.006(d) is amended to read:

18 (d) If a person remains in custody after review of conditions by a judicial
19 officer under (c) of this section, the person may request a subsequent review of
20 conditions. Unless the prosecuting authority stipulates otherwise or the person has
21 been incarcerated for a period equal to the maximum sentence for the most serious
22 charge for which the person is being held, a judicial officer may not schedule a bail
23 review hearing under this subsection unless

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

30 (2) the prosecuting authority and any surety, if applicable, have at least
31 48 hours' written notice before the time set for the review requested under this

1 subsection; the defendant shall notify the surety; and

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

5 * **Sec. 46.** AS 12.30.006(f) is amended to read:

6 (f) The judicial officer shall issue written or oral findings that explain the
7 reasons the officer imposed the particular conditions of release or modifications or
8 additions to conditions previously imposed. The judicial officer shall inform the
9 person that a law enforcement officer or a pretrial services officer under AS 33.07
10 may arrest the person without a warrant for violation of the court's order establishing
11 conditions of release.

12 * **Sec. 47.** AS 12.30.011 is repealed and reenacted to read:

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

- 16 (1) on the person's own recognizance;
17 (2) upon execution of an unsecured appearance bond; or
18 (3) upon execution of an unsecured performance bond.

19 (b) A person charged with a misdemeanor that does not include an offense
20 under AS 11.41, AS 11.56.730, 11.56.757, AS 28.35.030, 28.35.032, or a crime
21 involving domestic violence as defined under AS 18.66.990 and who is assessed by a
22 pretrial services officer as

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

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

1 victim, other persons, and the community.

2 (c) A person charged with a class C felony that does not include an offense
3 under AS 11.41, AS 11.56.730, AS 28.35.030, 28.35.032, or a crime involving
4 domestic violence as defined under AS 18.66.990 and who is assessed by a pretrial
5 services officer as

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

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

15 (d) A person charged under AS 28.35.030 or 28.35.032 who is assessed by a
16 pretrial services officer as low, moderate, or high risk shall be released on the person's
17 own recognizance or upon execution of an unsecured appearance bond or unsecured
18 performance bond unless the judicial officer finds on the record that there is clear and
19 convincing evidence that no nonmonetary conditions of release in combination with
20 the release of the person on the person's own recognizance or upon execution of an
21 unsecured bond can reasonably ensure the appearance of the person in court and the
22 safety of the victim, other persons, and the community.

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

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

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

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

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

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

11 (f) A person charged with an offense who is not otherwise required to be
12 released under (b) – (e) of this section and who is assessed by a pretrial services
13 officer as

14 (1) low risk shall be released on the person's own recognizance or
15 upon execution of an unsecured appearance bond or unsecured performance bond
16 unless the judicial officer finds on the record that there is clear and convincing
17 evidence that no nonmonetary conditions of release in combination with the release of
18 the person on the person's own recognizance or upon execution of an unsecured bond
19 can reasonably ensure the appearance of the person in court and the safety of the
20 victim, other persons, and the community; or

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

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

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

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

1 (g) A person released under this section shall be released on the condition that
2 the person

- 3 (1) obey all court orders;
- 4 (2) obey all laws;
- 5 (3) make all court appearances;
- 6 (4) maintain contact with the person's pretrial services officer, if one is
7 appointed by the court, and follow the pretrial services officer's instructions;
- 8 (5) maintain contact with the person's attorney;
- 9 (6) notify the person's attorney or, if the person is not represented by
10 an attorney, the pretrial services officer or the court within 24 hours after a change in
11 the person's residence.

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

- 16 (1) place restrictions on the person's travel, association, or residence;
- 17 (2) order the person to refrain from possessing a deadly weapon on the
18 person or in the person's vehicle or residence;
- 19 (3) require the person to maintain employment or, if unemployed,
20 actively seek employment;
- 21 (4) require the person to notify the person's lawyer and the prosecuting
22 authority within two business days after any change in employment;
- 23 (5) require the person to avoid all contact with a victim, a potential
24 witness, or a codefendant;
- 25 (6) require the person to refrain from the consumption and possession
26 of alcoholic beverages;
- 27 (7) require the person to refrain from the use of a controlled substance
28 as defined by AS 11.71, unless prescribed by a licensed health care provider with
29 prescriptive authority;
- 30 (8) require the person to be physically inside the person's residence, or
31 in the residence of the person's third-party custodian, at times set by the court, subject

1 to AS 12.30.021;

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

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

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

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

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

12 (14) require the person to comply with a program established under
13 AS 47.38.020, except that a judicial officer may not impose this condition unless the
14 person has been charged with an alcohol-related or substance-abuse-related offense
15 that is an unclassified felony, a class A felony, a sexual felony, or a crime involving
16 domestic violence;

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

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

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

23 (2) the weight of the evidence against the person;

24 (3) the nature and extent of the person's family ties and relationships;

25 (4) the person's employment status and history;

26 (5) the length and character of the person's past and present residence;

27 (6) the person's record of convictions;

28 (7) the person's record of appearance at court proceedings;

29 (8) assets available to the person to meet monetary conditions of

30 release;

31 (9) the person's reputation, character, and mental condition;

1 (10) the effect of the offense on the victim, any threats made to the
2 victim, and the danger that the person poses to the victim;

3 (11) the conditions of release recommended by the pretrial services
4 officer;

5 (12) the person's pretrial risk assessment score; and

6 (13) any other facts that are relevant to the person's appearance or the
7 person's danger to the victim, other persons, or the community.

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

14 (k) If the report prepared by the pretrial services officer under AS 33.07 is not
15 available at the time of the first appearance or bail review hearing, the court shall
16 impose the least restrictive condition or conditions that will reasonably ensure the
17 appearance of the person in court and the safety of the victim, other persons, and the
18 community.

19 * **Sec. 48.** AS 12.30.016(b) is amended to read:

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

22 (1) to refrain from

23 (A) consuming alcoholic beverages; or

24 (B) possessing on the person, in the person's residence, or in
25 any vehicle or other property over which the person has control, alcoholic
26 beverages;

27 (2) to submit to a search without a warrant of the person, the person's
28 personal property, the person's residence, or any vehicle or other property over which
29 the person has control, for the presence of alcoholic beverages by a peace officer or
30 pretrial services officer who has reasonable suspicion that the person is violating the
31 conditions of the person's release by possessing alcoholic beverages;

1 (3) to submit to a breath test when requested by a law enforcement
2 officer or pretrial services officer;

3 (4) to provide a sample for a urinalysis or blood test when requested by
4 a law enforcement officer or pretrial services officer;

5 (5) to take a drug or combination of drugs intended to prevent
6 substance abuse;

7 (6) to follow any treatment plan imposed by the court under
8 AS 28.35.028;

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

10 * **Sec. 49.** AS 12.30.016(c) is amended to read:

11 (c) In a prosecution charging a violation of AS 11.71 or AS 11.73, a judicial
12 officer may order the person

13 (1) to refrain from

14 (A) consuming a controlled substance; or

15 (B) possessing on the person, in the person's residence, or in
16 any vehicle or other property over which the person has control, a controlled
17 substance or drug paraphernalia;

18 (2) to submit to a search without a warrant of the person, the person's
19 personal property, the person's residence, or any vehicle or other property over which
20 the person has control, for the presence of a controlled substance or drug paraphernalia
21 by a peace officer or pretrial services officer who has reasonable suspicion that the
22 person is violating the terms of the person's release by possessing controlled
23 substances or drug paraphernalia;

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

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

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

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

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

6 * **Sec. 50.** AS 12.30.021(a) is amended to read:

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

10 (1) pretrial supervision under AS 33.07 is not available in the
11 person's location;

12 (2) no secured appearance or performance bonds have been
13 ordered; and

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

18 * **Sec. 51.** AS 12.30.021(c) is amended to read:

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

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

22 (2) the proposed custodian has been convicted in the previous three
23 years of a crime under AS 11.41 or a similar crime in this or another jurisdiction;

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

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

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

31 (6) the proposed custodian resides out of state; however, a nonresident

1 may serve as a custodian if the nonresident resides in the state while serving as
2 custodian.

3 * **Sec. 52.** AS 12.30.055 is amended by adding a new subsection to read:

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

8 * **Sec. 53.** AS 12.55.011 is amended by adding a new subsection to read:

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

11 (1) provides information on

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

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

16 (2) allows the victim to update the victim's contact information with the
17 court and with the Department of Corrections.

18 * **Sec. 54.** AS 12.55.025(a) is amended to read:

19 (a) When imposing a sentence for conviction of a felony offense or a sentence
20 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a
21 regulation adopted under AS 04, or an ordinance adopted in conformity with
22 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that
23 includes the following:

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

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

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

30 (A) the approximate minimum term the defendant is expected to
31 serve before being released or placed on mandatory parole if the defendant is

1 eligible for and does not forfeit good conduct deductions under AS 33.20.010;
2 and

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

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

8 (5) in the case of a conviction for a felony offense, information
9 assessing

10 (A) the financial, emotional, and medical effects of the offense
11 on the victim;

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

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

14 * **Sec. 55.** AS 12.55.025(c) is amended to read:

15 (c) Except as provided in (d) of this section, when a defendant is sentenced to
16 imprisonment, the term of confinement commences on the date of imposition of
17 sentence unless the court specifically provides that the defendant must report to serve
18 the sentence on another date. If the court provides another date to begin the term of
19 confinement, the court shall provide the defendant with written notice of the date,
20 time, and location of the correctional facility to which the defendant must report. A
21 defendant shall receive credit for time spent in custody pending trial, sentencing, or
22 appeal, if the detention was in connection with the offense for which sentence was
23 imposed **including a technical violation of probation as provided in AS 12.55.110.**

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

28 * **Sec. 56.** AS 12.55.027(d) is amended to read:

29 (d) A court may grant credit **of not more than 120 days** against a sentence of
30 imprisonment **imposed following conviction for an offense** for time spent under
31 electronic monitoring **that complies with AS 33.30.011(10),** if the person has not

1 committed a criminal offense while under electronic monitoring and the court imposes
2 restrictions on the person's freedom of movement and behavior while under the
3 electronic monitoring program, including requiring the person to be confined to a
4 residence except for a

5 (1) court appearance;

6 (2) meeting with counsel; or

7 (3) period during which the person is at a location ordered by the court
8 for the purposes of employment, attending educational or vocational training,
9 performing community volunteer work, or attending a rehabilitative activity or
10 medical appointment.

11 * **Sec. 57.** AS 12.55.027 is amended by adding a new subsection to read:

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

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

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

15 (3) require notification to the court or probation officer of violations of
16 conditions of bail or probation.

17 * **Sec. 58.** AS 12.55.051(a) is amended to read:

18 (a) If the defendant defaults in the payment of a fine or any installment or of
19 restitution or any installment, the court may order the defendant to show cause why
20 the defendant should not be sentenced to imprisonment for nonpayment and, if the
21 payment was made a condition of the defendant's probation, may revoke the probation
22 of the defendant subject to the limits set out in AS 12.55.110. In a contempt or
23 probation revocation proceeding brought as a result of failure to pay a fine or
24 restitution, it is an affirmative defense that the defendant was unable to pay despite
25 having made continuing good faith efforts to pay the fine or restitution. If the court
26 finds that the defendant was unable to pay despite having made continuing good faith
27 efforts, the defendant may not be imprisoned solely because of the inability to pay. If
28 the court does not find that the default was attributable to the defendant's inability to
29 pay despite having made continuing good faith efforts to pay the fine or restitution, the
30 court may order the defendant imprisoned subject to the limits set out in
31 AS 12.55.110 [UNTIL THE ORDER OF THE COURT IS SATISFIED]. A term of

1 imprisonment imposed under this section may not exceed one day for each \$50 of the
2 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall
3 be given toward satisfaction of the order of the court for every day a person is
4 incarcerated for nonpayment of a fine or restitution.

5 * **Sec. 59.** AS 12.55.055(a) is amended to read:

6 (a) The court may order a defendant convicted of an offense to perform
7 community work as a condition of probation, a suspended sentence, [OR] suspended
8 imposition of sentence, or suspended entry of judgment, or in addition to any fine or
9 restitution ordered. If the defendant is sentenced to imprisonment, the court may
10 recommend to the Department of Corrections that the defendant perform community
11 work.

12 * **Sec. 60.** AS 12.55.055(c) is amended to read:

13 (c) The court may offer a defendant convicted of an offense the option of
14 performing community work in lieu of a fine, surcharge, or portion of a fine or
15 surcharge if the court finds the defendant is unable to pay the fine. The value of
16 community work in lieu of a fine is the state's minimum wage for each [\$3 PER]
17 hour.

18 * **Sec. 61.** AS 12.55.055 is amended by adding new subsections to read:

19 (g) The court may not

20 (1) offer a defendant convicted of an offense the option of serving jail
21 time in lieu of performing uncompleted community work previously ordered by the
22 court; or

23 (2) convert uncompleted community work hours into a sentence of
24 imprisonment.

25 (h) If a court orders community work as part of the defendant's sentence under
26 this section, the court shall provide notice to the defendant at sentencing and include
27 as a provision of the judgment that, if the defendant fails to provide proof of
28 community work within 20 days after the date set by the court, the court shall convert
29 those community work hours to a fine equal to the number of uncompleted work hours
30 multiplied by the state's minimum hourly wage and issue a judgment against the
31 defendant for that amount.

1 * **Sec. 62.** AS 12.55 is amended by adding a new section to read:

2 **Sec. 12.55.078. Suspending entry of judgment.** (a) Except as provided in (f)
3 of this section, if a person is found guilty or pleads guilty to a crime, the court may,
4 with the consent of the defendant and the prosecution and without imposing or
5 entering a judgment of guilt, defer further proceedings and place the person on
6 probation. The period of probation may not exceed the applicable terms set out in
7 AS 12.55.090(c).

8 (b) The court shall impose conditions of probation for a person on probation as
9 provided in (a) of this section, which may include that the person

- 10 (1) abide by all local, state, and federal laws;
11 (2) not leave the state without prior consent of the court;
12 (3) pay restitution as ordered by the court; and
13 (4) obey any other conditions of probation set by the court.

14 (c) At any time during the probationary term of the person released on
15 probation, a probation officer may, without warrant or other process, rearrest the
16 person so placed in the officer's care and bring the person before the court, or the court
17 may, in its discretion, issue a warrant for the rearrest of the person. The court may
18 revoke and terminate the probation if the court finds that the person placed on
19 probation is

- 20 (1) violating the conditions of probation;
21 (2) engaging in criminal practices; or
22 (3) violating an order of the court to participate in or comply with the
23 treatment plan of a rehabilitation program under AS 12.55.015(a)(10).

24 (d) If the court finds that the person has successfully completed probation, the
25 court shall, at the end of the probationary period set by the court, or at any time after
26 the expiration of one year from the date of the original probation, discharge the person
27 and dismiss the proceedings against the person.

28 (e) If the court finds that the person has violated the conditions of probation
29 ordered by the court, the court may revoke and terminate the person's probation, enter
30 judgment on the person's previous plea or finding of guilt, and pronounce sentence at
31 any time within the maximum probation period authorized by this section.

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

3 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260 -
4 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400, AS 11.61.125
5 - 11.61.128, or AS 11.66.110 - 11.66.135;

6 (2) uses a firearm in the commission of the offense for which the
7 person is convicted;

8 (3) has previously been granted a suspension of judgment under this
9 section or a similar statute in another jurisdiction, unless the court enters written
10 findings that by clear and convincing evidence the person's prospects for rehabilitation
11 are high and suspending judgment under this section adequately protects the victim of
12 the offense, if any, and the community;

13 (4) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony
14 and the person has one or more prior convictions for a misdemeanor violation of
15 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
16 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
17 felony in this state; for the purposes of this paragraph, a person shall be considered to
18 have a prior conviction even if

19 (A) the charges were dismissed under this section;

20 (B) the conviction has been set aside under AS 12.55.085; or

21 (C) the charge or conviction was dismissed or set aside under an
22 equivalent provision of the laws of another jurisdiction; or

23 (5) has been convicted of a crime involving domestic violence, as
24 defined in AS 18.66.990.

25 * **Sec. 63.** AS 12.55.090(b) is amended to read:

26 (b) Except as otherwise provided in (f) of this section, the court may revoke or
27 modify any condition of probation, [OR MAY] change the period of probation, or
28 terminate probation and discharge the defendant from probation.

29 * **Sec. 64.** AS 12.55.090(c) is amended to read:

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

31 (1) 10 [25] years for a felony sex offense; [OR]

1 (2) 10 years for an unclassified felony under AS 11;

2 (3) five years for a felony offense not listed in (1) or (2) of this
 3 subsection;

4 (4) three years for an offense under AS 11.41.230;

5 (5) two years for a misdemeanor offense under AS 28.35.030 or
 6 28.35.032, if the person has previously been convicted of an offense under
 7 AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or another
 8 jurisdiction; or

9 (6) one year for an offense not listed in (1) - (5) of this subsection

10 [ANY OTHER OFFENSE].

11 * Sec. 65. AS 12.55.090(f) is amended to read:

12 (f) Unless the defendant and the prosecuting authority agree at the probation
 13 revocation proceeding or other proceeding related to a probation violation, the
 14 person qualifies for a reduction under AS 33.05.020(h), or a probation officer
 15 recommends to the court that probation be terminated and the defendant be
 16 discharged from probation under (g) of this section or AS 33.05.040, the court may
 17 not reduce the specific period of probation [,] or the specific term of suspended
 18 incarceration except by the amount of incarceration imposed for a probation violation,
 19 if

20 (1) the sentence was imposed in accordance with a plea agreement
 21 under Rule 11, Alaska Rules of Criminal Procedure; and

22 (2) the agreement required a specific period of probation or a specific
 23 term of suspended incarceration.

24 * Sec. 66. AS 12.55.090 is amended by adding new subsections to read:

25 (g) A probation officer shall recommend to the court that probation be
 26 terminated and a defendant be discharged from probation if the defendant

27 (1) has completed at least one year on probation;

28 (2) has completed all treatment programs required as a condition of
 29 probation;

30 (3) has not been found in violation of conditions of probation by the
 31 court for at least one year;

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

3 (5) 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.

9 (h) Before a court may terminate probation and discharge the defendant before
10 the period of probation for the offense has been completed under (g) of this section,
11 the court shall allow victims to comment in writing to the court or allow a victim to
12 give sworn testimony or make an unsworn oral presentation at a hearing held to
13 determine whether to reduce the period of probation or terminate probation and
14 discharge the defendant.

