

SB

55

<TARGET><BILL>SB 55</BILL><SUBJECT>SB
55</SUBJECT><COMM>HRLS30</COMM></TARGET>

30-LS0119\S
Martin
5/11/17

HOUSE CS FOR CS FOR SENATE BILL NO. 55(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal law and procedure; relating to controlled substances;**
2 **relating to sentencing; relating to protective orders; relating to restitution; relating to**
3 **the period of probation; relating to revocation, termination, suspension, cancellation, or**
4 **restoration of a driver's license; relating to parole; relating to the duties of the**
5 **Department of Corrections and the Department of Health and Social Services; requiring**
6 **an inventory of and reports on untested sexual assault examination kits; and providing**
7 **for an effective date."**

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

9 *** Section 1.** AS 11.46.280(d) is amended to read:

10 (d) Issuing a bad check is

11 (1) a class B felony if the face amount of the check [, ADJUSTED
12 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$25,000 or more;

13 (2) a class C felony if the face amount of the check, adjusted for

1 inflation as provided in AS 11.46.982, is \$1,000 or more but less than \$25,000;

2 (3) a class A misdemeanor if the face amount of the check, adjusted for
3 inflation as provided in AS 11.46.982, is \$250 or more but less than \$1,000;

4 (4) a class B misdemeanor if the face amount of the check, adjusted for
5 inflation as provided in AS 11.46.982, is less than \$250.

6 * **Sec. 2.** AS 11.46.285(b) is amended to read:

7 (b) Fraudulent use of an access device is

8 (1) a class B felony if the value of the property or services obtained [,
9 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$25,000 or
10 more;

11 (2) a class C felony if the value of the property or services obtained,
12 adjusted for inflation as provided in AS 11.46.982, is \$1,000 or more but less than
13 \$25,000;

14 (3) a class A misdemeanor if the value of the property or services
15 obtained, adjusted for inflation as provided in AS 11.46.982, is less than \$1,000.

16 * **Sec. 3.** AS 11.46.730(c) is amended to read:

17 (c) Defrauding creditors is a class A misdemeanor unless that secured party,
18 judgment creditor, or creditor incurs a pecuniary loss, adjusted for inflation as
19 provided in AS 11.46.982, of \$1,000 or more as a result of the defendant's conduct, in
20 which case defrauding secured creditors is

21 (1) a class B felony if the loss [, ADJUSTED FOR INFLATION AS
22 PROVIDED IN AS 11.46.982,] is \$25,000 or more;

23 (2) a class C felony if the loss, adjusted for inflation as provided in
24 AS 11.46.982, is \$1,000 or more but less than \$25,000.

25 * **Sec. 4.** AS 11.56.740(a) is amended to read:

26 (a) A person commits the crime of violating a protective order if the person is
27 subject to a protective order

28 (1) issued, [OR] filed, or recognized under AS 18.66 and containing a
29 provision listed in AS 18.66.100(c)(1) - (7) and knowingly commits or attempts to
30 commit an act with reckless disregard that the act violates or would violate a provision
31 of the protective order;

1 (2) issued or recognized under AS 18.65.850, 18.65.855, [OR]
2 18.65.860, or 18.65.867 and knowingly commits or attempts to commit an act that
3 violates or would violate a provision listed in AS 18.65.850(c)(1) - (3); or

4 (3) issued under AS 13.26.450 - 13.26.460 and knowingly commits or
5 attempts to commit an act with reckless disregard that the act violates or would violate
6 a provision of the protective order.

7 * **Sec. 5.** AS 11.56.740(c) is amended to read:

8 (c) In this section, "protective order" means an order issued, [OR] filed, or
9 recognized under AS 13.26.450 - 13.26.460, AS 18.65.850 - 18.65.870, or
10 AS 18.66.100 - 18.66.180.

11 * **Sec. 6.** AS 11.71.050(a) is amended to read:

12 (a) Except as authorized in AS 17.30, a person commits the crime of
13 misconduct involving a controlled substance in the fourth degree if the person

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

18 (2) [REPEALED]

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

21 (4) under circumstances not proscribed under AS 11.71.030(a)(3),
22 11.71.040(a)(3), 11.71.040(a)(4), [AS 11.71.040(a)(3)] or 11.71.060(a)(2)
23 [11.71.060(a)(2)(B)], possesses any amount of a schedule IA, IIA, IIIA, IVA, VA, or
24 VIA controlled substance.