15 (i) If a probation officer recommends to the court that probation be terminated
16 and a defendant be discharged from probation under (g) of this section and the victim
17 has earlier requested to be notified, the Department of Corrections shall send the
18 victim notice of the recommendation under (g) of this section and inform the victim of
19 the victim's rights under this section, the deadline for receipt of written comments, the
20 hearing date, and the court's address.

21 (j) If the victim submits written comments directly to the court and the parties
22 do not otherwise have the victim statements, the court shall distribute the statements to
23 the parties.

24 (k) In deciding whether to terminate probation and discharge the defendant
25 from probation under (g) of this section, the court shall consider the victim's
26 comments, testimony, or unsworn oral presentation, when relevant, and any response
27 by the prosecuting attorney and defendant.

28 (l) If a victim desires notice under this section, the victim shall maintain a
29 current, valid mailing address on file with the commissioner of corrections. The
30 commissioner shall send the notice to the victim's last known address. The victim's
31 address may not be disclosed to the defendant or the defendant's attorney.

1 (m) The court shall discharge the defendant from probation upon completion of
2 the period of probation. The period of probation is considered to be completed when
3 the combination of time served and credits earned under AS 33.05.020 is equal to the
4 probation period imposed, or after the probationer has been discharged from probation
5 under this section.

6 * Sec. 67. AS 12.55.100(a) is amended to read:

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

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

10 (2) may be required

11 (A) [(1)] to pay a fine in one or several sums;

12 (B) [(2)] to make restitution or reparation to aggrieved parties
13 for actual damages or loss caused by the crime for which conviction was had,
14 including compensation to a victim that is a nonprofit organization for the
15 value of labor or goods provided by volunteers if the labor or goods were
16 necessary to alleviate or mitigate the effects of the defendant's crime; when
17 determining the amount of actual damages or loss under this subparagraph
18 [PARAGRAPH], the court shall value property as the market value of the
19 property at the time and place of the crime or, if the market value cannot
20 reasonably be ascertained, the cost of the replacement of the property within a
21 reasonable time after the crime;

22 (C) [(3)] to provide for the support of any persons for whose
23 support the defendant is legally responsible;

24 (D) [(4)] to perform community work in accordance with
25 AS 12.55.055;

26 (E) [(5)] to participate in or comply with the treatment plan of
27 an inpatient or outpatient rehabilitation program specified by either the court or
28 the defendant's probation officer that is related to the defendant's offense or to
29 the defendant's rehabilitation;

30 (F) [(6)] to satisfy the screening, evaluation, referral, and
31 program requirements of an agency authorized by the court to make referrals

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for rehabilitative treatment or to provide rehabilitative treatment;
(G) [AND (7)] to comply with a program established under
AS 47.38.020; and
(H) to comply with the sanctions imposed by the defendant's
probation officer under AS 33.05.020(g).

* **Sec. 68.** AS 12.55.100(c) is amended to read:

(c) A program of inpatient treatment may be required by the authorized agency
under (a)(2)(F) [(a)(6)] of this section only if authorized in the judgment, and may not
exceed the maximum term of inpatient treatment specified in the judgment. A person
who has been referred for inpatient treatment may make a written request to the
sentencing court asking the court to review the referral. The request for review shall be
made within seven days after [OF] the agency's referral, and shall specifically set out
the grounds on [UPON] which the request for review is based. The court may order a
hearing on the request for review.

* **Sec. 69.** AS 12.55.110 is amended by adding new subsections to read:

(c) If a defendant is serving a period of probation for an offense, the court may
find that the defendant has committed a technical violation of probation. If the court
finds that a defendant has committed a technical violation of probation that does not
include absconding, the court may reinstate the term of probation with appropriate
conditions or impose a sentence of imprisonment of not more than

- (1) three days for the first petition to revoke probation filed with the
court;
- (2) five days for the second petition to revoke probation filed with the
court;
- (3) 10 days for the third petition to revoke probation filed with the
court; or
- (4) up to the remainder of the suspended portion of the sentence for a
fourth or subsequent petition to revoke probation.

(d) If the court revokes a person's probation for absconding, the court may
impose a period of imprisonment not to exceed 30 days.

(e) The limits set out in this section on the length of imprisonment for a

1 revocation do not apply if a probationer is enrolled in a program established under
2 AS 33.05.020(f).

3 (f) If the defendant is ordered to complete treatment under
4 AS 12.55.100(a)(2)(E) and does not comply with the court's order, the court may order
5 the defendant to show cause why the defendant should not be sentenced to
6 imprisonment for noncompletion of treatment and may revoke the suspended sentence
7 subject to the limits established in this section. In a contempt or probation revocation
8 proceeding brought as a result of failure to complete treatment, it is an affirmative
9 defense that the defendant was unable to afford the cost of treatment or secure a place
10 in a free treatment program, despite having made continuing good faith efforts. If the
11 court finds that the defendant was unable to complete treatment despite having made
12 continuing good faith efforts, the defendant may not be imprisoned solely because of
13 an inability to pay. If the court does not find that the noncompletion of treatment was
14 attributable to the defendant's inability to pay, the court may order the defendant
15 imprisoned subject to the limits established in this section.

16 (g) Notwithstanding (c) of this section, a court may not find a technical
17 violation under this section if a person convicted of a sex offense, as described in
18 AS 12.63.100, violates a condition of probation provided in AS 12.55.100(e).

19 (h) In this section,

20 (1) "absconding" means failing to report within five working days after
21 release from custody under AS 33.20.030 or failing to report for a scheduled meeting
22 with a probation officer, as ordered by the court or as directed by the probation officer,
23 and failing to make contact with the probation officer within 30 days following the
24 missed meeting;

25 (2) "technical violation" means a violation of the conditions of
26 probation that does not result from

27 (A) an arrest for a new criminal offense;

28 (B) failing to complete sex offender treatment; or

29 (C) failing to complete an intervention program for batterers.

30 * **Sec. 70.** AS 12.55.115 is amended to read:

31 **Sec. 12.55.115. Fixing eligibility for discretionary or administrative parole**

1 **at sentencing.** The court may, as part of a sentence of imprisonment, further restrict
2 the eligibility of a prisoner for discretionary or administrative parole for a term
3 greater than that required under AS 33.16.089, 33.16.090, [AS 33.16.090] and
4 33.16.100.

5 * **Sec. 71.** AS 12.55.125(a) is amended to read:

6 (a) A defendant convicted of murder in the first degree or murder of an unborn
7 child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment
8 of at least 25 [20] years but not more than 99 years. A defendant convicted of murder
9 in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years
10 when

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

14 (2) the defendant has been previously convicted of

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

17 (B) murder in the second degree under AS 11.41.110 or former
18 AS 11.15.030; or

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

23 (3) the defendant subjected the murder victim to substantial physical
24 torture;

25 (4) the defendant is convicted of the murder of and personally caused
26 the death of a person, other than a participant, during a robbery; or

27 (5) the defendant is a peace officer who used the officer's authority as a
28 peace officer to facilitate the murder.

29 * **Sec. 72.** AS 12.55.125(b) is amended to read:

30 (b) A defendant convicted of attempted murder in the first degree, solicitation
31 to commit murder in the first degree, conspiracy to commit murder in the first degree,

1 kidnapping, or misconduct involving a controlled substance in the first degree shall be
2 sentenced to a definite term of imprisonment of at least five years but not more than
3 99 years. A defendant convicted of murder in the second degree or murder of an
4 unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of
5 imprisonment of at least 15 [10] years but not more than 99 years. A defendant
6 convicted of murder in the second degree shall be sentenced to a definite term of
7 imprisonment of at least 20 years but not more than 99 years when the defendant is
8 convicted of the murder of a child under 16 years of age and the court finds by clear
9 and convincing evidence that the defendant (1) was a natural parent, a stepparent, an
10 adoptive parent, a legal guardian, or a person occupying a position of authority in
11 relation to the child; or (2) caused the death of the child by committing a crime against
12 a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and
13 "position of authority" have the meanings given in AS 11.41.470.

14 * **Sec. 73.** AS 12.55.125(c) is amended to read:

15 (c) Except as provided in (i) of this section, a defendant convicted of a class A
16 felony may be sentenced to a definite term of imprisonment of not more than 20 years,
17 and shall be sentenced to a definite term within the following presumptive ranges,
18 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

19 (1) if the offense is a first felony conviction and does not involve
20 circumstances described in (2) of this subsection, three [FIVE] to six [EIGHT] years;

21 (2) if the offense is a first felony conviction

22 (A) and the defendant possessed a firearm, used a dangerous
23 instrument, or caused serious physical injury or death during the commission
24 of the offense, or knowingly directed the conduct constituting the offense at a
25 uniformed or otherwise clearly identified peace officer, firefighter, correctional
26 employee, emergency medical technician, paramedic, ambulance attendant, or
27 other emergency responder who was engaged in the performance of official
28 duties at the time of the offense, five [SEVEN] to nine [11] years;

29 (B) and the conviction is for manufacturing related to
30 methamphetamine under AS 11.71.030(a)(4)(A) or (B)
31 [AS 11.71.020(a)(2)(A) OR (B)], seven to 11 years, if

1 (i) the manufacturing occurred in a building with
 2 reckless disregard that the building was used as a permanent or
 3 temporary home or place of lodging for one or more children under 18
 4 years of age or the building was a place frequented by children; or

5 (ii) in the course of manufacturing or in preparation for
 6 manufacturing, the defendant obtained the assistance of one or more
 7 children under 18 years of age or one or more children were present;

8 (3) if the offense is a second felony conviction, eight [10] to 12 [14]
 9 years;

10 (4) if the offense is a third felony conviction and the defendant is not
 11 subject to sentencing under (f) of this section, 13 [15] to 20 years.

12 * Sec. 74. AS 12.55.125(d) is amended to read:

13 (d) Except as provided in (i) of this section, a defendant convicted of a class B
 14 felony may be sentenced to a definite term of imprisonment of not more than 10 years,
 15 and shall be sentenced to a definite term within the following presumptive ranges,
 16 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

17 (1) if the offense is a first felony conviction and does not involve
 18 circumstances described in (2) of this subsection, zero [ONE] to two [THREE] years;
 19 a defendant sentenced under this paragraph may, if the court finds it appropriate, be
 20 granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of
 21 probation under AS 12.55.086, the defendant is required to serve an active term of
 22 imprisonment within the range specified in this paragraph, unless the court finds that a
 23 mitigation factor under AS 12.55.155 applies;

24 (2) if the offense is a first felony conviction,

25 (A) the defendant violated AS 11.41.130, and the victim

26 (i) was a child under 16 years of age, two to four years;

27 (ii) was 16 years of age or older, one to two years;

28 (B) two to four years if the conviction is for an attempt,
 29 solicitation, or conspiracy to manufacture related to methamphetamine under
 30 AS 11.31 and AS 11.71.030(a)(4)(A) or (B) [AS 11.71.020(a)(2)(A) OR (B)],
 31 and

1 (i) the attempted manufacturing occurred, or the
2 solicited or conspired offense was to have occurred, in a building with
3 reckless disregard that the building was used as a permanent or
4 temporary home or place of lodging for one or more children under 18
5 years of age or the building was a place frequented by children; or

6 (ii) in the course of an attempt to manufacture, the
7 defendant obtained the assistance of one or more children under 18
8 years of age or one or more children were present;

9 (3) if the offense is a second felony conviction, two [FOUR] to five
10 [SEVEN] years;

11 (4) if the offense is a third felony conviction, four [SIX] to 10 years.

12 * Sec. 75. AS 12.55.125(e) is amended to read:

13 (e) Except as provided in (i) of this section, a defendant convicted of a class C
14 felony may be sentenced to a definite term of imprisonment of not more than five
15 years, and shall be sentenced to a definite term within the following presumptive
16 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

17 (1) if the offense is a first felony conviction and does not involve
18 circumstances described in (4) of this subsection, probation, with a suspended term
19 of imprisonment of zero to 18 months [TWO YEARS; A DEFENDANT
20 SENTENCED UNDER THIS PARAGRAPH MAY, IF THE COURT FINDS IT
21 APPROPRIATE, BE GRANTED A SUSPENDED IMPOSITION OF SENTENCE
22 UNDER AS 12.55.085, AND THE COURT MAY, AS A CONDITION OF
23 PROBATION UNDER AS 12.55.086, REQUIRE THE DEFENDANT TO SERVE
24 AN ACTIVE TERM OF IMPRISONMENT WITHIN THE RANGE SPECIFIED IN
25 THIS PARAGRAPH];

26 (2) if the offense is a second felony conviction, one [TWO] to four
27 years;

28 (3) if the offense is a third felony conviction, two [THREE] to five
29 years;

30 (4) if the offense is a first felony conviction, and the defendant violated
31 AS 08.54.720(a)(15), one to two years.

1 * **Sec. 76.** AS 12.55.135(a) is amended to read:

2 (a) A defendant convicted of a class A misdemeanor may be sentenced to a
3 definite term of imprisonment of not more than

4 (1) one year, if the

5 (A) conviction is for a crime with a mandatory minimum
6 term of 30 days or more of active imprisonment;

7 (B) trier of fact finds the aggravating factor that the conduct
8 constituting the offense was among the most serious conduct included in
9 the definition of the offense;

10 (C) defendant has past criminal convictions for conduct
11 violative of criminal laws, punishable as felonies or misdemeanors, similar
12 in nature to the offense for which the defendant is being sentenced; or

13 (D) conviction is for the crime of assault in the fourth degree
14 under AS 11.41.230; or

15 (2) 30 days.

16 * **Sec. 77.** AS 12.55.135(b) is amended to read:

17 (b) A defendant convicted of a class B misdemeanor may be sentenced to a
18 definite term of imprisonment of not more than **10** [90] days unless otherwise
19 specified in the provision of law defining the offense **or in this section.**

20 * **Sec. 78.** AS 12.55.135 is amended by adding new subsections to read:

21 (I) A court sentencing a person convicted of theft in the fourth degree under
22 AS 11.46.150, concealment of merchandise under AS 11.46.220(c)(3), removal of
23 identification marks under AS 11.46.260(b)(3), unlawful possession under
24 AS 11.46.270(b)(3), issuing a bad check under AS 11.46.280(d)(4), or criminal
25 simulation under AS 11.46.530(b)(3) may not impose

26 (1) a sentence of more than five days of suspended imprisonment and a
27 term of probation of more than six months if the person has previously been convicted
28 two or more times of an offense under AS 11.46.110 - 11.46.220, 11.46.260 -
29 11.46.290, 11.46.360 or 11.46.365, or a law or ordinance of this or another jurisdiction
30 with substantially similar elements; or

31 (2) a sentence of active or suspended imprisonment if the person has

1 not been previously convicted, or has previously been convicted once, of an offense
2 under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360 or 11.46.365, or a
3 law or ordinance of this or another jurisdiction with substantially similar elements.

4 (m) A court may not impose a sentence of imprisonment for a definite term of
5 more than 24 hours for a person convicted of disorderly conduct under AS 11.61.110.

6 (n) A court sentencing a person convicted of misconduct involving a controlled
7 substance in the fourth degree under AS 11.71.050(a)(4) or misconduct involving a
8 controlled substance in the fifth degree under AS 11.71.060(a)(2) may not impose

9 (1) a sentence of active imprisonment, unless the person has previously
10 been convicted more than once of an offense under AS 11.71 or a law of this or
11 another jurisdiction with elements substantially similar to an offense under AS 11.71;
12 or

13 (2) a sentence of suspended imprisonment greater than

14 (A) 30 days, if the defendant has not been previously convicted
15 of an offense under AS 11.71 or a law of this or another jurisdiction with
16 elements substantially similar to an offense under AS 11.71; or

17 (B) 180 days, if the person has been previously convicted of an
18 offense under AS 11.71 or a law of this or another jurisdiction with elements
19 substantially similar to an offense under AS 11.71.

20 (o) If an aggravating factor is a necessary element of the present offense, that
21 factor may not be used to impose a sentence above the high end of the range.

22 (p) If the state seeks to establish an aggravating factor at sentencing

23 (1) under (a)(1)(C) of this section, written notice must be served on the
24 opposing party and filed with the court not later than 10 days before the date set for
25 imposition of sentence; the aggravating factors in (a)(1)(C) of this section must be
26 established by clear and convincing evidence before the court sitting without a jury; all
27 findings must be set out with specificity;

28 (2) the aggravating factor under (a)(1)(B) of this section shall be
29 presented to a trial jury under procedures set by the court, unless the defendant waives
30 trial by jury, stipulates to the existence of the factor, or consents to have the factor
31 proven under procedures set out in (1) of this subsection; an aggravating factor

1 presented to a jury is established if proved beyond a reasonable doubt; written notice
2 of the intent to establish an aggravating factor must be served on the defendant and
3 filed with the court

4 (A) not later than 10 days before trial or at a time specified by
5 the court;

6 (B) not later than within 48 hours, or at a time specified by the
7 court, if the court instructs the jury about the option to return a verdict for a
8 lesser included offense; or

9 (C) not later than five days before entering a plea that results in
10 a finding of guilt or at a time specified by the court unless the defendant
11 waives the notice requirement.

12 * Sec. 79. AS 12.61.015(a) is amended to read:

13 (a) If a victim of a felony or a crime involving domestic violence requests, the
14 prosecuting attorney shall make a reasonable effort to

15 (1) confer with the person against whom the offense has been
16 perpetrated about that person's testimony before the defendant's trial;

17 (2) in a manner reasonably calculated to give prompt actual notice,
18 notify the victim

19 (A) of the defendant's conviction and the crimes of which the
20 defendant was convicted;

21 (B) of the victim's right in a case that is a felony to make a
22 written or oral statement for use in preparation of the defendant's presentence
23 report, and of the victim's right to appear personally at the defendant's
24 sentencing hearing to present a written statement and to give sworn testimony
25 or an unsworn oral presentation;

26 (C) of the address and telephone number of the office that will
27 prepare the presentence report; and

28 (D) of the time and place of the sentencing proceeding;

29 (3) notify the victim in writing of the final disposition of the case
30 within 30 days after final disposition of the case;

31 (4) confer with the victim [OF A CRIME INVOLVING DOMESTIC

1 VIOLENCE] concerning a proposed plea agreement before entering into an
2 agreement;

3 (5) inform the victim of a pending motion that may substantially delay
4 the prosecution and inform the court of the victim's position on the motion; in this
5 paragraph, a "substantial delay" is

6 (A) for a misdemeanor, a delay of one month or longer;

7 (B) for a felony, a delay of two months or longer; and

8 (C) for an appeal, a delay of six months or longer.