25 * **Sec. 7.** AS 12.30.027(b) is amended to read:

26 (b) A judicial officer may not order or permit a person released under (a) of
27 this section to return to the residence or place of employment of the victim or the
28 residence or place of employment of a petitioner who has a protective order directed to
29 the person and issued, [OR] filed, or recognized under AS 18.66.100 - 18.66.180
30 unless

31 (1) 20 days have elapsed following the date the person was arrested;

1 (2) the victim or petitioner consents to the person's return to the
2 residence or place of employment;

3 (3) the person does not have a prior conviction for an offense under
4 AS 11.41 that is a crime involving domestic violence; and

5 (4) the court finds by clear and convincing evidence that the return to
6 the residence or place of employment does not pose a danger to the victim or
7 petitioner.

8 * **Sec. 8.** AS 12.55.011(b) is amended to read:

9 (b) At the time of sentencing, the court shall, if practicable, provide the
10 victim with a form 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
17 the court, the Victim Information and Notification Everyday service, and the
18 Department of Corrections.

19 * **Sec. 9.** AS 12.55.015(a) is amended to read:

20 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing
21 sentence on a defendant convicted of an offense, may singly or in combination

22 (1) impose a fine when authorized by law and as provided in
23 AS 12.55.035;

24 (2) order the defendant to be placed on probation under conditions
25 specified by the court that may include provision for active supervision;

26 (3) impose a definite term of periodic imprisonment, but only if an
27 employment obligation of the defendant preexisted sentencing and the defendant
28 receives a composite sentence of not more than two years to serve;

29 (4) impose a definite term of continuous imprisonment;

30 (5) order the defendant to make restitution under AS 12.55.045;

31 (6) order the defendant to carry out a continuous or periodic program

1 of community work under AS 12.55.055;

2 (7) suspend execution of all or a portion of the sentence imposed under
3 AS 12.55.080;

4 (8) suspend **entry of judgment under AS 12.55.078 or suspend**
5 imposition of sentence under AS 12.55.085;

6 (9) order the forfeiture to the commissioner of public safety or a
7 municipal law enforcement agency of a deadly weapon that was in the actual
8 possession of or used by the defendant during the commission of an offense described
9 in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

10 (10) order the defendant, while incarcerated, to participate in or
11 comply with the treatment plan of a rehabilitation program that is related to the
12 defendant's offense or to the defendant's rehabilitation if the program is made available
13 to the defendant by the Department of Corrections;

14 (11) order the forfeiture to the state of a motor vehicle, weapon,
15 electronic communication device, or money or other valuables, used in or obtained
16 through an offense that was committed for the benefit of, at the direction of, or in
17 association with a criminal street gang;

18 (12) order the defendant to have no contact, either directly or
19 indirectly, with a victim or witness of the offense until the defendant is
20 unconditionally discharged;

21 (13) order the defendant to refrain from consuming alcoholic
22 beverages for a period of time.

23 * **Sec. 10.** AS 12.55.045(*l*) is amended to read:

24 (*l*) An order by the court that the defendant pay restitution is a civil judgment
25 for the amount of the restitution. An order by the court that the defendant pay
26 restitution when the court **suspends entry of judgment under AS 12.55.078 or**
27 suspends imposition of sentence under AS 12.55.085 is a civil judgment for the
28 amount of the restitution and remains enforceable and is not discharged when **the**
29 **proceeding is dismissed under AS 12.55.078 or** a conviction is set aside under
30 AS 12.55.085. The victim or the state on behalf of the victim may enforce the
31 judgment through any procedure authorized by law for the enforcement of a civil

1 judgment. If the victim enforces or collects restitution through civil process, collection
2 costs and full reasonable attorney fees shall be awarded. If the state on the victim's
3 behalf enforces or collects restitution through civil process, collection costs and full
4 reasonable attorney fees shall be awarded, up to a maximum of twice the amount of
5 restitution owing at the time the civil process was initiated. This section does not limit
6 the authority of the court to enforce orders of restitution.

7 * **Sec. 11.** AS 12.55.078(a) is amended to read:

8 (a) Except as provided in (f) of this section, if a person is found guilty or
9 pleads guilty to a crime, the court may, with the consent of the defendant and the
10 prosecution and without imposing or entering a judgment of guilt, defer further
11 proceedings and place the person on probation. The period of probation may not
12 exceed the applicable terms set out in AS 12.55.090(c). **The court may not impose a**
13 **sentence of imprisonment under this section.**

14 * **Sec. 12.** AS 12.55.078(d) is amended to read:

15 (d) If the court finds that the person has successfully completed probation, the
16 court shall, at the end of the probationary period set by the court, or at any time after
17 the expiration of one year from the date [OF] the original probation **was imposed,**
18 discharge the person and dismiss the proceedings against the person. **A person who is**
19 **discharged under this section is not convicted of a crime.**

20 * **Sec. 13.** AS 12.55.078(f) is amended to read:

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

23 (1) is **charged with** [CONVICTED OF] a violation of AS 11.41.100 -
24 11.41.220, 11.41.260 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530,
25 AS 11.46.400, AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.135;

26 (2) uses a firearm in the commission of the offense for which the
27 person is **charged** [CONVICTED];

28 (3) has previously been granted a suspension of judgment under this
29 section or a similar statute in another jurisdiction, unless the court enters written
30 findings that by clear and convincing evidence the person's prospects for rehabilitation
31 are high and suspending judgment under this section adequately protects the victim of

1 the offense, if any, and the community;

2 (4) is **charged with** [CONVICTED OF] a violation of AS 11.41.230,
3 11.41.250, or a felony and the person has one or more prior convictions for a
4 misdemeanor violation of AS 11.41 or for a felony or for a violation of a law in this or
5 another jurisdiction having similar elements to an offense defined as a misdemeanor in
6 AS 11.41 or as a felony in this state; for the purposes of this paragraph, a person shall
7 be considered to have a prior conviction even if

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

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

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

12 (5) **is charged with** [HAS BEEN CONVICTED OF] a crime
13 involving domestic violence, as defined in AS 18.66.990.

14 * **Sec. 14.** AS 12.55.090(c) is amended to read:

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

16 (1) 15 years for a felony sex offense;

17 (2) 10 years for an unclassified felony under AS 11 **not listed in (1) of**
18 **this subsection;**

19 (3) five years for a felony offense not listed in (1) or (2) of this
20 subsection;

21 (4) three years for a misdemeanor offense

22 (A) under AS 11.41;

23 (B) that is a crime involving domestic violence; or

24 (C) that is a sex offense, as that term is defined in
25 AS 12.63.100;

26 (5) two years for a misdemeanor offense under AS 28.35.030 or
27 28.35.032, if the person has previously been convicted of an offense under
28 AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or another
29 jurisdiction; or

30 (6) one year for an offense not listed in (1) - (5) of this subsection.

31 * **Sec. 15.** AS 12.65.130(a) is amended to read:

1 (a) The state child fatality review team shall

2 (1) assist the state medical examiner in determining the cause and
3 manner of the deaths in this state of children under 18 years of age;

4 (2) unless the child's death is currently being investigated by a law
5 enforcement agency, review a report of a death of a child within 48 hours of the report
6 being received by the medical examiner if

7 (A) the death is of a child under 10 years of age;

8 (B) the deceased child, a sibling, or a member of the deceased
9 child's household

10 (i) is in the legal or physical custody of the state under
11 AS 47 or under similar custody of another state or political subdivision
12 of a state; or

13 (ii) has been the subject of a report of harm under
14 AS 47.17 or a child abuse or neglect investigation by the Department of
15 Health and Social Services or by a similar child protective service in
16 this or another state;

17 (C) a protective order issued, filed, or recognized under
18 AS 18.66.100, [OR] 18.66.110, or 18.66.140 has been in effect during the
19 previous year in which the petitioner or respondent was a member of the
20 deceased child's immediate family or household; or

21 (D) the child's death occurred in a mental health institution,
22 mental health treatment facility, foster home, or other residential or child care
23 facility, including a day care facility;

24 (3) review records concerning

25 (A) abuse or neglect of the deceased child or another child in
26 the deceased child's household;

27 (B) the criminal history or juvenile delinquency of a person
28 who may have caused the death of the child and of persons in the deceased
29 child's household; and

30 (C) a history of domestic violence involving a person who may
31 have caused the death of the child or involving persons in the deceased child's

1 household, including records in the central registry of protective orders under
2 AS 18.65.540;

3 (4) if insufficient information exists to adequately determine the cause
4 and manner of death, recommend to the state medical examiner that additional
5 information be obtained under AS 12.65.020; and

6 (5) if a local, regional, or district child fatality review team has not
7 been appointed under AS 12.65.015 or is not available, be available to provide
8 recommendations, suggestions, and advice to state or municipal law enforcement or
9 social service agencies in the investigation of deaths of children.