9 * **Sec. 80.** AS 12.70.130 is amended to read:

10 **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be
11 lawfully made by a peace officer or a private person without a warrant upon
12 reasonable information that the accused stands charged in the courts of another state
13 with a crime punishable by death or imprisonment for a term exceeding one year, but
14 when arrested the accused must be taken before a judge or magistrate without
15 unnecessary delay and, in any event, within 24 [48] hours after arrest, **absent**
16 **compelling circumstances**, including Sundays and holidays, and complaint shall be
17 made against the accused under oath setting out the ground for the arrest as in
18 AS 12.70.120. **The hearing before the judge or magistrate may not take place**
19 **more than 48 hours after arrest.** Thereafter the answer of the accused shall be heard
20 as if the accused had been arrested on a warrant.

21 * **Sec. 81.** AS 22.35.030 is amended by adding a new subsection to read:

22 (b) Notwithstanding (a) of this section, the Alaska Court System shall publish
23 the court record of a person who is granted a suspended entry of judgment under
24 AS 12.55.078 on a publicly available website with a notation indicating a suspended
25 entry of judgment.

26 * **Sec. 82.** AS 28.15.165 is amended by adding a new subsection to read:

27 (e) A person whose driver's license, privilege to drive, or privilege to obtain a
28 license has been revoked under this section as a result of a refusal to submit to a
29 chemical test authorized under AS 28.35.031(a) or (g) or a similar municipal
30 ordinance or a chemical test administered under AS 28.35.031(a) or (g) or a similar
31 municipal ordinance in which the test produced a result described in

1 AS 28.35.030(a)(2) may request that the department rescind the revocation. The
2 department shall rescind a revocation under this subsection if the department finds that
3 the person has supplied proof in a form satisfactory to the department that

4 (1) the person has been acquitted of driving while under the influence
5 under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a
6 similar municipal ordinance for the incident on which the revocation was based; or

7 (2) all criminal charges against the person for driving while under the
8 influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit
9 to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to
10 the incident on which the revocation is based have been dismissed without prejudice.

11 * Sec. 83. AS 28.15.181(f) is amended to read:

12 (f) The court may terminate a revocation for an offense described in (a)(5) or
13 (8) of this section if

14 (1) either

15 (A) the person's license, privilege to drive, or privilege to obtain
16 a license has been revoked for the minimum periods set out in (c) of this
17 section; or

18 (B) the person

19 (i) has successfully completed a court-ordered
20 treatment program under AS 28.35.028;

21 (ii) has not been convicted of a violation of
22 AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or
23 another jurisdiction since completing the program; and

24 (iii) has been granted limited license privileges under
25 AS 28.15.201(g) and has successfully driven for three years under
26 that limited license without having the limited license privileges
27 revoked; and

28 (2) the person complies with the provisions of AS 28.15.211(d) and (e).

29 * Sec. 84. AS 28.15.201 is amended by adding new subsections to read:

30 (g) Notwithstanding (d) of this section, a court revoking a driver's license,
31 privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the

1 department when revoking a driver's license, privilege to drive, or privilege to obtain a
2 license under AS 28.15.165(c), may grant limited license privileges if

3 (1) the revocation was for a felony conviction under AS 28.35.030;

4 (2) the person has successfully participated for at least six months in, or
5 has successfully completed, a court-ordered treatment program under AS 28.35.028;

6 (3) the person provides proof of insurance as required by AS 28.20.230
7 and 28.20.240;

8 (4) the person is required to use an ignition interlock device during the
9 period of the limited license whenever the person operates a motor vehicle in a
10 community not included in the list published by the department under
11 AS 28.22.011(b) and, when applicable,

12 (A) the person provides proof of installation of the ignition
13 interlock device on every vehicle the person operates;

14 (B) the person signs an affidavit acknowledging that

15 (i) operation by the person of a vehicle that is not
16 equipped with an ignition interlock device is subject to penalties for
17 driving with a revoked license;

18 (ii) circumventing or tampering with the ignition
19 interlock device is a class A misdemeanor; and

20 (iii) the person is required to maintain the ignition
21 interlock device throughout the period of the limited license, to keep
22 up-to-date records in each vehicle showing that any required service
23 and calibration is current, and to produce those records immediately on
24 request;

25 (5) the person is enrolled in and is in compliance with or has
26 successfully completed the alcoholism screening, evaluation, referral, and program
27 requirements of the Department of Health and Social Services under AS 28.35.030(h);

28 (6) the person has not previously been granted a limited license under
29 this subsection and had the license revoked under (h) of this section;

30 (7) the person is participating in a program established under
31 AS 47.38.020 for a minimum of 120 days from the date a limited license is granted

1 under this section.

2 (h) The court or the department may immediately revoke a limited license
3 granted under (g) of this section if the person is convicted of a violation of
4 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction
5 or if the person is not in compliance with a court-ordered treatment program under
6 AS 28.35.028.

7 * **Sec. 85.** AS 28.15.291(a) is repealed and reenacted to read:

8 (a) A person commits the crime of driving while license canceled, suspended,
9 revoked, or in violation of a limitation if the person drives

10 (1) a motor vehicle on a highway or vehicular way or area at a time
11 when that person's driver's license, privilege to drive, or privilege to obtain a license
12 has been canceled, suspended, or revoked under circumstances described in
13 AS 28.15.181(c) or a similar law in another jurisdiction;

14 (2) a motor vehicle on a highway or vehicular way or area at a time
15 when that person's driver's license, privilege to drive, or privilege to obtain a license
16 has been canceled, suspended, or revoked under circumstances other than those
17 described in (1) of this subsection; or

18 (3) in violation of a limitation placed on that person's license or
19 privilege to drive in this or another jurisdiction.

20 * **Sec. 86.** AS 28.15.291(b) is repealed and reenacted to read:

21 (b) Driving while license canceled, suspended, revoked, or in violation of a
22 limitation is

23 (1) a class A misdemeanor if the person violates (a)(1) of this section;
24 upon conviction the court shall impose a minimum sentence of imprisonment of not
25 less than 10 days

26 (A) with 10 days suspended if the person has not been
27 previously convicted under (a)(1) of this section or a similar law of another
28 jurisdiction; or

29 (B) if the person has been previously convicted under (a)(1) of
30 this section or a similar law in another jurisdiction;

31 (2) an infraction if the person violates (a)(2) or (3) of this section.

1 * **Sec. 87.** AS 28.35.028(b) is amended to read:

2 (b) Once the court elects to proceed under this section, the defendant shall
3 enter a no contest or guilty plea to the offense or shall admit to a probation violation,
4 as appropriate. The state and the defendant may enter into a plea agreement to
5 determine the offense or offenses to which the defendant is required to plead. If the
6 court accepts the agreement, the court shall enforce the terms of the agreement. The
7 court shall enter a judgment of conviction for the offense or offenses for which the
8 defendant has pleaded or an order finding that the defendant has violated probation, as
9 appropriate. A judgment of conviction or an order finding a probation violation must
10 set a schedule for payment of restitution owed by the defendant. In a judgment of
11 conviction and on probation conditions that the court considers appropriate, the court
12 may withhold pronouncement of a period of imprisonment or a fine to provide an
13 incentive for the defendant to complete recommended treatment successfully.
14 Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any
15 mandatory minimum or other sentencing provision applicable to the offense.
16 However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any
17 other provision of law, the court, at any time after the period when a reduction of
18 sentence is normally available, may consider and reduce the defendant's sentence,
19 including imprisonment, fine, or license revocation, based on the defendant's
20 compliance with the treatment plan; when reducing a sentence, the court (1) may not
21 reduce the sentence below the mandatory minimum sentence for the offense unless the
22 court finds that the defendant has successfully complied with and completed the
23 treatment plan and that the treatment plan approximated the severity of the minimum
24 period of imprisonment, and (2) may consider the defendant's compliance with the
25 treatment plan as a mitigating factor allowing a reduction of a sentence under
26 AS 12.55.155(a). A court entering an order finding the defendant has violated
27 probation may withhold pronouncement of disposition to provide an incentive for the
28 defendant to complete the recommended treatment successfully.

29 * **Sec. 88.** AS 28.35.030(k) is amended to read:

30 (k) Imprisonment required under (b)(1)(A) of this section shall be served [AT
31 A COMMUNITY RESIDENTIAL CENTER OR] by electronic monitoring at a

1 private residence under AS 33.30.065. If [A COMMUNITY RESIDENTIAL
2 CENTER OR] electronic monitoring [AT A PRIVATE RESIDENCE] is not available,
3 imprisonment required under (b)(1)(A) of this section shall [MAY] be served at a
4 private residence by other means determined by the commissioner of corrections
5 [ANOTHER APPROPRIATE PLACE DETERMINED BY THE COMMISSIONER
6 OF CORRECTIONS]. Imprisonment required under (b)(1)(B) - (F) of this section
7 may be served at a community residential center or at a private residence if approved
8 by the commissioner of corrections. Imprisonment served at a private residence must
9 include electronic monitoring under AS 33.30.065 or, if electronic monitoring is not
10 available, by other means as determined by the commissioner of corrections. The
11 cost of imprisonment resulting from the sentence imposed under (b)(1) of this section
12 shall be paid to the state by the person being sentenced. The [PROVIDED,
13 HOWEVER, THAT THE] cost of imprisonment required to be paid under this
14 subsection may not exceed \$2,000. Upon the person's conviction, the court shall
15 include the costs of imprisonment as a part of the judgment of conviction. Except for
16 reimbursement from a permanent fund dividend as provided in this subsection,
17 payment of the cost of imprisonment is not required if the court determines the person
18 is indigent. For costs of imprisonment that are not paid by the person as required by
19 this subsection, the state shall seek reimbursement from the person's permanent fund
20 dividend as provided under AS 43.23.065. [WHILE AT THE COMMUNITY
21 RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A PERSON
22 SENTENCED UNDER (b)(1)(A) OF THIS SECTION SHALL PERFORM AT
23 LEAST 24 HOURS OF COMMUNITY SERVICE WORK.] A person sentenced
24 under (b)(1)(B) of this section shall perform at least 160 hours of community service
25 work, as required by the director of the community residential center or other
26 appropriate place, or as required by the commissioner of corrections if the sentence is
27 being served at a private residence. In this subsection, "appropriate place" means a
28 facility with 24-hour on-site staff supervision that is specifically adapted to provide a
29 residence, and includes a correctional center, residential treatment facility, hospital,
30 halfway house, group home, work farm, work camp, or other place that provides
31 varying levels of restriction.

1 * **Sec. 89.** AS 28.35.030(l) is amended to read:

2 (l) The commissioner of corrections shall determine and prescribe by
3 regulation a uniform average cost of imprisonment for the purpose of determining the
4 cost of imprisonment required to be paid under (k) of this section by a convicted
5 person. The regulations must include the costs associated with electronic
6 monitoring under AS 33.30.065.

7 * **Sec. 90.** AS 28.35.030(o) is amended to read:

8 (o) Upon request, the department shall review a driver's license revocation
9 imposed under (b) or (n)(3) of this section and

10 (1) may restore the driver's license if

11 (A) [(1)] the license has been revoked for a period of at least 10
12 years;

13 (B) [(2)] the person has not been convicted of a criminal offense
14 since the license was revoked; and

15 (C) [(3)] the person provides proof of financial responsibility;

16 (2) shall restore the driver's license if

17 (A) the person has been granted limited license privileges
18 under AS 28.15.201(g) and has successfully driven under that limited
19 license for three years without having the limited license privileges
20 revoked;

21 (B) the person has successfully completed a court-ordered
22 treatment program under AS 28.35.028;

23 (C) the court previously terminated the person's revocation
24 as provided in AS 28.15.181(f)(1)(B);

25 (D) the person has not been convicted of a violation of
26 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another
27 jurisdiction since the license was revoked;

28 (E) the person's privilege to drive may be restored as
29 provided in AS 28.15.211; and

30 (F) the person provides proof of financial responsibility.

31 * **Sec. 91.** AS 28.35.032(o) is amended to read:

1 (o) Imprisonment required under (g)(1)(A) of this section shall be served at a
2 private residence by electronic monitoring under AS 33.30.065. If electronic
3 monitoring [AT A COMMUNITY RESIDENTIAL CENTER, OR IF A
4 COMMUNITY RESIDENTIAL CENTER] is not available, imprisonment under
5 (g)(1)(A) of this section shall be served at a private residence by other means as
6 determined by the commissioner of corrections [AT ANOTHER APPROPRIATE
7 PLACE DETERMINED BY THE COMMISSIONER OF CORRECTIONS].
8 Imprisonment required under (g)(1)(B) - (F) of this section may be served at a
9 community residential center or at a private residence if approved by the
10 commissioner of corrections. Imprisonment served at a private residence must include
11 electronic monitoring under AS 33.30.065 or, if electronic monitoring is not
12 available, shall be served by other means as determined by the commissioner of
13 corrections. The cost of imprisonment resulting from the sentence imposed under
14 (g)(1) of this section shall be paid to the state by the person being sentenced. The
15 [PROVIDED, HOWEVER, THAT THE] cost of imprisonment required to be paid
16 under this subsection may not exceed \$2,000. Upon the person's conviction, the court
17 shall include the costs of imprisonment as a part of the judgment of conviction. Except
18 for reimbursement from a permanent fund dividend as provided in this subsection,
19 payment of the cost of imprisonment is not required if the court determines the person
20 is indigent. For costs of imprisonment that are not paid by the person as required by
21 this subsection, the state shall seek reimbursement from the person's permanent fund
22 dividend as provided under AS 43.23.065. [WHILE AT THE COMMUNITY
23 RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A PERSON
24 SENTENCED UNDER (g)(1)(A) OF THIS SECTION SHALL PERFORM AT
25 LEAST 24 HOURS OF COMMUNITY SERVICE WORK.] A person sentenced
26 under (g)(1)(B) of this section shall perform at least 160 hours of community service
27 work, as required by the director of the community residential center or other
28 appropriate place, or as required by the commissioner of corrections if the sentence is
29 being served at a private residence. In this subsection, "appropriate place" means a
30 facility with 24-hour on-site staff supervision that is specifically adapted to provide a
31 residence, and includes a correctional center, residential treatment facility, hospital,

1 halfway house, group home, work farm, work camp, or other place that provides
2 varying levels of restriction.

3 * **Sec. 92.** AS 28.35.036(a) is amended to read:

4 (a) After conviction of an offense under [AS 28.15.291(b),] AS 28.35.030 [,]
5 or 28.35.032, a motor vehicle, aircraft, or watercraft involved in the commission of the
6 offense is subject to forfeiture as provided under [AS 28.15.291(b),] AS 28.35.030 [,]
7 and 28.35.032.

8 * **Sec. 93.** AS 29.10.200(21) is amended to read:

9 (21) AS 29.25.070(e) **and (g) (penalties)** [(NOTICES OF CERTAIN
10 CIVIL ACTIONS)];

11 * **Sec. 94.** AS 29.25.070(a) is amended to read:

12 (a) For the violation of an ordinance, a municipality may by ordinance
13 prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days,
14 **except as limited by (g) of this section.** For a violation that cannot result in
15 incarceration or the loss of a valuable license, a municipality may allow disposition of
16 the violation without court appearance and establish a schedule of fine amounts for
17 each offense.

18 * **Sec. 95.** AS 29.25.070 is amended by adding a new subsection to read:

19 (g) If a municipality prescribes a penalty for a violation of a municipal
20 ordinance, including a violation under (a) of this section, and there is a comparable
21 state offense under AS 11 or AS 28 with elements that are similar to the municipal
22 ordinance, the municipality may not impose a greater punishment than that imposed
23 for a violation of the state law. This subsection applies to home rule and general law
24 municipalities.

25 * **Sec. 96.** AS 33.05.020 is amended by adding new subsections to read:

26 (g) The commissioner shall establish an administrative sanction and incentive
27 program to facilitate a swift and effective response to a probationer's compliance with
28 or violation of the conditions of probation. The commissioner shall adopt regulations
29 to implement the program. At a minimum, the regulations must include

30 (1) a decision-making process to guide probation officers in
31 determining the suitable response to positive and negative offender behavior that

1 includes a list of sanctions for the most common types of negative behavior, including
2 technical violations of conditions of probation, and a list of incentives for compliance
3 with conditions and positive behavior that exceeds those conditions;

4 (2) policies and procedures that ensure

5 (A) a process for responding to negative behavior that includes
6 a review of previous violations and sanctions;

7 (B) that enhanced sanctions for certain negative conduct are
8 approved by the commissioner or the commissioner's designee; and

9 (C) that appropriate due process protections are included in the
10 process, including notice of negative behavior, an opportunity to dispute the
11 accusation and the sanction, and an opportunity to request a review of the
12 accusation and the sanction.

13 (h) The commissioner shall establish by regulation a program allowing
14 offenders on probation for a felony offense to earn credits for complying with the
15 conditions of probation. The credits earned reduce the period of probation. Nothing in
16 this subsection prohibits the department from recommending to the court the early
17 discharge of the probationer as provided in AS 33.30. At a minimum, the regulations
18 must

19 (1) require that a probationer earn a credit of 30 days for each 30-day
20 period served in which the defendant complied with the conditions of probation;

21 (2) include policies and procedures for

22 (A) calculating and tracking credits earned by probationers;

23 (B) reducing the probationer's period of probation based on
24 credits earned by the probationer; and

25 (C) notifying a victim under AS 33.30.013.

26 * **Sec. 97.** AS 33.05.040 is amended to read:

27 **Sec. 33.05.040. Duties of probation officers.** A probation officer shall

28 (1) furnish to each probationer under the supervision of the officer a
29 written statement of the conditions of probation and shall instruct the probationer
30 regarding the same;

31 (2) keep informed concerning the conduct and condition of each

1 probationer under the supervision of the officer and shall report on the probationer to
2 the court placing the [SUCH] person on probation;

3 (3) use all suitable methods, not inconsistent with the conditions
4 imposed by the court, to aid probationers and to bring about improvements in their
5 conduct and condition;

6 (4) keep records of the probation work, including administrative
7 sanctions and incentives the probation officer imposes under AS 33.05.020(g),
8 keep accurate and complete accounts of all money collected from persons under the
9 supervision of the officer, give receipts for money collected and make at least monthly
10 returns of it, make the reports to the court and the commissioner required by them, and
11 perform other duties the court may direct;

12 (5) perform the [SUCH] duties with respect to persons on parole as the
13 commissioner shall request [,] and, in that [SUCH] service, shall be termed a parole
14 officer;

15 (6) use administrative sanctions and incentives developed under
16 AS 33.05.020(g) to respond to a probationer's negative and positive behavior,
17 including responses to technical violations of conditions of probation, in a way
18 that is intended to interrupt negative behavior in a swift, certain, and
19 proportional manner and support progress with a recognition of positive
20 behavior; and

21 (7) upon determining that a probationer under the supervision of
22 the officer meets the requirements of AS 12.55.090(g), recommend to the court as
23 soon as practicable that probation be terminated and the probationer be
24 discharged from probation.