10 * **Sec. 16.** AS 18.65.865(b) is amended to read:

11 (b) The Alaska Court System shall prepare forms for petitions and protective
12 orders and instructions for their use by a person seeking a protective order under
13 AS 18.65.850 - 18.65.860. The forms must conform to the Alaska Rules of Civil
14 Procedure, except that information on the forms may be filled in by legible
15 handwriting. Filing fees may not be charged in any action seeking only the relief
16 provided in AS 18.65.850 - 18.65.870. Each protective order form must contain the
17 following warning in boldface type: "Violation of this order may be a misdemeanor,
18 punishable by up to one year of incarceration and a fine of up to \$25,000 [\$10,000]."

19 * **Sec. 17.** AS 18.65 is amended by adding a new section to read:

20 **Sec. 18.65.867. Enforcement and recognition of protective orders issued in**
21 **other jurisdictions.** (a) A protective order issued in another jurisdiction has the same
22 effect and must be recognized and enforced in the same manner as a protective order
23 issued by a court of this state if the protective order is

24 (1) issued by a court of the United States, a court of another state or
25 territory, a United States military tribunal, or a tribal court;

26 (2) related to stalking or sexual assault that is not a crime involving
27 domestic violence; and

28 (3) entitled to full faith and credit under 18 U.S.C. 2265.

29 (b) A protective order issued in another jurisdiction that appears authentic on
30 its face is presumed valid.

31 * **Sec. 18.** AS 18.66.130(d) is amended to read:

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(d) In addition to other required information contained in a protective order, the order must include in bold face type the following statements:

(1) "Violation of this order may be a misdemeanor, punishable by up to one year of incarceration and up to a \$25,000 [\$10,000] fine";

(2) "If you are ordered to have no contact with the petitioner or to stay away from the petitioner's residence, vehicle, or other place designated by the court, an invitation by the petitioner to have the prohibited contact or to be present at or enter the residence, vehicle, or other place does not in any way invalidate or nullify the order."

* **Sec. 19.** AS 18.66.140(b) is amended to read:

(b) A protective order issued in another jurisdiction [FILED IN ACCORDANCE WITH (a) OF THIS SECTION] has the same effect and must be **recognized and** enforced in the same manner as a protective order issued by a court of this state, **regardless of whether the protective order issued in another jurisdiction is filed as described in (a) of this section, if the protective order is**

(1) issued by a court of the United States, a court of another state or territory, a United States military tribunal, or a tribal court;

(2) related to domestic violence; and

(3) entitled to full faith and credit under 18 U.S.C. 2265.

* **Sec. 20.** AS 18.66.140 is amended by adding a new subsection to read:

(d) A protective order issued in another jurisdiction that appears authentic on its face is presumed valid.

* **Sec. 21.** AS 22.35.030 is amended to read:

Sec. 22.35.030. Publication of Records [RECORDS CONCERNING CRIMINAL CASES RESULTING IN ACQUITTAL OR DISMISSAL]. The Alaska Court System may not publish a court record [OF A CRIMINAL CASE] on a publicly available website

(1) in a criminal case if 60 days have elapsed from the date of acquittal or dismissal and

(A) [(1)] the defendant was acquitted of all charges filed in the case;

1 **(B)** [(2)] all criminal charges against the defendant in the case
 2 have been dismissed and were not dismissed as part of a plea agreement in
 3 another criminal case under Rule 11, Alaska Rules of Criminal Procedure;

4 **(C)** [(3)] the defendant was acquitted of some of the criminal
 5 charges in the case and the remaining charges were dismissed; or

6 **(D)** [(4)] all criminal charges against the defendant in the case
 7 have been dismissed after a suspended entry of judgment under AS 12.55.078;

8 **(2) of a protective order under AS 18.65.850 - 18.65.870 or**
 9 **AS 18.66.100 - 18.66.180, restraining order, or injunction in a case involving**
 10 **domestic violence, stalking, or sexual assault if the publication would likely reveal**
 11 **the identity or location of the party protected under the order.**