25 * Sec. 98. AS 33.05.080 is amended by adding a new paragraph to read:

26 (3) "administrative sanctions and incentives" means responses by a
27 probation officer to a probationer's compliance with or violation of the conditions of
28 probation under AS 33.05.020(g).

29 * Sec. 99. AS 33 is amended by adding a new chapter to read:

30 **Chapter 07. Pretrial Services Program.**

31 **Sec. 33.07.010. Pretrial services program; establishment.** The commissioner

1 shall establish and administer a pretrial services program that provides a pretrial risk
2 assessment for all defendants, recommendations to the court concerning pretrial
3 release decisions, and supervision of defendants released while awaiting trial as
4 ordered by the court.

5 **Sec. 33.07.020. Duties of commissioner; pretrial services.** The commissioner
6 shall

7 (1) appoint and make available to the superior court and district court
8 qualified pretrial services officers;

9 (2) fix pretrial services officers' salaries;

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

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

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

18 (6) adopt regulations in consultation with the Department of Law, the
19 public defender, the Department of Public Safety, the office of victims' rights, and the
20 Alaska Court System, consistent with this chapter and as necessary to implement the
21 program; the regulations must include a process for pretrial services officers to make a
22 recommendation to the court concerning a pretrial release decision and guidelines for
23 pretrial diversion recommendations.

24 **Sec. 33.07.030. Duties of pretrial services officers.** (a) Pretrial services
25 officers shall, in advance of a first appearance before a judicial officer under
26 AS 12.30, conduct a pretrial risk assessment on the defendant using an instrument
27 approved by the commissioner for the purpose of making a recommendation to the
28 court concerning an appropriate pretrial release decision and conditions of release. In
29 conducting a pretrial risk assessment and making a recommendation to the court, the
30 department shall follow the decision-making process established by regulation under
31 this chapter. The pretrial risk assessment shall be completed and presented to the court

1 in a pretrial release report that contains a risk assessment rating of low, moderate, or
2 high and a recommendation regarding release and release conditions before the
3 defendant's first appearance before a judicial officer.

4 (b) A pretrial services officer shall make a recommendation under (a) of this
5 section for pretrial release to the court based on factors that include the results of a
6 pretrial risk assessment, the offense charged, and the least restrictive condition or
7 conditions that will reasonably ensure the appearance of the person in court and the
8 safety of the victim, other persons, and the community. The recommendation must
9 take into account

10 (1) the defendant's risk rating;

11 (2) the appropriateness for release on the defendant's own recognizance
12 or upon the execution of an unsecured appearance bond, unsecured performance bond,
13 or both; and

14 (3) the appropriateness of nonmonetary release conditions permitted
15 under AS 12.30.011, 12.30.016, 12.30.021, and 12.30.027 and supervision of those
16 conditions by a pretrial services officer for defendants who are recommended for
17 release.

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

22 (1) a misdemeanor, unless that misdemeanor is

23 (A) a crime involving domestic violence, as defined in
24 AS 18.66.990;

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

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

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

28 (A) a crime involving domestic violence, as defined in
29 AS 18.66.990;

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

31 (C) an offense under AS 11.56.730;

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

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

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

10 (2) the defendant has been charged with

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

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

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

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

26 (f) A pretrial services officer may

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

30 (2) arrest without a warrant a defendant who has been released while
31 awaiting trial if the officer has probable cause to believe the defendant has committed

1 an offense under AS 11.56.730 or 11.56.757 or has violated the defendant's release
2 conditions;

3 (3) refer interested defendants for substance abuse screening,
4 assessment, and treatment on a voluntary basis;

5 (4) require that a defendant charged with an offense involving the use
6 of alcohol or controlled substances comply with a program established under
7 AS 47.38.020; and

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

10 **Sec. 33.07.040. Pretrial services officers as officers of court.** All pretrial
11 services officers shall be available to the superior and district courts and shall be
12 officers of the court.

13 **Sec. 33.07.090. Definitions.** In this chapter,

14 (1) "commissioner" means the commissioner of corrections;

15 (2) "program" means the pretrial services program.

16 * **Sec. 100.** AS 33.16.010(c) is amended to read:

17 (c) A prisoner who is not eligible for special medical, administrative, or
18 discretionary parole, or who is not released on special medical, administrative, or
19 discretionary parole, shall be released on mandatory parole for the term of good time
20 deductions credited under AS 33.20, if the term or terms of imprisonment are two
21 years or more.

22 * **Sec. 101.** AS 33.16.010(d) is amended to read:

23 (d) A prisoner released on special medical, administrative, discretionary, or
24 mandatory parole is subject to the conditions of parole imposed under AS 33.16.150.
25 Parole may be revoked under AS 33.16.220.

26 * **Sec. 102.** AS 33.16.010 is amended by adding a new subsection to read:

27 (f) A prisoner eligible under AS 33.16.089 shall be released on administrative
28 parole by the board of parole.

29 * **Sec. 103.** AS 33.16.060(a) is amended to read:

30 (a) The board shall

31 (1) serve as the parole authority for the state;

1 (2) [UPON RECEIPT OF AN APPLICATION,] consider the suitability
2 for parole of a prisoner who is eligible for discretionary parole at least 90 days
3 before the prisoner's first date of eligibility and upon receipt of the prisoner's
4 application for special medical [OR DISCRETIONARY] parole;

5 (3) impose parole conditions on all prisoners released under special
6 medical, administrative, discretionary, or mandatory parole;

7 (4) under AS 33.16.210, discharge a person from parole when custody
8 is no longer required;

9 (5) maintain records of the meetings and proceedings of the board;

10 (6) recommend to the governor and the legislature changes in the law
11 administered by the board;

12 (7) recommend to the governor or the commissioner changes in the
13 practices of the department and of other departments of the executive branch
14 necessary to facilitate the purposes and practices of parole;

15 (8) upon request of the governor, review and recommend applicants for
16 executive clemency; and

17 (9) execute other responsibilities prescribed by law.

18 * **Sec. 104.** AS 33.16 is amended by adding a new section to read:

19 **Sec. 33.16.089. Eligibility for administrative parole.** (a) A prisoner who has
20 been convicted of a class B or C felony that is not a sex offense as defined in
21 AS 12.63.100 or criminally negligent homicide under AS 11.41.130, has not been
22 previously convicted of a felony in this or another jurisdiction, and has been sentenced
23 to an active term of imprisonment of at least 181 days shall be released on
24 administrative parole by the board without a hearing if

25 (1) the prisoner has served the greater of

26 (A) one-fourth of the active term of imprisonment imposed;

27 (B) the mandatory minimum term of imprisonment imposed; or

28 (C) a term of imprisonment imposed under AS 12.55.115;

29 (2) the prisoner is not excluded from eligibility for administrative
30 parole by court order;

31 (3) the prisoner has agreed to and signed the conditions of parole under

1 AS 33.16.150;

2 (4) the victim does not request a hearing to consider issues of public
3 safety under AS 33.16.120; and

4 (5) the prisoner has met the requirements of the case plan established
5 under AS 33.30.011(8).

6 (b) If a prisoner who is eligible for discretionary parole under AS 33.16.090
7 does not meet the criteria for release on administrative parole under (a) of this section,
8 the board shall consider the prisoner for discretionary parole.

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

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

17 * **Sec. 105.** AS 33.16.090(a) is amended to read:

18 (a) A prisoner sentenced to an active term of imprisonment of at least 181 days
19 and who has not been released on administrative parole as provided in
20 AS 33.16.089 may, in the discretion of the board, be released on discretionary parole
21 if the prisoner

22 (1) has served the amount of time specified under (b) of this section,
23 except that

24 (A) [(1)] a prisoner sentenced to one or more mandatory 99-
25 year terms under AS 12.55.125(a) or one or more definite terms under
26 AS 12.55.125(l) is not eligible for consideration for discretionary parole;

27 (B) [(2)] a prisoner is not eligible for consideration of
28 discretionary parole if made ineligible by order of a court under AS 12.55.115;

29 (C) [(3)] a prisoner imprisoned under AS 12.55.086 is not
30 eligible for discretionary parole unless the actual term of imprisonment is more
31 than one year; or

1 (2) is at least 60 years of age, has served at least 10 years of a
2 sentence for one or more crimes in a single judgment, and has not been convicted
3 of an unclassified felony or a sexual felony as defined in AS 12.55.185.

4 * Sec. 106. AS 33.16.090(b) is amended to read:

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

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

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

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

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

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

24 (i) the prisoner has successfully completed all
25 rehabilitation programs ordered by the three-judge panel that were
26 made available to the prisoner; and

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

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

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

4 (B) any term set under AS 12.55.115;

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

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

11 (A) any mandatory minimum sentence or sentences imposed
12 under any provision of law;

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

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

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

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

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

22 (C) the amount of time that is required to be served under (1) -
23 (5) of this subsection for the sentence imposed for the primary crime, had that
24 been the only sentence imposed, plus one-quarter of the composite total of the
25 active term of imprisonment imposed as consecutive or partially consecutive
26 sentences imposed for all crimes other than the primary crime;

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

1 * **Sec. 107.** AS 33.16.100(a) is amended to read:

2 (a) The board may authorize the release of a prisoner convicted of an
3 unclassified felony who is otherwise eligible under AS 12.55.115 and
4 AS 33.16.090(a)(1) on discretionary parole if it determines a reasonable probability
5 exists that

6 (1) the prisoner will live and remain at liberty without violating any
7 laws or conditions imposed by the board;

8 (2) the prisoner's rehabilitation and reintegration into society will be
9 furthered by release on parole;

10 (3) the prisoner will not pose a threat of harm to the public if released
11 on parole; and

12 (4) release of the prisoner on parole would not diminish the seriousness
13 of the crime.

14 * **Sec. 108.** AS 33.16.100(b) is amended to read:

15 (b) If the board finds a change in circumstances in a prisoner's preparole
16 reports listed in AS 33.16.110(a) [PAROLE RELEASE PLAN SUBMITTED
17 UNDER AS 33.16.130(a)], or discovers new information concerning a prisoner who
18 has been granted a parole release date, the board may rescind or revise the previously
19 granted parole release date. In reconsidering the release date, the procedures set out in
20 AS 33.16.130 [AS 33.16.130(b) AND (c)] shall be followed.

21 * **Sec. 109.** AS 33.16.100 is amended by adding new subsections to read:

22 (f) The board shall authorize the release of a prisoner who has been convicted
23 of a class A, class B, or class C felony, or a misdemeanor, who is eligible for parole
24 under AS 12.55.115 and AS 33.16.090, has met the requirement of a case plan created
25 under AS 33.30.011(8), has agreed to and signed the condition of parole under
26 AS 33.16.150, and has not been released on administrative parole under AS 33.16.089,
27 unless the board finds by clear and convincing evidence on the record that the prisoner
28 poses a threat of harm to the public if released on parole. If the board finds that the
29 incomplete case plan is not the fault of the prisoner or that the prisoner would not pose
30 a threat of harm to the public if released on parole, the board may waive the case plan
31 requirement.

1 (g) When considering a prisoner for release on discretionary parole under
2 AS 33.16.090(a)(2), the board may release a prisoner if, taking into consideration the
3 prisoner's likelihood of recidivism given the prisoner's age, criminal history, behavior
4 in prison, participation in treatment, and plans for reentering the community, a
5 reasonable probability exists that

6 (1) the prisoner will live and remain at liberty without violating any
7 laws or conditions imposed by the board;

8 (2) the prisoner's rehabilitation and reintegration into society will be
9 furthered by release on parole;

10 (3) the prisoner will not pose a threat of harm to the public if released
11 on parole; and

12 (4) release of the prisoner on parole would not diminish the seriousness
13 of the crime.

14 * **Sec. 110.** AS 33.16.110(a) is amended to read:

15 (a) In determining whether a prisoner is suitable for discretionary parole, the
16 board shall consider the preparole reports including

17 (1) the presentence report made to the sentencing court;

18 (2) the recommendations made by the sentencing court, by the
19 prosecuting attorney, and by the defense attorney, and any statements made by the
20 victim or the prisoner at sentencing;

21 (3) the prisoner's institutional conduct history while incarcerated;

22 (4) recommendations made by the staff of the correctional facilities in
23 which the prisoner was incarcerated;

24 (5) reports of prior crimes, juvenile histories, and previous experiences
25 of the prisoner on parole or probation;

26 (6) physical, mental, and psychiatric examinations of the prisoner;

27 (7) information submitted by the prisoner, the sentencing court, the
28 victim of the crime, the prosecutor, or other persons having knowledge of the prisoner
29 or the crime;

30 (8) information concerning an unjustified disparity in the sentence
31 imposed on a prisoner in relation to other sentences imposed under similar

1 circumstances;

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

4 (10) a reentry plan created under AS 33.30.011(9); and

5 (11) [AND (9)] other relevant information that may be reasonably
6 available.

7 * **Sec. 111.** AS 33.16.120(a) is amended to read:

8 (a) If the victim of a crime against a person or arson in the first degree requests
9 notice of a scheduled hearing to review or consider discretionary parole for a prisoner
10 convicted of that crime, the board shall send notice of the hearing to the victim at least
11 30 days before the hearing. The notice must be accompanied by a copy of the
12 prisoner's parole plan submitted to the board [APPLICATION FOR PAROLE
13 SUBMITTED UNDER AS 33.16.130(a)]. However, the copy of the parole plan
14 [APPLICATION] sent to the victim may not include the prisoner's confidential
15 health information, information protected under AS 33.16.170, proposed
16 residence, or [AND] employment addresses.

17 * **Sec. 112.** AS 33.16.120(f) is amended to read:

18 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c),
19 33.16.089, or 33.16.090, the board shall make every reasonable effort to notify the
20 victim before the prisoner's release date. Notification under this subsection must
21 include the expected date of the prisoner's release, the geographic area in which the
22 prisoner is required to reside, and other pertinent information concerning the prisoner's
23 conditions of parole that may affect the victim.

24 * **Sec. 113.** AS 33.16.120(g) is amended to read:

25 (g) A victim of a crime involving domestic violence or of a sexual assault
26 under AS 11.41.200 - 11.41.230 shall be informed by the board at least 30 days in
27 advance of a scheduled hearing to review or consider [DISCRETIONARY] parole for
28 a prisoner. The board shall inform the victim of any decision to grant or deny
29 [DISCRETIONARY] parole or to release the prisoner under AS 33.16.010(c). If the
30 prisoner is to be released, the victim shall be notified of the expected date of the
31 release, the geographic area in which the prisoner will reside, and any other

1 information concerning conditions of parole that may affect the victim. The victim
2 shall also be informed of any changes in the conditions of parole that may affect the
3 victim. The board shall send the notice required to the last known address of the
4 victim. A person may not bring a civil action for damages for a failure to comply with
5 the provisions of this subsection.

6 * **Sec. 114.** AS 33.16.120 is amended by adding a new subsection to read:

7 (h) A victim who has a right to notice under (a) of this section may request a
8 hearing before a prisoner is released on administrative parole under AS 33.16.089. The
9 notice to the victim must include the procedure and time frame for requesting a
10 hearing.

11 * **Sec. 115.** AS 33.16.130 is repealed and reenacted to read:

12 **Sec. 33.16.130. Parole procedures; consultation before parole.** (a) The
13 parole board shall hold a hearing before granting an eligible prisoner special medical
14 or discretionary parole. The board shall also hold a hearing if requested by a victim
15 under procedures established for the request for a prisoner eligible for administrative
16 parole. A hearing shall be conducted within the following time frames:

17 (1) for prisoners eligible under AS 33.16.100(a) or (f), not less than 90
18 days before the first parole eligibility date, unless the prisoner is eligible for
19 administrative parole;

20 (2) for all other prisoners, not less than 30 days after the board is
21 notified of the need for a hearing by the commissioner or the commissioner's designee.

22 (b) The commissioner or the commissioner's designee shall furnish to the
23 prisoner a copy of the preparole reports listed in AS 33.16.110(a), and the prisoner
24 shall be permitted access to all records that the board will consider in making its
25 decision except those that are made confidential by law. The prisoner may also
26 respond in writing to all materials the board considers, be present at the hearing, and
27 present evidence to the board.

28 (c) If the board denies parole, the board shall state the reasons for the denial,
29 identify all of the factors considered relevant to the denial, and provide a written plan
30 for addressing all of the factors relevant to the denial. The board may schedule a
31 subsequent parole hearing at the time of the denial or at a later date as follows:

1 (1) for the first parole denial, within two years after the first parole
2 eligibility date;

3 (2) for the second and subsequent denials, within two years after the
4 most recent parole hearing.

5 (d) The board shall issue its decision in writing and provide a copy of the
6 decision to the prisoner.

7 (e) Before granting parole to a prisoner under this chapter, the board shall
8 consult with a corrections officer designated by the commissioner.

9 * **Sec. 116.** AS 33.16.140 is amended to read:

10 **Sec. 33.16.140. Order for parole.** An order for parole issued by the board,
11 setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole
12 custody ends, shall be furnished to each prisoner released on special medical,
13 administrative, discretionary, or mandatory parole.

14 * **Sec. 117.** AS 33.16.150(a) is amended to read:

15 (a) As a condition of parole, a prisoner released on special medical,
16 administrative, discretionary, or mandatory parole

17 (1) shall obey all state, federal, or local laws or ordinances, and any
18 court orders applicable to the parolee;

19 (2) shall make diligent efforts to maintain steady employment or meet
20 family obligations;

21 (3) shall, if involved in education, counseling, training, or treatment,
22 continue in the program unless granted permission from the parole officer assigned to
23 the parolee to discontinue the program;

24 (4) shall report

25 (A) upon release to the parole officer assigned to the parolee;

26 (B) at other times, and in the manner, prescribed by the board or
27 the parole officer assigned to the parolee;

28 (5) shall reside at a stated place and not change that residence without
29 notifying, and receiving permission from, the parole officer assigned to the parolee;

30 (6) shall remain within stated geographic limits unless written
31 permission to depart from the stated limits is granted the parolee;

1 (7) may not use, possess, handle, purchase, give, distribute, or
2 administer a controlled substance as defined in AS 11.71.900 or under federal law or a
3 drug for which a prescription is required under state or federal law without a
4 prescription from a licensed medical professional to the parolee;

5 (8) may not possess or control a firearm; in this paragraph, "firearm"
6 has the meaning given in AS 11.81.900;

7 (9) may not enter into an agreement or other arrangement with a law
8 enforcement agency or officer that will place the parolee in the position of violating a
9 law or parole condition without the prior approval of the board;

10 (10) may not contact or correspond with anyone confined in a
11 correctional facility of any type serving any term of imprisonment or a felon without
12 the permission of the parole officer assigned to a parolee;

13 (11) shall agree to waive extradition from any state or territory of the
14 United States and to not contest efforts to return the parolee to the state;

15 (12) shall provide a blood sample, an oral sample, or both, when
16 requested by a health care professional acting on behalf of the state to provide the
17 sample or samples, or an oral sample when requested by a juvenile or adult
18 correctional, probation, or parole officer, or a peace officer, if the prisoner is being
19 released after a conviction of an offense requiring the state to collect the sample or
20 samples for the deoxyribonucleic acid identification system under AS 44.41.035;

21 (13) from a conviction for a sex offense shall submit to regular periodic
22 polygraph examinations; in this paragraph, "sex offense" has the meaning given in
23 AS 12.63.100.

24 * **Sec. 118.** AS 33.16.150(b) is amended to read:

25 (b) The board may require as a condition of special medical, administrative,
26 discretionary, or mandatory parole, or a member of the board acting for the board
27 under (e) of this section may require as a condition of administrative or mandatory
28 parole, that a prisoner released on parole

29 (1) not possess or control a defensive weapon, a deadly weapon other
30 than an ordinary pocket knife with a blade three inches or less in length, or
31 ammunition for a firearm, or reside in a residence where there is a firearm capable of

1 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly
2 weapon," "defensive weapon," and "firearm" have the meanings given in
3 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

4 (2) refrain from possessing or consuming alcoholic beverages;

5 (3) submit to reasonable searches and seizures by a parole officer, or a
6 peace officer acting under the direction of a parole officer;

7 (4) submit to appropriate medical, mental health, or controlled
8 substance or alcohol examination, treatment, or counseling;

9 (5) submit to periodic examinations designed to detect the use of
10 alcohol or controlled substances; the periodic examinations may include testing under
11 the program established under AS 33.16.060(c);

12 (6) make restitution ordered by the court according to a schedule
13 established by the board;

14 (7) refrain from opening, maintaining, or using a checking account or
15 charge account;

16 (8) refrain from entering into a contract other than a prenuptial contract
17 or a marriage contract;

18 (9) refrain from operating a motor vehicle;

19 (10) refrain from entering an establishment where alcoholic beverages
20 are served, sold, or otherwise dispensed;

21 (11) refrain from participating in any other activity or conduct
22 reasonably related to the parolee's offense, prior record, behavior or prior behavior,
23 current circumstances, or perceived risk to the community, or from associating with
24 any other person that the board determines is reasonably likely to diminish the
25 rehabilitative goals of parole, or that may endanger the public; in the case of special
26 medical parole, for a prisoner diagnosed with a communicable disease, comply with
27 conditions set by the board designed to prevent the transmission of the disease.

28 * **Sec. 119.** AS 33.16.150(e) is amended to read:

29 (e) The board may designate a member of the board to act on behalf of the
30 board in imposing conditions of administrative or mandatory parole under (a) and (b)
31 of this section, in delegating imposition of conditions of administrative or mandatory

1 parole under (c) of this section, and in setting the period of compliance with the
2 conditions of administrative or mandatory parole under (d) of this section. The
3 decision of a member of the board under this section is the decision of the board. A
4 prisoner or parolee aggrieved by a decision of a member of the board acting for the
5 board under this subsection may apply to the board under AS 33.16.160 for a change
6 in the conditions of administrative or mandatory parole.

7 * **Sec. 120.** AS 33.16.150(f) is amended to read:

8 (f) In addition to other conditions of parole imposed under this section, the
9 board may impose as a condition of special medical, administrative, discretionary, or
10 mandatory parole for a prisoner serving a term for a crime involving domestic
11 violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) - (7); (2) a
12 requirement that, at the prisoner's expense, the prisoner participate in and complete, to
13 the satisfaction of the board, a program for the rehabilitation of perpetrators of
14 domestic violence that meets the standards set by, and that is approved by, the
15 department under AS 44.28.020(b); and (3) any other condition necessary to
16 rehabilitate the prisoner. The board shall establish procedures for the exchange of
17 information concerning the parolee with the victim and for responding to reports of
18 nonattendance or noncompliance by the parolee with conditions imposed under this
19 subsection. The board may not under this subsection require a prisoner to participate
20 in and complete a program for the rehabilitation of perpetrators of domestic violence
21 unless the program meets the standards set by, and is approved by, the department
22 under AS 44.28.020(b).

23 * **Sec. 121.** AS 33.16.150(g) is amended to read:

24 (g) In addition to other conditions of parole imposed under this section for a
25 prisoner serving a sentence for an offense where the aggravating factor provided in
26 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a
27 condition of special medical, administrative, discretionary, and mandatory parole a
28 requirement that the prisoner submit to electronic monitoring. Electronic monitoring
29 under this subsection must comply with AS 33.30.011(10) and provide for
30 monitoring of the prisoner's location and movements by Global Positioning System
31 technology. The board shall require a prisoner serving a period of parole

1 [PROBATION] with electronic monitoring as provided under this subsection to pay
2 all or a portion of the costs of the electronic monitoring, but only if the prisoner has
3 sufficient financial resources to pay the costs or a portion of the costs. A prisoner
4 subject to electronic monitoring under this subsection is not entitled to a credit for
5 time served in a correctional facility while the defendant is on parole. In this
6 subsection, "correctional facility" has the meaning given in AS 33.30.901.

7 * **Sec. 122.** AS 33.16.150 is amended by adding a new subsection to read:

8 (h) In addition to other conditions of parole imposed under this section, for a
9 prisoner serving a sentence for an offense involving the use of alcohol or controlled
10 substances, the board may impose, as a condition of special medical, administrative,
11 discretionary, or mandatory parole, a requirement that the prisoner comply with a
12 program established under AS 33.16.060(c) or AS 47.38.020. The board may require a
13 prisoner serving a period of parole and complying with a program established under
14 AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of the costs associated with
15 the program.

16 * **Sec. 123.** AS 33.16.180 is amended to read:

17 **Sec. 33.16.180. Duties of the commissioner.** The commissioner shall

18 (1) conduct investigations of prisoners eligible for administrative or
19 discretionary parole, as requested by the board and as provided in this section;

20 (2) supervise the conduct of parolees;

21 (3) appoint and assign parole officers and personnel;

22 (4) provide the board, within 30 days after sentencing, information on a
23 sentenced prisoner who may be eligible for administrative parole under
24 AS 33.16.089 or discretionary parole under AS 33.16.090;

25 (5) notify the board and provide information on a prisoner 120 days
26 before the prisoner's mandatory release date, if the prisoner is to be released on [TO]
27 mandatory parole; [AND]

28 (6) maintain records, files, and accounts as requested by the board;

29 (7) prepare preparole reports under AS 33.16.110(a);

30 (8) notify the board in writing of a prisoner's compliance or
31 noncompliance with the prisoner's case plan created under AS 33.30.011(8) not

1 less than 30 days before the prisoner's next parole eligibility date or the
2 prisoner's parole hearing date, whichever is earlier;

3 (9) establish an administrative sanction and incentive program to
4 facilitate a swift and certain response to a parolee's compliance with or violation
5 of the conditions of parole and shall adopt regulations to implement the program;
6 at a minimum, the regulations must include

7 (A) a decision-making process to guide parole officers in
8 determining the suitable response to positive and negative offender
9 behavior that includes a list of sanctions for the most common types of
10 negative behavior, including technical violations of conditions of parole,
11 and a list of incentives for compliance with conditions and positive
12 behavior that exceeds those conditions;

13 (B) policies and procedures that ensure

14 (i) a process for responding to negative behavior that
15 includes a review of previous violations and sanctions;

16 (ii) that enhanced sanctions for certain negative
17 conduct are approved by the commissioner or the commissioner's
18 designee; and

19 (iii) that appropriate due process protections are
20 included in the process, including notice of negative behavior, an
21 opportunity to dispute the accusation and the sanction, and an
22 opportunity to request a review of the accusation and the sanction;
23 and

24 (10) within 30 days after sentencing of an offender, provide the
25 victim of a crime information on the earliest dates the offender could be released
26 on furlough, probation, or parole, including deductions or reductions for good
27 time or other good conduct incentives and the process for release, including
28 contact information for the decision-making bodies.

29 * Sec. 124. AS 33.16.200 is amended to read:

30 Sec. 33.16.200. Custody of parolee. Except as provided in AS 33.16.210, the
31 board retains custody of special medical, administrative, discretionary, and

1 mandatory parolees until the expiration of the maximum term or terms of
2 imprisonment to which the parolee is sentenced.

3 * **Sec. 125.** AS 33.16.210 is amended to read:

4 **Sec. 33.16.210. Discharge of parolee.** (a) The board may unconditionally
5 discharge a parolee from the jurisdiction and custody of the board after the parolee has
6 completed one year [TWO YEARS] of parole. A discretionary parolee with a residual
7 period of probation may, after one year [TWO YEARS] of parole, be discharged by
8 the board to immediately begin serving the residual period of probation.

9 (b) Notwithstanding (a) of this section, the board may unconditionally
10 discharge a mandatory parolee before the parolee has completed one year [TWO
11 YEARS] of parole if the parolee is serving a concurrent period of residual probation
12 under AS 33.20.040(c), and the period of residual probation and the period of
13 suspended imprisonment each equal or exceed the period of mandatory parole.

14 * **Sec. 126.** AS 33.16.210 is amended by adding a new subsection to read:

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

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

18 (2) have completed all treatment programs required as a condition of
19 parole;

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

22 (4) have not been convicted of

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

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

25 (C) a crime involving domestic violence as defined by
26 AS 18.66.990; or

27 (D) a misdemeanor.

28 * **Sec. 127.** AS 33.16 is amended by adding a new section to read:

29 **Sec. 33.16.215. Sanctions for a technical violation of parole.** (a) If a parolee
30 is serving a period of parole for an offense, the board may find that the parolee has
31 committed a technical violation of parole. If the board finds that a parolee has

1 committed a technical violation of parole that does not include absconding, the board
2 may revoke parole and return the parolee to the custody of the commissioner and then
3 place the person back on parole after the appropriate period of time below:

4 (1) three days for the first technical violation of parole filed with the
5 board;

6 (2) five days for the second technical violation of parole filed with the
7 board;

8 (3) 10 days for the third technical violation of parole filed with the
9 board; and

10 (4) up to the remainder of the sentence for a fourth or subsequent
11 technical violation of parole.

12 (b) If the board revokes a parolee's parole for absconding, the board may
13 impose a period of imprisonment not to exceed 30 days.

14 (c) The limits on length of imprisonment the board may impose under this
15 section if the board revokes a parolee's parole do not apply if the parolee is enrolled in
16 the program established under AS 33.16.060(c).

17 (d) If the defendant is ordered to complete treatment under AS 33.16.150(a)(3)
18 and does not comply with the board's order, the board may order the parolee to show
19 cause why the board should not revoke the parole for noncompletion of treatment. In a
20 parole revocation proceeding brought as a result of failure to complete treatment, it is
21 an affirmative defense that the parolee was unable to afford the cost of treatment or
22 secure a place in a free treatment program, despite having made continuing good faith
23 efforts. If the board finds that the parolee was unable to complete treatment despite
24 having made continuing good faith efforts, the parole may not be revoked solely
25 because of an inability to pay. If the board does not find that the noncompletion of
26 treatment was attributable to the parolee's inability to pay, the board may revoke
27 parole subject to the limits established in this section.

28 (e) Notwithstanding (a) of this section, the board may not find a technical
29 violation under this section if a person convicted of a sex offense, as described in
30 AS 12.63.100, violates a special condition of parole that is similar to a probation
31 condition described in AS 12.55.100(e).

1 (f) In this section,

2 (1) "absconding" means failing to report within five working days after
3 release from custody under AS 33.20.030 or failing to report for a scheduled meeting
4 with a parole officer, as directed by the board or the parole officer, and failing to make
5 contact with the parole officer within 30 days following the missed meeting;

6 (2) "technical violation" means a violation of the conditions of parole
7 that does not result from

8 (A) an arrest for a new criminal offense;

9 (B) failing to complete sex offender treatment; or

10 (C) failing to complete an intervention program for batterers.

11 * **Sec. 128.** AS 33.16.220(b) is amended to read:

12 (b) If a parolee has been arrested for the commission of a new criminal
13 offense or for failing to complete a sex offender treatment program, except
14 [EXCEPT] as provided in (e) of this section, the board or its designee shall hold a
15 preliminary hearing within 15 working days after the arrest and incarceration of a
16 parolee for violation of a condition of parole [, THE BOARD OR ITS DESIGNEE
17 SHALL HOLD A PRELIMINARY HEARING]. At the preliminary hearing, the board
18 or its designee shall determine if there is probable cause to believe that the parolee
19 violated the conditions of parole and, when probable cause exists, whether the parolee
20 should be released pending a final revocation hearing. A finding of probable cause at a
21 preliminary hearing in a criminal case is conclusive proof of probable cause that a
22 parole violation occurred.

23 * **Sec. 129.** AS 33.16.220(f) is amended to read:

24 (f) If a parolee has had a preliminary hearing under (b) of this section, the
25 [THE] board shall hold a final revocation hearing not [NO] later than 120 days after a
26 parolee's arrest, subject to restrictions arising under AS 33.36.110 and (g) of this
27 section.

28 * **Sec. 130.** AS 33.16.220(i) is amended to read:

29 (i) If, after the final revocation hearing, the board finds that the parolee has
30 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or
31 ordinance, the board may revoke all or a portion of the remaining period of parole

1 subject to the limits set out in AS 33.16.215, or change any condition of parole. A
2 parolee's period of parole is tolled from the date of filing with the parole board of
3 a violation report for absconding and the date of the parolee's arrest, if the
4 parole board finds after a hearing that the parolee violated parole by absconding,
5 as defined in AS 12.55.110(h). The board may not extend the period of parole
6 beyond the maximum release date calculated by the Department of Corrections
7 on the parolee's original sentence plus any time that has been tolled as described
8 in this section.

9 * **Sec. 131.** AS 33.16.220 is amended by adding a new subsection to read:

10 (j) If a parolee has been arrested for a technical violation of conditions of
11 parole, the board or its designee shall hold a final hearing within 15 working days.

12 * **Sec. 132.** AS 33.16.240 is amended by adding new subsections to read:

13 (h) A parolee arrested under this section for a technical violation under
14 AS 33.16.215 shall be released once the parolee has served the maximum number of
15 days that could be served for a technical violation under AS 33.16.215. Nothing in this
16 subsection prohibits the board or its designee from releasing a parolee sooner.

17 (i) The board or its designee may impose additional conditions necessary to
18 ensure the parolee's appearance at a hearing held under AS 33.16.220(h).

19 * **Sec. 133.** AS 33.16 is amended by adding a new section to read:

20 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish
21 by regulation a program allowing offenders on parole for a felony offense to earn
22 credits for complying with the conditions of parole. The earned compliance credits
23 reduce the period of parole. Nothing in this section prohibits the department from
24 recommending to the board the early discharge of the parolee as provided in AS 33.16.
25 At a minimum, the regulations must

26 (1) require that a parolee earn a credit of 30 days for each 30-day
27 period served in which the parolee complied with the conditions of parole;

28 (2) include policies and procedures for

29 (A) calculating and tracking credits earned by parolees;

30 (B) reducing the parolee's period of parole based on credits
31 earned by the parolee; and

1 (C) notifying a victim under AS 33.30.013.

2 * **Sec. 134.** AS 33.16.900 is amended by adding new paragraphs to read:

3 (14) "administrative parole" means the release of a prisoner who is
4 eligible for administrative parole under AS 33.16.089 and who has satisfied the
5 criteria for release, subject to conditions imposed by the board and subject to its
6 custody and jurisdiction;

7 (15) "administrative sanctions and incentives" means responses by a
8 parole officer to a parolee's compliance with or violation of the conditions of parole
9 under AS 33.16.180.

10 * **Sec. 135.** AS 33.20.010(a) is amended to read:

11 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner
12 convicted of an offense against the state or a political subdivision of the state and
13 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction
14 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner
15 follows the rules of the correctional facility in which the prisoner is confined. A
16 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

17 (1) to a mandatory 99-year term of imprisonment under
18 AS 12.55.125(a) after June 27, 1996;

19 (2) to a definite term under AS 12.55.125(f); [OR]

20 (3) for a sexual felony under AS 12.55.125(i)

21 (A) and has one or more prior sexual felony convictions as
22 determined under AS 12.55.145(a)(4); or

23 (B) that is an unclassified or a class A felony; or

24 **(4) to a definite term of imprisonment of not more than 10 days for**
25 **a technical violation of AS 12.55.110(c) or AS 33.16.215.**

26 * **Sec. 136.** AS 33.20.010(c) is amended to read:

27 (c) A prisoner may not be awarded a good time deduction under (a) of this
28 section for any period spent in a treatment program or [,] in a private residence unless,
29 **during that time, the prisoner was** [, OR WHILE] under electronic monitoring.