12 * **Sec. 22.** AS 25.24.210(e) is amended to read:

13 (e) If the petition is filed by both spouses under AS 25.24.200(a), the petition
 14 must state in detail the terms of the agreement between the spouses concerning the
 15 custody of children, child support in terms of periodic payments and in terms of health
 16 care expenses, visitation, spousal maintenance and tax consequences, if any, and fair
 17 and just division of property, including retirement benefits. A petition filed by both
 18 spouses under AS 25.24.200(a) may provide for the ownership or joint ownership of
 19 an animal, taking into consideration the well-being of the animal. Agreements on
 20 spousal maintenance and property division must fairly allocate the economic effect of
 21 dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and (4).

22 In addition, the petition must state

- 23 (1) the respective occupations of the petitioners;
 24 (2) the income, assets, and liabilities of the respective petitioners at the
 25 time of filing the petition;
 26 (3) the date and place of the marriage;
 27 (4) the name, date of birth, and current marital, educational, and
 28 custodial status of each child born of the marriage or adopted by the petitioners who is
 29 under the age of 19;
 30 (5) whether the wife is pregnant;
 31 (6) whether either petitioner requires medical care or treatment;

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(7) whether any of the following has been issued or filed during the marriage by or regarding either spouse as defendant, participant, or respondent:

- (A) a criminal charge of a crime involving domestic violence;
- (B) a protective order under AS 18.66.100 - 18.66.180;
- (C) injunctive relief under former AS 25.35.010 or 25.35.020;

or

- (D) a protective order issued in another jurisdiction and recognized [FILED WITH THE COURT] in this state under AS 18.66.140;

(8) whether either petitioner has received the advice of legal counsel regarding a divorce or dissolution;

(9) other facts and circumstances that the petitioners believe should be considered;

(10) that the petition constitutes the entire agreement between the petitioners; and

(11) any other relief sought by the petitioners.

* **Sec. 23.** AS 25.24.220(h) is amended to read:

(h) In its examination of a petitioner under (d) of this section, the court shall use a heightened level of scrutiny of agreements if

- (1) one party is represented by counsel and the other is not;
- (2) there is evidence that a party committed a crime involving domestic violence during the marriage or if any of the following has been issued or filed during the marriage by or regarding either spouse as defendant, participant, or respondent:

- (A) a criminal charge of a crime involving domestic violence;
- (B) a protective order under AS 18.66.100 - 18.66.180;
- (C) injunctive relief under former AS 25.35.010 or 25.35.020;

or

- (D) a protective order issued in another jurisdiction and recognized [FILED WITH THE COURT] in this state under AS 18.66.140;

(3) there is a minor child of the marriage; or

(4) there is a patently inequitable division of the marital estate.

1 * **Sec. 24.** AS 28.15.165(e) is amended to read:

2 (e) A person whose driver's license, privilege to drive, or privilege to obtain a
3 license has been revoked under this section as a result of a refusal to submit to a
4 chemical test authorized under AS 28.35.031(a) or (g) or a similar municipal
5 ordinance or a chemical test administered under AS 28.35.031(a) or (g) or a similar
6 municipal ordinance in which the test produced a result described in
7 AS 28.35.030(a)(2) may request that the department rescind the revocation. The
8 department shall rescind a revocation under this subsection if the department finds that
9 the person has supplied proof in a form satisfactory to the department that

10 (1) the person has been acquitted of driving while under the influence
11 under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a
12 similar municipal ordinance for the incident on which the revocation was based; or

13 (2) all criminal charges against the person for driving while under the
14 influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit
15 to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to
16 the incident on which the revocation is based have been dismissed [WITHOUT
17 PREJUDICE].

18 * **Sec. 25.** AS 29.25.070(g) is amended 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 **crime** [OFFENSE] under AS 11 or AS 28 with elements that are similar to the
22 municipal ordinance, the municipality may not impose a greater punishment than that
23 imposed for a violation of the state **crime** [LAW]. This subsection applies to home
24 rule and general law municipalities.