30 * **Sec. 137.** AS 33.30.011 is amended to read:

31 **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

1 (1) establish, maintain, operate, and control correctional facilities
2 suitable for the custody, care, and discipline of persons charged or convicted of
3 offenses against the state or held under authority of state law; each correctional facility
4 operated by the state shall be established, maintained, operated, and controlled in a
5 manner that is consistent with AS 33.30.015;

6 (2) classify prisoners;

7 (3) for persons committed to the custody of the commissioner, establish
8 programs, including furlough programs that are reasonably calculated to

9 (A) protect the public and the victims of crimes committed by
10 prisoners;

11 (B) maintain health;

12 (C) create or improve occupational skills;

13 (D) enhance educational qualifications;

14 (E) support court-ordered restitution; and

15 (F) otherwise provide for the rehabilitation and reformation of
16 prisoners, facilitating their reintegration into society;

17 (4) provide necessary

18 (A) medical services for prisoners in correctional facilities or
19 who are committed by a court to the custody of the commissioner, including
20 examinations for communicable and infectious diseases;

21 (B) psychological or psychiatric treatment if a physician or
22 other health care provider, exercising ordinary skill and care at the time of
23 observation, concludes that

24 (i) a prisoner exhibits symptoms of a serious disease or
25 injury that is curable or may be substantially alleviated; and

26 (ii) the potential for harm to the prisoner by reason of
27 delay or denial of care is substantial; and

28 (C) assessment or screening of the risks and needs of offenders
29 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal
30 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based
31 disorder;

1 (5) establish minimum standards for sex offender treatment programs
2 offered to persons who are committed to the custody of the commissioner;

3 (6) provide for fingerprinting in correctional facilities in accordance
4 with AS 12.80.060; [AND]

5 (7) establish a program to conduct assessments of the risks and needs of
6 offenders sentenced to serve a term of incarceration of 30 days or more and provide to
7 the legislature, by electronic means, by January 15, 2017, and thereafter by
8 January 15, preceding the first regular session of each legislature, a report
9 summarizing the findings and results of the program; the program must include a
10 requirement for an assessment before a prisoner's release on parole, furlough, or
11 electronic monitoring from a correctional facility;

12 (8) establish a procedure that provides for each prisoner required
13 to serve an active term of imprisonment of 30 days or more a written case plan
14 that

15 (A) is provided to the prisoner within 90 days after
16 sentencing;

17 (B) is based on the results of the assessment of the prisoner's
18 risks and needs under (7) of this section;

19 (C) includes a requirement to follow the rules of the
20 institution;

21 (D) is modified when necessary for changes in classification,
22 housing status, medical or mental health, and resource availability;

23 (E) includes participation in programming that addresses
24 the needs identified in the assessment;

25 (9) establish a program to begin reentry planning with each
26 prisoner serving an active term of imprisonment of 90 days or more; reentry
27 planning must begin at least 90 days before release on furlough or probation or
28 parole; the written reentry plan must be completed upon release on furlough or
29 probation or parole and must include

30 (A) information on the prisoner's proposed
31 (i) residence;

1 (ii) employment or alternative means of support;

2 (iii) treatment options;

3 (iv) counseling services;

4 (v) education or job training services;

5 (B) any other requirements for successful transition back to
6 the community, including electronic monitoring or furlough for the period
7 between a scheduled parole hearing and parole eligibility; and

8 (10) for offenders under electronic monitoring, establish

9 (A) minimum standards for electronic monitoring, including
10 the requirement of active, real-time monitoring using global positioning
11 systems; and

12 (B) procedures for oversight and approving electronic
13 monitoring programs and systems provided by private contractors.

14 * **Sec. 138.** AS 33.30.013(a) is amended to read:

15 (a) The commissioner shall notify the victim if the offender

16 (1) escapes from custody;

17 (2) is discharged from parole under AS 33.16; or

18 (3) is released to the community on a furlough, on an early release
19 program, or for any other reason.

20 * **Sec. 139.** AS 33.30.065(a) is amended to read:

21 (a) If the commissioner designates a prisoner to serve the prisoner's term of
22 imprisonment or period of temporary commitment, or a part of the term or period, by
23 electronic monitoring, the commissioner shall direct the prisoner to serve the term or
24 period at the prisoner's residence or other place selected by the commissioner. The
25 electronic monitoring shall be administered by the department or by a private
26 contractor approved by the department under AS 33.30.011(10) and shall be
27 designed so that any attempt to remove, tamper with, or disable the monitoring
28 equipment or to leave the place selected for the service of the term or period will result
29 in a report or notice to the department.

30 * **Sec. 140.** AS 33.30 is amended by adding a new section to read:

31 **Sec. 33.30.095. Duties of commissioner before release of prisoner.** (a) The

1 commissioner shall establish a program to prepare a prisoner who is serving a sentence
2 of imprisonment exceeding one year for the prisoner's discharge, release on parole or
3 probation, or prerelease furlough under AS 33.30.111 that begins 90 days before the
4 date of the prisoner's discharge, release, or furlough.

5 (b) The program established under (a) of this section must include

6 (1) instruction on

7 (A) obtaining state identification;

8 (B) community resources available for housing, employment,
9 and treatment;

10 (2) an individualized reentry plan under AS 30.30.011(9) for the
11 prisoner;

12 (3) probation and parole orientation, if appropriate; and

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

19 * **Sec. 141.** AS 33.30.151 is amended to read:

20 **Sec. 33.30.151. Correctional restitution centers.** (a) The commissioner shall
21 establish correctional restitution centers in the state. The purpose of the centers is to
22 provide certain offenders with rehabilitation through comprehensive treatment for
23 substance abuse, cognitive behavioral disorders, and other criminal risk factors,
24 including aftercare support, community service, and employment, while protecting
25 the community through partial incarceration of the offender, and to create a means to
26 provide restitution to victims of crimes.

27 (b) The commissioner shall adopt regulations setting standards for the
28 operation of the centers including

29 (1) requirements that the centers be secure and in compliance with state
30 and local safety laws;

31 (2) standards for disciplinary rules to be imposed on prisoners confined

1 to the centers;

2 (3) standards for the granting of emergency absence to prisoners
3 confined to the centers;

4 (4) standards for classifying prisoners to centers;

5 (5) standards for mandatory employment and participation in
6 community service programs in each center; [AND]

7 (6) standards for periodic review of the performance of prisoners
8 confined to the centers and quality assurance measures to ensure centers are
9 meeting state standards and contractual obligations;

10 (7) standards for the provision of treatment, including substance
11 abuse treatment, cognitive behavioral therapy, and aftercare designed to address
12 an offender's individual criminogenic needs; and

13 (8) standards and a process to assess an offender's risk of
14 recidivating and the criminal risk factors and needs that reduce the risk of
15 recidivating and ensure that

16 (A) high risk offenders with moderate to high needs are a
17 priority for acceptance into a correctional restitution center; and

18 (B) centers establish internal procedures to limit the mixing
19 of low and high risk prisoners.

20 * Sec. 142. AS 34.03.360(7) is amended to read:

21 (7) "illegal activity involving a controlled substance" means a violation
22 of AS 11.71.010(a), 11.71.030(a)(1), (2), or (4) - (8) [11.71.020(a), 11.71.030(a)(1)
23 OR (2)], or 11.71.040(a)(1), (2), or (5);

24 * Sec. 143. AS 43.23.065(b) is amended to read:

25 (b) An exemption is not available under this section for permanent fund
26 dividends taken to satisfy

27 (1) child support obligations required by court order or decision of the
28 child support services agency under AS 25.27.140 - 25.27.220;

29 (2) court ordered restitution under AS 12.55.045 - 12.55.051,
30 12.55.100, or AS 47.12.120(b)(4);

31 (3) claims on defaulted education loans under AS 43.23.067;

- 1 (4) court ordered fines;
- 2 (5) writs of execution under AS 09.35 of a judgment that is entered
- 3 (A) against a minor in a civil action to recover damages and
- 4 court costs;
- 5 (B) under AS 09.65.255 against the parent, parents, or legal
- 6 guardian of an unemancipated minor;
- 7 (6) a debt owed by an eligible individual to an agency of the state,
- 8 including the University of Alaska, unless the debt is contested and an appeal is
- 9 pending, or the time limit for filing an appeal has not expired;
- 10 (7) a debt owed to a person for a program for the rehabilitation of
- 11 perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15),
- 12 AS 25.20.061(3), or AS 33.16.150(f)(2);
- 13 (8) a judgment for unpaid rent or damage owed to a landlord by an
- 14 eligible individual that was a tenant of the landlord; in this paragraph, "tenant" has the
- 15 meaning given in AS 34.03.360;

16 **(9) court-ordered forfeiture of an appearance or performance bond**
 17 **under AS 12.30.075.**

18 * Sec. 144. AS 44.19.645 is amended to read:

19 **Sec. 44.19.645. Powers and duties of the commission.** (a) The commission
 20 shall evaluate the effect of sentencing laws and criminal justice practices on the
 21 criminal justice system to evaluate whether those sentencing laws and criminal justice
 22 practices provide for protection of the public, community condemnation of the
 23 offender, the rights of victims of crimes, the rights of the accused and the person
 24 convicted, restitution from the offender, and the principle of reformation. The
 25 commission shall make recommendations for improving criminal sentencing practices
 26 and criminal justice practices, including rehabilitation and restitution. **The**
 27 **commission shall annually make recommendations to the governor and the**
 28 **legislature on how savings from criminal justice reforms should be reinvested to**
 29 **reduce recidivism.** In formulating its recommendations, the commission shall
 30 consider

- 31 (1) statutes, court rules, and court decisions relevant to sentencing of

1 criminal defendants in misdemeanor and felony cases;

2 (2) sentencing practices of the judiciary, including use of presumptive
3 sentences;

4 (3) means of promoting uniformity, proportionality, and accountability
5 in sentencing;

6 (4) alternatives to traditional forms of incarceration;

7 (5) the efficacy of parole and probation in ensuring public safety,
8 achieving rehabilitation, and reducing recidivism;

9 (6) the adequacy, availability, and effectiveness of treatment and
10 rehabilitation programs;

11 (7) crime and incarceration rates, including the rate of violent crime
12 and the abuse of controlled substances, in this state compared to other states, and best
13 practices adopted by other states that have proven to be successful in reducing
14 recidivism;

15 (8) the relationship between sentencing priorities and correctional
16 resources;

17 (9) the effectiveness of the state's current methodologies for the
18 collection and dissemination of criminal justice data; and

19 (10) whether the schedules for controlled substances in AS 11.71.140 -
20 11.71.190 are reasonable and appropriate, considering the criteria established in
21 AS 11.71.120(c).

22 (b) The commission may

23 (1) recommend legislative and administrative action on criminal justice
24 practices; [AND]

25 (2) select and retain the services of consultants as necessary;

26 **(3) appoint a working group to review and analyze the**
27 **implementation of the recommendations made in the justice reinvestment report**
28 **in December 2015, and other recommendations issued by the commission, and**
29 **regularly report to the commission on the status of the implementation; a**
30 **working group may include representatives of criminal justice agencies and key**
31 **constituencies who are not members of the commission; and**

1 (4) enter into data-sharing agreements with the Justice Center at
2 the University of Alaska, the Alaska Judicial Council, or other research
3 institutions for the purposes of analyzing data and performance metrics.

4 * Sec. 145. AS 44.19.645 is amended by adding new subsections to read:

5 (c) The commission shall

6 (1) receive and analyze data collected by agencies and entities charged
7 with implementing the recommendations of the 2015 justice reinvestment report and
8 other recommendations issued by the commission and who are collecting data during
9 the implementation and management of specific commission recommendations;

10 (2) track and assess outcomes from the recommendations the
11 commission has made and corresponding criminal justice reforms; and

12 (3) request, receive, and review data and reports on performance
13 outcome data relating to criminal justice reform.

14 (d) Agencies and entities reporting data to the working group authorized in
15 (b)(3) of this section under (e) - (g) of this section shall

16 (1) report data individually by case number, including an identifier
17 number such as the Alaska Public Safety Information Network number, the court case
18 number, the Alaska Corrections Offender Management System number, and the arrest
19 tracking number, as available;

20 (2) include demographic information necessary for tracking individuals
21 across multiple databases, including the individual's first name, last name, middle
22 initial as available, and date of birth; and

23 (3) include information necessary to measure possible disparate effects
24 of criminal justice laws and policies, such as race and gender as available.

25 (e) The judiciary shall report quarterly to the working group authorized in
26 (b)(3) of this section. The report shall include criminal case processing data, including

27 (1) the date, type, and number of all charges disposed within the
28 quarter;

29 (2) the disposition of each charge, whether convicted, dismissed,
30 acquitted, or otherwise disposed; and

31 (3) the date of the disposition for each charge.

1 (f) The Department of Public Safety shall report quarterly to the working group
2 authorized under (b)(3) of this section. The report shall include the following
3 information:

4 (1) data on citations and arrests for criminal offenses, including the
5 offense charged and reason for arrest if an arrest was made;

6 (2) data on all criminal convictions and sentences during the quarter;
7 and

8 (3) criminal history information for selected offenders as agreed on by
9 the department and the working group authorized in (b)(3) of this section.

10 (g) The Department of Corrections shall report quarterly to the working group
11 authorized in (b)(3) of this section. The report shall include the following information:

12 (1) data on pretrial decision making and outcomes, including
13 information on pretrial detainees admitted for a new criminal charge; detainees
14 released at any point before case resolution; time spent detained before first release or
15 case resolution; pretrial defendant risk level and charge; pretrial release
16 recommendations made by pretrial service officers; pretrial conditions imposed on
17 pretrial detainees by judicial officers, including amount of bail, and supervision
18 conditions; and information on pretrial outcomes, including whether or not the
19 defendant appeared in court or was re-arrested during the pretrial period;

20 (2) data on offenders admitted to the Department of Corrections for a
21 new criminal conviction, including the offense type, number of prior felony
22 convictions, sentence length, and length of stay;

23 (3) data on the population of the Department of Corrections, using a
24 one-day snapshot on the first day of the first month of each quarter, broken down by
25 type of admission, offense type, and risk level;

26 (4) data on offenders on probation supervised by the Department of
27 Corrections, including the total number of offenders supervised using a one-day
28 snapshot on the first month of each quarter; admissions to probation; assignments to a
29 program under AS 33.05.020(f); probation sentence length; time served on the
30 sentence; whether probation was successfully completed, any new convictions for a
31 felony offense, and any sentences to a term of imprisonment while on probation;

1 (5) data on parole, including the number of offenders supervised on
2 parole, using a one-day snapshot on the first month of each quarter; the number of
3 parole hearings; the parole grant rate and number of parolees released on
4 administrative, discretionary, and special medical parole; and information on parolees,
5 including time spent on parole, whether parole was successfully completed, any new
6 convictions for a new felony offense, and any sentences to a term of imprisonment
7 while on parole;

8 (6) data on the implementation of policies from the 2015 justice
9 reinvestment report, including the number and percentage of offenders who earn
10 compliance credits under AS 33.05.020(g) in one or more months, and the total
11 amount of credits earned; the average number of sanctions issued under
12 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most
13 common violations of probation or parole; and

14 (7) data on probation and parole revocations, including information on
15 probationers and parolees admitted for a supervision violation pre-case and post-case
16 resolution; probationers and parolees admitted solely for a technical violation;
17 probationers and parolees admitted for a new arrest; the number of previous
18 revocations on the current sentence, if any; the length of time held pre-case resolution;
19 the length of time to case resolution; and the length of stay.

20 * **Sec. 146.** AS 44.19.647 is amended to read:

21 **Sec. 44.19.647. Annual report and recommendations.** The commission shall
22 submit to the governor and the legislature an annual report. **The report must include**

23 **(1) a description** of its proceedings for the previous calendar year;

24 **(2) a summary of savings and recommendations on how savings**
25 **from criminal justice reform should be reinvested to reduce recidivism;**

26 **(3) performance metrics and outcomes from the recommendations**
27 **the commission made in its December 2015 report, including recidivism rates,**
28 **defined as**

29 **(A) the percentage of inmates who return to prison within**
30 **three years after release, broken down by offense type and risk level; and**

31 **(B) the percentage of inmates who return to prison within**

1 three years after release for a new criminal conviction, broken down by
2 offense type and risk level; and

3 (4) recommendations for additional reforms, which may include

4 [AND MAY SUBMIT] recommendations for legislative and administrative action.
5 [REPORTS AND RECOMMENDATIONS PROVIDED UNDER THIS SECTION
6 SHALL BE SUBMITTED NOT LATER THAN FEBRUARY 1 OF EACH YEAR].

7 * **Sec. 147.** AS 44.19.647 is amended by adding a new subsection to read:

8 (b) The commission shall submit the reports and recommendations provided
9 under (a) of this section not later than November 1 of each year.

10 * **Sec. 148.** AS 44.66.010(a)(12) is amended to read:

11 (12) Alaska Criminal Justice Commission (AS 44.19.641) - June 30,
12 2021 [JUNE 30, 2017];

13 * **Sec. 149.** AS 47.12.315(a) is amended to read:

14 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this
15 section, the department shall disclose information to the public, on request, concerning
16 a minor subject to this chapter who was at least 13 years of age at the time of
17 commission of

18 (1) a felony offense against a person under AS 11.41;

19 (2) arson in the first or second degree;

20 (3) burglary in the first degree;

21 (4) distribution of child pornography;

22 (5) sex trafficking in the first degree;

23 (6) misconduct involving a controlled substance in the first or [,]
24 second [, OR THIRD] degrees involving distribution or possession with intent to
25 deliver; or

26 (7) misconduct involving weapons in the first through fourth degrees.

27 * **Sec. 150.** AS 47.27.015 is amended by adding a new subsection to read:

28 (i) A person convicted after August 22, 1996, of an offense that is classified as
29 a felony under AS 11.71.010 - 11.71.040 or by the law of another jurisdiction that has
30 as an element the possession, use, or distribution of a controlled substance, as defined
31 in AS 11.71.900, is disqualified from receiving temporary assistance under this

1 chapter or food stamps under AS 47.25 unless the person demonstrates, to the
2 satisfaction of the department, that the person

3 (1) is satisfactorily serving, or has successfully completed, a period of
4 probation or parole;

5 (2) is in the process of serving, or has successfully completed,
6 mandatory participation in a drug or alcohol treatment program; or

7 (3) has taken action toward rehabilitation, including participation in a
8 drug or alcohol treatment program.