25 * **Sec. 26.** AS 44.19.645(g) is amended to read:

26 (g) The Department of Corrections shall report quarterly to the working group
27 authorized in (b)(3) of this section. The report shall include the following information:

28 (1) data on pretrial decision making and outcomes, including
29 information on pretrial detainees admitted for a new criminal charge; detainees
30 released at any point before case resolution; time spent detained before first release or
31 case resolution; pretrial defendant risk level and charge; pretrial release

1 recommendations made by pretrial services officers; pretrial conditions imposed on
2 pretrial detainees by judicial officers, including amount of bail, and supervision
3 conditions; and information on pretrial outcomes, including whether or not the
4 defendant appeared in court or was re-arrested during the pretrial period;

5 (2) data on offenders admitted to the Department of Corrections for a
6 new criminal conviction, including the offense type, number of prior felony
7 convictions, sentence length, and length of stay;

8 (3) data on the population of the Department of Corrections, using a
9 one-day snapshot on the first day of the first month of each quarter, broken down by
10 type of admission, offense type, and risk level;

11 (4) data on offenders on probation supervised by the Department of
12 Corrections, including the total number of offenders supervised using a one-day
13 snapshot on the first month of each quarter; admissions to probation; assignments to a
14 program under AS 33.05.020(f); probation sentence length; time served on the
15 sentence; whether probation was successfully completed, any new convictions for a
16 felony offense, and any sentences to a term of imprisonment while on probation;

17 (5) data on parole, including the number of offenders supervised on
18 parole, using a one-day snapshot on the first month of each quarter; the number of
19 parole hearings; the parole grant rate and number of parolees released on
20 administrative, discretionary, and special medical parole; and information on parolees,
21 including time spent on parole, whether parole was successfully completed, any new
22 convictions for a new felony offense, and any sentences to a term of imprisonment
23 while on parole;

24 (6) data on the implementation of policies from the 2015 justice
25 reinvestment report, including the number and percentage of offenders who earn
26 compliance credits under AS 33.05.020(h) or AS 33.16.270 in one or more months,
27 and the total amount of credits earned; the average number of sanctions issued under
28 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most
29 common violations of probation or parole; and

30 (7) data on probation and parole revocations, including information on
31 probationers and parolees admitted for a supervision violation pre-case and post-case

1 resolution; probationers and parolees admitted solely for a technical violation;
2 probationers and parolees admitted for a new arrest; the number of previous
3 revocations on the current sentence, if any; the length of time held pre-case resolution;
4 the length of time to case resolution; and the length of stay.

5 * **Sec. 27.** AS 47.37.040 is amended to read:

6 **Sec. 47.37.040. Duties of department.** The department shall

7 (1) develop, encourage, and foster statewide, regional, and local plans
8 and programs for the prevention of alcoholism and drug abuse and treatment of
9 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with
10 public and private agencies, organizations, and individuals, and provide technical
11 assistance and consultation services for these purposes;

12 (2) coordinate the efforts and enlist the assistance of all public and
13 private agencies, organizations, and individuals interested in prevention of alcoholism,
14 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug
15 abusers, and inhalant abusers;

16 (3) cooperate with the Department of Corrections in establishing and
17 conducting programs to provide treatment for alcoholics, intoxicated persons, drug
18 abusers, and inhalant abusers in or on parole from penal institutions;

19 (4) cooperate with the Department of Education and Early
20 Development, school boards, schools, police departments, courts, and other public and
21 private agencies, organizations, and individuals in establishing programs for the
22 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
23 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
24 materials for use at all levels of school education;

25 (5) prepare, publish, evaluate, and disseminate educational material
26 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous
27 volatile substances;

28 (6) develop and implement, as an integral part of treatment programs,
29 an educational program for use in the treatment of alcoholics, intoxicated persons,
30 drug abusers, and inhalant abusers that includes the dissemination of information
31 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

1 (7) organize and foster training programs for all persons engaged in
2 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
3 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant
4 abuse workers;

5 (8) sponsor and encourage research into the causes and nature of
6 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
7 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse
8 for information relating to alcoholism, drug abuse, and inhalant abuse;

9 (9) specify uniform methods for keeping statistical information by
10 public and private agencies, organizations, and individuals, and collect and make
11 available relevant statistical information, including number of persons treated,
12 frequency of admission and readmission, and frequency and duration of treatment;

13 (10) conduct program planning activities approved by the Advisory
14 Board on Alcoholism and Drug Abuse;