9 * **Sec. 151.** AS 47.37.040 is amended to read:

10 **Sec. 47.37.040. Duties of department.** The department shall

11 (1) develop, encourage, and foster statewide, regional, and local plans
12 and programs for the prevention of alcoholism and drug abuse and treatment of
13 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with
14 public and private agencies, organizations, and individuals, and provide technical
15 assistance and consultation services for these purposes;

16 (2) coordinate the efforts and enlist the assistance of all public and
17 private agencies, organizations, and individuals interested in prevention of alcoholism,
18 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug
19 abusers, and inhalant abusers;

20 (3) cooperate with the Department of Corrections in establishing and
21 conducting programs to provide treatment for alcoholics, intoxicated persons, drug
22 abusers, and inhalant abusers in or on parole from penal institutions;

23 (4) cooperate with the Department of Education and Early
24 Development, school boards, schools, police departments, courts, and other public and
25 private agencies, organizations, and individuals in establishing programs for the
26 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
27 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
28 materials for use at all levels of school education;

29 (5) prepare, publish, evaluate, and disseminate educational material
30 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous
31 volatile substances;

1 (6) develop and implement, as an integral part of treatment programs,
2 an educational program for use in the treatment of alcoholics, intoxicated persons,
3 drug abusers, and inhalant abusers that includes the dissemination of information
4 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

5 (7) organize and foster training programs for all persons engaged in
6 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
7 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant
8 abuse workers;

9 (8) sponsor and encourage research into the causes and nature of
10 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
11 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse
12 for information relating to alcoholism, drug abuse, and inhalant abuse;

13 (9) specify uniform methods for keeping statistical information by
14 public and private agencies, organizations, and individuals, and collect and make
15 available relevant statistical information, including number of persons treated,
16 frequency of admission and readmission, and frequency and duration of treatment;

17 (10) conduct program planning activities approved by the Advisory
18 Board on Alcoholism and Drug Abuse;

19 (11) review all state health, welfare, and treatment plans to be
20 submitted for federal funding, and advise the commissioner on provisions to be
21 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant
22 abusers;

23 (12) assist in the development of, and cooperate with, alcohol, drug
24 abuse, and inhalant abuse education and treatment programs for employees of state
25 and local governments and businesses and industries in the state;

26 (13) use the support and assistance of interested persons in the
27 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to
28 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo
29 treatment;

30 (14) cooperate with the Department of Public Safety and the
31 Department of Transportation and Public Facilities in establishing and conducting

1 programs designed to deal with the problem of persons operating motor vehicles while
2 under the influence of an alcoholic beverage, inhalant, or controlled substance, and
3 develop and approve alcohol information courses required to be taken by drivers under
4 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic
5 laws;

6 (15) encourage hospitals and other appropriate health facilities to admit
7 without discrimination alcoholics, intoxicated persons, drug abusers, and inhalant
8 abusers and to provide them with adequate and appropriate treatment;

9 (16) encourage all health insurance programs to include alcoholism and
10 drug abuse as a covered illness;

11 (17) prepare an annual report covering the activities of the department
12 and notify the legislature that the report is available;

13 (18) develop and implement a training program on alcoholism and drug
14 abuse for employees of state and municipal governments, and private institutions;

15 (19) develop curriculum materials on drug and alcohol abuse and the
16 misuse of hazardous volatile substances for use in grades kindergarten through 12, as
17 well as a course of instruction for teachers to be charged with presenting the
18 curriculum;

19 (20) develop and implement or designate, in cooperation with other
20 state or local agencies, a juvenile alcohol safety action program that provides alcohol
21 and substance abuse screening, referral, and monitoring of persons under 18 years of
22 age who have been referred to it by

23 (A) a court in connection with a charge or conviction of a
24 violation or misdemeanor related to the use of alcohol or a controlled
25 substance;

26 (B) the agency responsible for the administration of motor
27 vehicle laws in connection with a license action related to the use of alcohol or
28 a controlled substance; or

29 (C) department staff after a delinquency adjudication that is
30 related to the use of alcohol or a controlled substance;

31 (21) develop and implement, or designate, in cooperation with other

1 state or local agencies, an alcohol safety action program that provides [ALCOHOL
2 AND SUBSTANCE ABUSE SCREENING, REFERRAL, AND MONITORING]
3 services to persons who have been referred by a court [IN CONNECTION WITH A
4 CHARGE OR CONVICTION OF A MISDEMEANOR INVOLVING THE USE OF
5 A MOTOR VEHICLE, AIRCRAFT, OR WATERCRAFT AND ALCOHOL OR A
6 CONTROLLED SUBSTANCE, REFERRED BY A COURT] under AS 28.35.028,
7 28.35.030, or 28.35.032, or referred by an agency of the state with the responsibility
8 for administering motor vehicle laws in connection with a driver's license action
9 involving the use of alcohol or a controlled substance;

10 (22) whenever possible, apply evidence-based, research-based, and
11 consensus-based substance abuse and co-occurring substance abuse and mental health
12 disorders treatment practices and remove barriers that prevent the use of those
13 practices;

14 (23) collaborate with first responders, hospitals, schools, primary care
15 providers, developmental disability treatment providers, law enforcement, corrections,
16 attorneys, the Alaska Court System, community behavioral treatment providers,
17 Alaska Native organizations, and federally funded programs in implementing
18 programs for co-occurring substance abuse and mental health disorders treatment.

19 * Sec. 152. AS 47.37.130(h) is amended to read:

20 (h) The department shall

21 (1) inspect, on a regular basis, approved public and private alcohol
22 safety action programs at reasonable times and in a reasonable manner; [AND]

23 (2) maintain a list of approved public and private alcohol safety action
24 programs; and

25 (3) develop regulations for the operation and management of
26 alcohol safety action programs that ensure

27 (A) screenings are conducted using a validated risk tool;

28 and

29 (B) monitoring of participants is appropriate to the risk of
30 reoffense of the participant as determined by the screening.

31 * Sec. 153. AS 47.37.130 is amended by adding a new subsection to read:

1 (k) The public and private alcohol safety action programs established under
2 AS 47.37.040(21) shall provide

3 (1) screening of eligible persons to determine the risk of the person to
4 reoffend and the criminal risk factors that are contributing to the risk; and

5 (2) monitoring of participants based on the risk to reoffend as
6 determined by the screening.

7 * **Sec. 154.** AS 47.38.020 is amended to read:

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

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

16 (c) The commissioner shall include in the program

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

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

26 (A) fails to appear for an appointment or fails to complete a
27 **test through the use of remote alcohol or substance abuse monitoring**
28 **technology** as required by the program requirements; or

29 (B) tests positive for the use of controlled substances or
30 alcoholic beverages; and

31 (3) a requirement that the person or offender pay, based on the person's

1 or offender's ability under financial guidelines established by the commissioner, for
2 the cost of participating in the program.

3 (d) The department shall contract with one or more vendors using a
4 competitive procurement process in accordance with AS 36.30 to provide or
5 conduct the testing required under (c) of this section.

6 * Sec. 155. AS 47.38.100(a) is amended to read:

7 (a) The recidivism reduction program is established to promote the
8 rehabilitation [THROUGH TRANSITIONAL RE-ENTRY PROGRAMS] of persons
9 on probation or parole or incarcerated for offenses and recently released from
10 correctional facilities.

11 * Sec. 156. AS 47.38.100(b) is amended to read:

12 (b) The commissioner, in cooperation with the Alaska Criminal Justice
13 Commission established in AS 44.19.641 [COMMISSIONER OF CORRECTIONS],
14 may provide for programs that have, as a primary focus, rehabilitation and reduction
15 of recidivism [THROUGH TRANSITIONAL RE-ENTRY] for persons on probation
16 or parole or incarcerated for offenses and recently released from correctional
17 facilities. The commissioner may enter into contracts to provide for programs under
18 this section. An eligible [A] program under this section must accomplish at least one
19 of the following objectives:

20 (1) increasing access to evidence-based rehabilitation programs,
21 including drug and alcohol treatment, mental health treatment, and cognitive
22 behavioral programs; or

23 (2) supporting offenders' transition and re-entry from correctional
24 facilities to the community, including transitional housing services, employment
25 services, vocational training, educational support, and counseling [INCLUDE
26 CASE MANAGEMENT;

27 (2) REQUIRE SOBER LIVING;

28 (3) PROVIDE, ON-SITE OR BY REFERRAL, TREATMENT FOR
29 SUBSTANCE ABUSE OR MENTAL HEALTH TREATMENT;

30 (4) REQUIRE EMPLOYMENT, EDUCATIONAL PROGRAMMING,
31 VOCATIONAL TRAINING, OR COMMUNITY VOLUNTEER WORK AS

1 APPROVED BY THE DIRECTOR OF THE TREATMENT PROGRAM; AND
 2 (5) LIMIT RESIDENTIAL PLACEMENTS IN THE PROGRAM TO
 3 A MAXIMUM OF ONE YEAR].

4 * **Sec. 157.** AS 47.38.100 is amended by adding a new subsection to read:

5 (d) In this section, "evidenced-based" means a program or practice that offers a
 6 high level of research on effectiveness.

7 * **Sec. 158.** The uncodified law of the State of Alaska is amended by adding a new section
 8 to read:

9 DIRECT COURT RULE AMENDMENT. Rule 38, Alaska Rules of Criminal
 10 Procedure, is amended by adding new subsections to read:

11 (d) **Hearing Notice.** The court shall provide a notice to a defendant of the date,
 12 time, and place of a scheduled hearing at which the defendant is required to appear in
 13 a form and manner established by the court.

14 (e) **Hearing Reminder.** In addition to the notice required under (d) of this rule,
 15 the court shall provide a reminder notification to a defendant who is not in custody and
 16 to the Department of Corrections at least 48 hours prior to a scheduled hearing at
 17 which the defendant is required to appear regarding the date, time, and place of the
 18 scheduled hearing and the potential consequences of failure to appear, in a form and
 19 manner established by the court.

20 * **Sec. 159.** The uncodified law of the State of Alaska is amended by adding a new section
 21 to read:

22 DIRECT COURT RULE AMENDMENT. Rule 41, Alaska Rules of Criminal
 23 Procedure, is amended by adding a new subsection to read:

24 (j) **Misdemeanor and Felony Bail Schedules.** No bail schedule shall be
 25 established for misdemeanors or felonies.

26 * **Sec. 160.** The uncodified law of the State of Alaska is amended by adding a new section
 27 to read:

28 REPEAL OF COURT RULES. Rules 41(d) and (e), Alaska Rules of Criminal
 29 Procedure, are repealed.

30 * **Sec. 161.** AS 11.46.140(a)(3), 11.46.220(c)(2)(B); AS 11.56.757(c); AS 11.71.020,
 31 11.71.040(a)(3), 11.71.050(a)(2), 11.71.060(a)(2)(A); AS 12.30.016(d); AS 12.55.125(o),

1 12.55.135(j); AS 28.15.181(d); and AS 33.16.100(e) are repealed.

2 * **Sec. 162.** The uncodified law of the State of Alaska is amended by adding a new section
3 to read:

4 **INDIRECT COURT RULE AMENDMENT.** (a) AS 12.30.011, as repealed and
5 reenacted by sec. 47 of this Act, has the effect of changing Rule 41, Alaska Rules of Criminal
6 Procedure, by changing and establishing release conditions for certain defendants, providing
7 for recommendations by pretrial services officers of release conditions based on a pretrial risk
8 assessment score, providing that a court shall order the release of a person under certain
9 circumstances upon execution of an appearance or performance bond, and providing new
10 procedures for use of appearance, surety, and performance bonds.

11 (b) AS 12.55.055(g), enacted by sec. 61 of this Act, has the effect of changing Rule
12 32, Alaska Rules of Criminal Procedure, by directing the court to include a provision in the
13 judgment that community work hours that are not completed shall be converted to a fine as
14 provided in AS 12.55.055(h), added by sec. 61 of this Act.

15 (c) AS 12.55.078, enacted by sec. 62 of this Act, has the effect of changing Rule 43,
16 Alaska Rules of Criminal Procedure, by creating an alternate procedure for when the court
17 may dismiss charges.

18 (d) AS 12.55.135(p), enacted by sec. 78 of this Act, has the effect of changing Rule
19 32.1, Alaska Rules of Criminal Procedure, by changing the procedure for notice of
20 aggravating factors.

21 (e) AS 33.07, enacted by sec. 99 of this Act, has the effect of changing Rule 41,
22 Alaska Rules of Criminal Procedure, by establishing pretrial services officers and procedures
23 and duties for pretrial services officers as officers of the superior and district courts, for the
24 purposes of performing risk assessments and making pretrial recommendations to the court
25 regarding a person's pretrial release and bail conditions.

26 * **Sec. 163.** The uncodified law of the State of Alaska is amended by adding a new section
27 to read:

28 **COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT.** The Council
29 on Domestic Violence and Sexual Assault established in AS 18.66.010 shall create or expand
30 community-based violence prevention programming and services for victims of a crime
31 involving domestic violence or sexual assault in the fiscal year ending June 30, 2017. In this

1 section "domestic violence" and "sexual assault" have the meanings given to those terms in
2 AS 18.66.990.

3 * **Sec. 164.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING
6 BARRIER OFFENSES. The Alaska Criminal Justice Commission shall provide in the
7 commission's 2017 annual report required under AS 44.19.647 an evaluation of the
8 relationship between offenses on a person's criminal justice record that may be a barrier to
9 entry into certain occupations and the successful re-entry of a person with barrier offenses on
10 the person's criminal justice record into the community and an evaluation of the relationship
11 between legal expungement or pardons and successful re-entry.

12 * **Sec. 165.** The uncodified law of the State of Alaska is amended by adding a new section
13 to read:

14 APPLICABILITY. (a) The following sections apply to offenses committed on or after
15 the effective date of those sections:

- 16 (1) AS 11.46.130(a), as amended by sec. 3 of this Act;
- 17 (2) AS 11.46.140(a), as amended by sec. 4 of this Act;
- 18 (3) AS 11.46.220(c), as amended by sec. 5 of this Act;
- 19 (4) AS 11.46.260(b), as amended by sec. 6 of this Act;
- 20 (5) AS 11.46.270(b), as amended by sec. 7 of this Act;
- 21 (6) AS 11.46.280(d), as amended by sec. 8 of this Act;
- 22 (7) AS 11.46.285(b), as amended by sec. 9 of this Act;
- 23 (8) AS 11.46.295, as amended by sec. 10 of this Act;
- 24 (9) AS 11.46.360(a), as amended by sec. 11 of this Act;
- 25 (10) AS 11.46.482(a), as amended by sec. 13 of this Act;
- 26 (11) AS 11.46.484(a), as amended by sec. 14 of this Act;
- 27 (12) AS 11.46.530(b), as amended by sec. 15 of this Act;
- 28 (13) AS 11.46.620(d), as amended by sec. 16 of this Act;
- 29 (14) AS 11.46.730(c), as amended by sec. 17 of this Act;
- 30 (15) AS 11.61.110(c), as amended by sec. 24 of this Act;
- 31 (16) AS 11.61.145(d), as amended by sec. 25 of this Act;

- 1 (17) AS 11.66.200(c), as amended by sec. 29 of this Act;
- 2 (18) AS 11.71.030(a), as amended by sec. 30 of this Act;
- 3 (19) AS 11.71.040(a), as amended by sec. 33 of this Act;
- 4 (20) AS 11.71.050, as amended by sec. 35 of this Act;
- 5 (21) AS 11.71.311(a), as amended by sec. 37 of this Act;
- 6 (22) AS 12.55.027(f), enacted by sec. 57 of this Act;
- 7 (23) AS 12.55.125(a), as amended by sec. 71 of this Act;
- 8 (24) AS 12.55.125(b), as amended by sec. 72 of this Act;
- 9 (25) AS 28.15.291(a), as repealed and reenacted by sec. 85 of this Act;
- 10 (26) AS 28.15.291(b), as repealed and reenacted by sec. 86 of this Act;
- 11 (27) AS 29.10.200(21), as amended by sec. 93 of this Act;
- 12 (28) AS 29.25.070(a), as amended by sec. 94 of this Act;
- 13 (29) AS 29.25.070(g), enacted by sec. 95 of this Act;
- 14 (30) AS 47.12.315(a), as amended by sec. 149 of this Act; and
- 15 (31) AS 47.27.015(i), enacted by sec. 150 of this Act.

16 (b) The following sections apply to offenses committed before, on, or after the
17 effective date of those sections:

- 18 (1) AS 11.46.460, as amended by sec. 12 of this Act;
- 19 (2) AS 11.56.757(b), as amended by sec. 22 of this Act; and
- 20 (3) AS 11.61.150(c), as amended by sec. 27 of this Act.

21 (c) The following sections apply to offenses committed before, on, or after the
22 effective date of those sections for contacts with peace officers occurring on or after the
23 effective date of those sections:

- 24 (1) AS 12.25.150(a), as amended by sec. 38 of this Act;
- 25 (2) AS 12.25.180, as amended by sec. 39 of this Act;
- 26 (3) AS 12.25.190(b), as amended by sec. 41 of this Act; and
- 27 (4) AS 12.70.130, as amended by sec. 80 of this Act.

28 (d) The following sections apply to sentences imposed on or after the effective date of
29 those sections for conduct occurring before, on, or after the effective date of those sections:

- 30 (1) AS 12.55.027(d), as amended by sec. 56 of this Act;
- 31 (2) AS 12.55.125(c), as amended by sec. 73 of this Act;

- 1 (3) AS 12.55.125(d), as amended by sec. 74 of this Act;
- 2 (4) AS 12.55.125(e), as amended by sec. 75 of this Act;
- 3 (5) AS 12.55.135(a), as amended by sec. 76 of this Act;
- 4 (6) AS 12.55.135(b), as amended by sec. 77 of this Act;
- 5 (7) AS 12.55.135(l) - (p), enacted by sec. 78 of this Act; and
- 6 (8) AS 33.20.010(a), as amended by sec. 135 of this Act.

7 (e) The following sections apply to sentences imposed on or after the effective date of
8 those sections for conduct occurring before, on, or after the effective date of those sections:

- 9 (1) AS 12.55.025(a), as amended by sec. 54 of this Act;
- 10 (2) AS 12.55.025(c), as amended by sec. 55 of this Act;
- 11 (3) AS 12.55.115, as amended by sec. 70 of this Act;
- 12 (4) AS 28.35.030(k), as amended by sec. 88 of this Act;
- 13 (5) AS 28.35.032(o), as amended by sec. 91 of this Act;
- 14 (6) AS 28.35.036(a), as amended by sec. 92 of this Act;
- 15 (7) AS 33.16.010(f), enacted by sec. 102 of this Act;
- 16 (8) AS 33.16.089, enacted by sec. 104 of this Act; and
- 17 (9) AS 33.16.090(b), as amended by sec. 106 of this Act.

18 (f) AS 12.30.055(b), enacted by sec. 52 of this Act, applies to persons in custody for a
19 probation violation on or after the effective date of sec. 52 for a probation violation that
20 occurred before, on, or after the effective date of sec. 52 of this Act.