15 (11) review all state health, welfare, and treatment plans to be
16 submitted for federal funding, and advise the commissioner on provisions to be
17 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant
18 abusers;

19 (12) assist in the development of, and cooperate with, alcohol, drug
20 abuse, and inhalant abuse education and treatment programs for employees of state
21 and local governments and businesses and industries in the state;

22 (13) use the support and assistance of interested persons in the
23 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to
24 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo
25 treatment;

26 (14) cooperate with the Department of Public Safety and the
27 Department of Transportation and Public Facilities in establishing and conducting
28 programs designed to deal with the problem of persons operating motor vehicles while
29 under the influence of an alcoholic beverage, inhalant, or controlled substance, and
30 develop and approve alcohol information courses required to be taken by drivers under
31 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic

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laws;

(15) encourage hospitals and other appropriate health facilities to admit without discrimination alcoholics, intoxicated persons, drug abusers, and inhalant abusers and to provide them with adequate and appropriate treatment;

(16) encourage all health insurance programs to include alcoholism and drug abuse as a covered illness;

(17) prepare an annual report covering the activities of the department and notify the legislature that the report is available;

(18) develop and implement a training program on alcoholism and drug abuse for employees of state and municipal governments, and private institutions;

(19) develop curriculum materials on drug and alcohol abuse and the misuse of hazardous volatile substances for use in grades kindergarten through 12, as well as a course of instruction for teachers to be charged with presenting the curriculum;

(20) develop and implement or designate, in cooperation with other state or local agencies, a juvenile alcohol safety action program that provides alcohol and substance abuse screening, referral, and monitoring of persons under 18 years of age who have been referred to it by

(A) a court in connection with a charge or conviction of a violation or misdemeanor related to the use of alcohol or a controlled substance;

(B) the agency responsible for the administration of motor vehicle laws in connection with a license action related to the use of alcohol or a controlled substance; or

(C) department staff after a delinquency adjudication that is related to the use of alcohol or a controlled substance;

(21) develop and implement, or designate, in cooperation with other state or local agencies, an alcohol safety action program that provides services to persons who have been referred by a court under AS 04.16.049, 04.16.050, AS 28.35.028, 28.35.030, or 28.35.032, or referred by an agency of the state with the responsibility for administering motor vehicle laws in connection with a driver's

1 license action involving the use of alcohol or a controlled substance;

2 (22) whenever possible, apply evidence-based, research-based, and
3 consensus-based substance abuse and co-occurring substance abuse and mental health
4 disorders treatment practices and remove barriers that prevent the use of those
5 practices;

6 (23) collaborate with first responders, hospitals, schools, primary care
7 providers, developmental disability treatment providers, law enforcement, corrections,
8 attorneys, the Alaska Court System, community behavioral treatment providers,
9 Alaska Native organizations, and federally funded programs in implementing
10 programs for co-occurring substance abuse and mental health disorders treatment.

11 * **Sec. 28.** AS 33.16.120(h) is repealed.

12 * **Sec. 29.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 **REPORT ON UNTESTED SEXUAL ASSAULT EXAMINATION KITS.** (a) By
15 September 1, 2017, each law enforcement agency and state department charged with the
16 maintenance, storage, and preservation of sexual assault examination kits shall conduct an
17 inventory of untested sexual assault examination kits and report, in writing, to the Department
18 of Public Safety the number of untested sexual assault examination kits in the possession of
19 the agency or department and the date on which each sexual assault examination kit was
20 collected.

21 (b) By November 1, 2017, the Department of Public Safety shall prepare and transmit
22 a report to the president of the senate and the speaker of the house of representatives that
23 contains

24 (1) the number of untested sexual assault examination kits stored by each law
25 enforcement agency or department;

26 (2) the date each untested sexual assault examination kit was collected; and

27 (3) a plan for addressing the backlog and prevention of a backlog of untested
28 sexual assault examination kits.

29 (c) The Department of Public Safety shall deliver a copy of the report prepared under
30 (b) of this section to the senate secretary and the chief clerk of the house of representatives
31 and notify the legislature that the report is available.

1 (d) In this section, "untested sexual assault examination kit" means a sexual assault
2 examination kit with evidence that

3 (1) has been collected but that has not been submitted to a laboratory operated
4 or approved by the Department of Public Safety for either a serological or DNA test; or

5 (2) has been collected and submitted to a laboratory operated or approved by
6 the Department of Public Safety but that has not had a serological or DNA test conducted on
7 the evidence.