21 (g) The following sections apply to community work service imposed on or after the
22 effective date of those sections for offenses committed on or after the effective date of those
23 sections:

- 24 (1) AS 12.55.055(c), as amended by sec. 60 of this Act; and
- 25 (2) AS 12.55.055(g) and (h), enacted by sec. 61 of this Act.

26 (h) AS 12.55.078, enacted by sec. 62 of this Act, applies to prosecutions occurring on
27 or after the effective date of those sections for offenses committed before, on, or after the
28 effective date of sec. 62 of this Act.

29 (i) AS 12.55.051(a), as amended by sec. 58 of this Act, applies to probation ordered
30 before, on, or after the effective date of sec. 58 of this Act, for offenses committed before, on,
31 or after the effective date of sec. 58 of this Act.

1 (j) AS 12.55.090(c), as amended by sec. 64 of this Act, applies to probation ordered on
2 or after the effective date of sec. 64 of this Act, for offenses committed before, on, or after the
3 effective date of sec. 64 of this Act.

4 (k) AS 12.55.100(a), as amended by sec. 67 of this Act, applies to probation ordered
5 on or after the effective date of sec. 67 of this Act, for offenses committed before, on, or after
6 the effective date of sec. 67 of this Act.

7 (l) The following sections apply to probation ordered before, on, or after the effective
8 date of those sections for offenses committed before, on, or after the effective date of those
9 sections:

- 10 (1) AS 12.55.090(b), as amended by sec. 63 of this Act;
- 11 (2) AS 12.55.090(f), as amended by sec. 65 of this Act;
- 12 (3) AS 12.55.090(g) - (m), enacted by sec. 66 of this Act;
- 13 (4) AS 12.55.110(c) - (h), enacted by sec. 69 of this Act; and
- 14 (5) AS 33.05.040, as amended by sec. 97 of this Act.

15 (m) The following sections apply to a revocation of a driver's license, privilege to
16 drive, or privilege to obtain a license occurring on or after the effective date of those sections
17 for conduct occurring before, on, or after the effective date of those sections:

- 18 (1) AS 28.15.165(e), enacted by sec. 82 of this Act;
- 19 (2) AS 28.15.181(f), as amended by sec. 83 of this Act;
- 20 (3) AS 28.15.201(g) and (h), enacted by sec. 84 of this Act; and
- 21 (4) AS 28.35.030(o), as amended by sec. 90 of this Act.

22 (n) The following sections apply to parole granted on or after the effective date of
23 those sections for conduct occurring before, on, or after the effective date of those sections:

- 24 (1) AS 33.16.010(c), as amended by sec. 100 of this Act;
- 25 (2) AS 33.16.010(d), as amended by sec. 101 of this Act;
- 26 (3) AS 33.16.060(a), as amended by sec. 103 of this Act;
- 27 (4) AS 33.16.090(a), as amended by sec. 105 of this Act;
- 28 (5) AS 33.16.100(a), as amended by sec. 107 of this Act;
- 29 (6) AS 33.16.100(b), as amended by sec. 108 of this Act;
- 30 (7) AS 33.16.100(f) and (g), enacted by sec. 109 of this Act;
- 31 (8) AS 33.16.130, as repealed and reenacted by sec. 115 of this Act;

- 1 (9) AS 33.16.140, as amended by sec. 116 of this Act;
2 (10) AS 33.16.150(a), as amended by sec. 117 of this Act;
3 (11) AS 33.16.150(b), as amended by sec. 118 of this Act;
4 (12) AS 33.16.150(e), as amended by sec. 119 of this Act;
5 (13) AS 33.16.150(f), as amended by sec. 120 of this Act;
6 (14) AS 33.16.150(g), as amended by sec. 121 of this Act;
7 (15) AS 33.16.150(h), enacted by sec. 122 of this Act; and
8 (16) AS 33.16.200, as amended by sec. 124 of this Act.

9 (o) AS 11.56.730(d) and (e), enacted by sec. 20 of this Act, and sec. 158 of this Act
10 apply to offenses committed on or after the effective date of secs. 20 and 158 of this Act.

11 (p) The following sections apply to an offense committed on or after the effective date
12 of those sections:

- 13 (1) AS 11.56.730(c), as amended by sec. 19 of this Act;
14 (2) AS 11.56.730(d), enacted by sec. 20 of this Act;
15 (3) AS 12.30.006(b), as amended by sec. 43 of this Act;
16 (4) AS 12.30.006(c), as amended by sec. 44 of this Act;
17 (5) AS 12.30.006(d), as amended by sec. 45 of this Act;
18 (6) AS 12.30.006(f), as amended by sec. 46 of this Act;
19 (7) AS 12.30.011, as repealed and reenacted by sec. 47 of this Act;
20 (8) AS 12.30.016(b), as amended by sec. 48 of this Act;
21 (9) AS 12.30.016(c), as amended by sec. 49 of this Act;
22 (10) AS 12.30.021(a), as amended by sec. 50 of this Act;
23 (11) AS 12.30.021(c), as amended by sec. 51 of this Act;
24 (12) AS 12.55.055(a), enacted by sec. 59 of this Act;
25 (13) AS 33.07, enacted by sec. 99 of this Act; and
26 (14) AS 43.23.065(b), as amended by sec. 143 of this Act.

27 (q) AS 33.05.020(h), enacted by sec. 96 of this Act, applies to sentences imposed
28 before, on, or after the effective date of sec. 96 of this Act, for conduct occurring before, on,
29 or after the effective date of sec. 96 of this Act, for time served on probation on or after the
30 effective date of sec. 96 of this Act.

31 (r) AS 33.20.010(c), as amended by sec. 136 of this Act, applies to sentences imposed

1 before, on, or after the effective date of sec. 136 of this Act, for offenses committed before,
2 on, or after the effective date of sec. 136 of this Act, for time served on electronic monitoring
3 on or after the effect date of sec. 136 of this Act.

4 (s) The following sections apply to parole granted before, on, or after the effective
5 date of those sections:

6 (1) AS 33.16.180, as amended by sec. 123 of this Act;

7 (2) AS 33.16.210, as amended by sec. 125 of this Act;

8 (3) AS 33.16.210(c), enacted by sec. 126 of this Act;

9 (4) AS 33.16.215, enacted by sec. 127 of this Act;

10 (5) AS 33.16.220(b), as amended by sec. 128 of this Act;

11 (6) AS 33.16.220(f), as amended by sec. 129 of this Act;

12 (7) AS 33.16.220(i), as amended by sec. 130 of this Act;

13 (8) AS 33.16.220(j), enacted by sec. 131 of this Act;

14 (9) AS 33.16.240(h) and (i), enacted by sec. 132 of this Act; and

15 (10) AS 33.16.270, enacted by sec. 133 of this Act.

16 * **Sec. 166.** The uncodified law of the State of Alaska is amended by adding a new section
17 to read:

18 **CONDITIONAL EFFECT.** (a) AS 11.56.730(e), enacted by sec. 20 of this Act, takes
19 effect only if sec. 158 of this Act receives the two-thirds majority vote of each house required
20 by art. IV, sec. 15, Constitution of the State of Alaska.

21 (b) AS 12.30.011, as repealed and reenacted by sec. 47 of this Act, takes effect only if
22 sec. 162(a) of this Act receives the two-thirds majority vote of each house required by art. IV,
23 sec. 15, Constitution of the State of Alaska.

24 (c) AS 12.55.055(g), enacted by sec. 61 of this Act, takes effect only if sec. 162(b) of
25 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
26 Constitution of the State of Alaska.

27 (d) AS 12.55.078, enacted by sec. 62 of this Act, takes effect only if sec. 162(c) of this
28 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
29 Constitution of the State of Alaska.

30 (e) AS 12.55.135(p), enacted by sec. 78 of this Act, takes effect only if sec. 162(d) of
31 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,

1 Constitution of the State of Alaska.

2 (f) AS 33.07, added by sec. 99 of this Act, takes effect only if sec. 162(e) of this Act
3 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
4 of the State of Alaska.

5 * **Sec. 167.** Sections 1 - 17, 24 - 37, 56, 58, 60, 62, 64, 68, 73 - 87, 90, 92, 93, 95, 135, 136,
6 144 - 151, and 161 of this Act take effect January 1, 2016.

7 * **Sec. 168.** Section 81 of this Act takes effect October 1, 2016.

8 * **Sec. 169.** Sections 52, 54, 55, 61, 63, 65 - 67, 69, 70, 88, 89, 91, 96 - 98, 100 - 134, 137 -
9 140, 152, and 153 of this Act take effect January 1, 2017.

10 * **Sec. 170.** If AS 11.56.730(e), enacted by sec. 20 of this Act, and sec. 157 of this Act take
11 effect, they take effect January 1, 2018.

12 * **Sec. 171.** Section 140 of this Act takes effect July 1, 2018.

13 * **Sec. 172.** Sections 21 - 23, 38 - 51, 59, 98, 142, 158, 159, and 161(e) of this Act take
14 effect January 1, 2019.

13 TOTAL OF FISCAL # 9 previously published
 8 2020
 remaining 19 are new

CSSSSB 91 (FIN) Version F - Omnibus Crime Law & Procedure; Corrections

Sponsor: Coghill

Senate Finance Committee

Total Operating

April 7, 2016

Operating	OMB Component	Fund Source	FY17 Included in Governor's Request	FY17 Appropriation Requested	FY17 Total	FY18 Total	FY19 Total	FY20 Total	FY21 Total	FY22 Total
Department of Administration										
Office of Public Advocacy	43	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Public Defender Agency	1631	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Motor Vehicles #9	2348	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Administration Total:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Administration Postions:	FTE		0	0	0	0	0	0	0	0

Department of Corrections										
Institution Director's Office	1381	1004 GF	\$ -	\$ (4,543.1)	\$ (4,543.1)	\$ (16,446.1)	\$ (26,713.7)	\$ (24,427.0)	\$ (21,988.9)	\$ (19,323.6)
Statewide Probation and Parole	2826	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Substance Abuse Treatment Program	2974	1246	\$ -	\$ 500.0	\$ 500.0	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0
Community Residential Centers	2244	1246	\$ -	\$ 500.0	\$ 500.0	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0
Parole Board	695	1004 GF	\$ -	\$ 775.9	\$ 775.9	\$ 700.9	\$ 700.9	\$ 700.9	\$ 700.9	\$ 700.9
Pre-Trial Services	3121	1004 GF	\$ -	\$ 3,260.1	\$ 3,260.1	\$ 10,187.7	\$ 10,187.7	\$ 10,187.7	\$ 10,187.7	\$ 10,187.7
Corrections Total:			\$ -	\$ 492.9	\$ 492.9	\$ (3,557.5)	\$ (13,825.1)	\$ (11,538.4)	\$ (9,100.3)	\$ (6,444.0)
Corrections Postions:	FTE		0	34	34	34	5	5	5	5

Department of Health & Social Services										
BH Treatment and Recovery Grants	3099	1246	\$ -	\$ 1,000.0	\$ 1,000.0	\$ 2,000.0	\$ 1,625.0	\$ 1,625.0	\$ 1,625.0	\$ 1,625.0
Alcohol Safety Action Program	305	1004 GF	\$ -	\$ 30.3	\$ 30.3	\$ 29.2	\$ 29.2	\$ 29.2	\$ 29.2	\$ 29.2
Behavioral Health Medicaid Services	2660	1002/1246	\$ -	\$ -	\$ -	\$ -	\$ 1,500.0	\$ 1,500.0	\$ 1,500.0	\$ 1,500.0
Probation Services	2134	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Health & Social Services Total:			\$ -	\$ 1,030.3	\$ 1,030.3	\$ 2,029.2	\$ 3,154.2	\$ 3,154.2	\$ 3,154.2	\$ 3,154.2
Health & Social Services Postions:	FTE		0	0	0	0	0	0	0	0

Department of Law										
Criminal Justice Litigation	2202	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Law Postions:	FTE		0	0	0	0	0	0	0	0

Department of Public Safety										
Alaska State Trooper Detachments	2325	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Council on DV and Sexual Assault	521	1246	\$ -	\$ 1,000.0	\$ 1,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0
Public Safety Total:			\$ -	\$ 1,000.0	\$ 1,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0
Public Safety Postions:	FTE		0	0	0	0	0	0	0	0

Judiciary										
Trial Courts	768	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Judicial Council	771	1004 GF	\$ 193.8	\$ 67.9	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ -
Judiciary Total:			\$ 193.8	\$ 67.9	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ -
Judiciary Postions:	FTE		1.5	0.0	1.5	1.5	1.5	1.5	1.5	0.0

Fund Source				FY17	FY18	FY19	FY20	FY21	FY22
All Funds Operating Total	All funds			\$ 2,784.9	\$ 733.4	\$ (8,409.2)	\$ (6,122.5)	\$ (3,684.4)	\$ (1,289.8)
1002 Fed Rcpts				\$ -	\$ -	\$ 1,125.0	\$ 1,125.0	\$ 1,125.0	\$ 1,125.0
1246 Recidivism Reduction Fund		--	\$ (3,000.0)	\$ (3,000.0)	\$ (6,000.0)	\$ (6,000.0)	\$ (6,000.0)	\$ (6,000.0)	\$ (6,000.0)
1004 Gen Fund			\$ 193.8	\$ (408.9)	\$ (215.1)	\$ (5,266.6)	\$ (15,534.2)	\$ (13,247.5)	\$ (10,809.4)
Position Totals	FTE		\$ 1.5	\$ 34.0	\$ 35.5	\$ 35.5	\$ 6.5	\$ 6.5	\$ 5.0

Capital	Corrections, Information Technology MIS (OMB #698)	\$ 1,500.0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Averted prison costs due to reforms and reinvestment	\$ (3,800.0)	\$ (4,702.4)	\$ (10,104.5)	\$ (16,444.5)	\$ (23,069.0)	\$ (30,060.5)
Averted inmates exceeding current capacity	48	24	165	337	518	709
Assumes Pt. Mackenzie reopened in FY17 increasing capacity by 128 beds; inmates exceeding system capacity assumed to be housed Outside at a cost of \$2 per inmate for transportation and \$36.5 annually for housing.						

*** Indeterminate

All dollars in thousands

FN \$ 698

16 NEW notes
1 PP = #9

CSSSB 91 (FIN) Version F - Omnibus Crime Law & Procedure; Corrections

Sponsor: Coghill

Senate Finance Committee

Total Operating

April 5, 2016

Operating	OMB Component	FY17 Included in Governor's Request	FY17 Appropriation Requested	FY17 Total	FY18 Total	FY19 Total	FY20 Total	FY21 Total	FY22 Total
Department of Administration									
Z Office of Public Advocacy <i>NEW</i>	43 ✓	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Z Public Defender Agency <i>NEW</i>	1631 ✓	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Z Motor Vehicles #9	2348 ✓	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Administration Total:		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Administration Postions:	FTE	0	0	0	0	0	0	0	0

Department of Corrections									
Information Technology MIS <i>NEW</i>	698 ✓	\$ -	\$ 1,500.0	\$ 1,500.0	\$ -	\$ -	\$ -	\$ -	\$ -
Institution Director's Office <i>NEW</i>	1381 ✓	\$ -	\$ (4,543.1)	\$ (4,543.1)	\$ (16,446.1)	\$ (26,713.7)	\$ (24,427.0)	\$ (21,988.9)	\$ (19,323.6)
Z Statewide Probation and Parole <i>NEW</i>	2826 ✓	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Community Residential Centers <i>NEW</i>	2244 ✓	\$ -	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0
Parole Board <i>NEW</i>	695 ✓	\$ -	\$ 775.9	\$ 775.9	\$ 700.9	\$ 700.9	\$ 700.9	\$ 700.9	\$ 700.9
Pre-Trial Services <i>NEW</i> <i>not an OMB #</i>	3121	\$ -	\$ 3,904.3	\$ 3,904.3	\$ 15,616.8	\$ 15,616.8	\$ 15,616.8	\$ 15,616.8	\$ 15,616.8
Corrections Total:		\$ -	\$ 3,637.1	\$ 3,637.1	\$ 1,871.6	\$ (8,396.0)	\$ (6,109.3)	\$ (3,671.2)	\$ (1,005.9)
Corrections Postions:	FTE	0	36	36	130	130	130	130	130

Department of Health & Social Services									
BH Treatment and Recovery Grants <i>NEW</i>	3099	\$ -	\$ 2,500.0	\$ 2,500.0	\$ 3,000.0	\$ 3,000.0	\$ 3,000.0	\$ 3,000.0	\$ 3,000.0
Alcohol Safety Action Program <i>NEW</i>	305	\$ -	\$ 30.3	\$ 30.3	\$ 29.2	\$ 29.2	\$ 29.2	\$ 29.2	\$ 29.2
Z Probation Services <i>NEW</i>	2134 ✓	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Health & Social Services Total:		\$ -	\$ 2,530.3	\$ 2,530.3	\$ 3,029.2	\$ 3,029.2	\$ 3,029.2	\$ 3,029.2	\$ 3,029.2
Health & Social Services Postions:	FTE	0	0	0	0	0	0	0	0

Department of Law									
* Criminal Justice Litigation <i>NEW</i>	2202	\$ -	***	***	***	***	***	***	***
Law Postions:	FTE	0	0	0	0	0	0	0	0

Department of Public Safety									
Z Alaska State Trooper Detachments <i>NEW</i>	2325	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Council on DV and Sexual Assault <i>NEW</i>	521	\$ -	\$ 2,500.0	\$ 2,500.0	\$ 3,000.0	\$ 3,000.0	\$ 3,000.0	\$ 3,000.0	\$ 3,000.0
Public Safety Total:		\$ -	\$ 2,500.0	\$ 2,500.0	\$ 3,000.0	\$ 3,000.0	\$ 3,000.0	\$ 3,000.0	\$ 3,000.0
Public Safety Postions:	FTE	0	1	1	1	1	1	1	1

Judiciary									
Z Trial Courts <i>NEW</i>	768	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Judicial Council <i>NEW</i>	771	\$ 193.8	\$ 67.9	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ -
Judiciary Total:		\$ 193.8	\$ 67.9	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ -
Judiciary Postions:	FTE	1	0	1	1	1	1	1	0

Grand Total:	All funds	\$ 193.8	\$ 8,735.3	\$ 8,929.1	\$ 8,162.5	\$ (2,105.1)	\$ 181.6	\$ 2,619.7	\$ 5,023.3
Position Totals:	FTE	\$ 1.0	\$ 37.0	\$ 38.0	\$ 132.0	\$ 132.0	\$ 132.0	\$ 132.0	\$ 131.0

All funds 1004 Gen Fund
*** Indeterminate