8 * **Sec. 30.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 **APPLICABILITY.** (a) The following sections apply to offenses committed on or after
11 the effective date of those sections:

12 (1) AS 11.46.280(d), as amended by sec. 1 of this Act;

13 (2) AS 11.46.285(b), as amended by sec. 2 of this Act;

14 (3) AS 11.46.730(c), as amended by sec. 3 of this Act; and

15 (4) AS 11.71.050(a), as amended by sec. 6 of this Act.

16 (b) AS 12.55.078(a), as amended by sec. 11 of this Act, AS 12.55.078(d), as amended
17 by sec. 12 of this Act, and AS 12.55.078(f), as amended by sec. 13 of this Act, apply to
18 prosecutions occurring on or after the effective date of secs. 11 - 13 of this Act, for offenses
19 committed before, on, or after the effective date of secs. 11 - 13 of this Act.

20 (c) AS 12.55.090(c), as amended by sec. 14 of this Act, applies to probation ordered
21 on or after the effective date of sec. 14 of this Act for offenses committed before, on, or after
22 the effective date of sec. 14 of this Act.

23 (d) AS 28.15.165(e), as amended by sec. 24 of this Act, applies to a revocation of a
24 driver's license, privilege to drive, or privilege to obtain a license, or to an identification card
25 or driver's license issued to a parolee, occurring before, on, or after the effective date of sec.
26 24 of this Act for conduct occurring before, on, or after the effective date of sec. 24 of this
27 Act.

28 * **Sec. 31.** The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 **APPLICABILITY OF SECS. 148 AND 151, CH. 36, SLA 2016.** (a) Nothing in the
31 provisions of AS 33.16.220(i) may be construed as invalidating a decision of the Board of

1 Parole, issued before January 1, 2017, that extended the period of supervision beyond the
2 maximum release date on the original sentence.

3 (b) Nothing in the provisions of AS 33.16.270 may be construed as applying to credit
4 for time served on parole before January 1, 2017.

5 * **Sec. 32.** Sections 1 - 3, 6, 8 - 14, 16, 18, and 24 - 31 of this Act take effect immediately
6 under AS 01.10.070(c).

ALASKA STATE LEGISLATURE



HOUSE RULES COMMITTEE

State Capitol Room 216, Juneau, AK 99801-1182 (907) 465-4998
1500 W. Benson Blvd. Anchorage, AK 99501 Phone: (907) 269—0216

Explanation of Changes *Senate Bill 55 – Omnibus Crime/Corrections* *Version S*

Sections 1-3, 6-14, 16,18-19, 24-28, 32-34, 36, and 37 are existing and make technical changes to statute affected by the adoption of SB91 in the 2016 legislative session.

New section 29 would require an inventory and report on untested sexual assault examination kits. The inventory must be completed by September 1, 2017, with a report and plan to address the untested kit backlog transmitted to the legislature by November 1, 2017.

New sections 4, 5, 15, 17, 19, 20, 21 22, and 23 would amend conflicting state statute regarding the enforcement of protection orders issued in another jurisdiction, such as a state, territory, or tribal court. These changes would bring Alaska into compliance with the federal Violence Against Women Act (VAWA).

Sections 31 and 32 are the effective date clauses.

Alaska State Legislature



House Rules Committee

State Capitol Room 216, Juneau, AK 99801-1182 (907) 465-4998
1500 W. Benson Blvd. Anchorage, AK 99501 Phone: (907) 269-0216

Sectional Analysis for the HCS (RLS) to Senate Bill 55 – Omnibus Crime/Corrections 30-LS0119\S

Section 1 amends AS 11.46.280(d) regarding issuing bad checks, by removing inadvertent inflation-adjustment of \$25,000 for class B felony level check amounts.

Section 2 amends AS 11.46.285(b) regarding fraudulent use of an access device, by removing inadvertent inflation-adjustment of \$25,000 for class B felony level value of property or services obtained.

Section 3 amends AS 11.46.730(c) regarding defrauding creditors, by removing inadvertent inflation-adjustment of \$25,000 for class B felony level loss amounts.

Section 4 amends AS 11.56.740(a) to add language recognizing protective orders issued by another jurisdiction, in accordance with the provisions outlined in Sections 17 and 19 of the bill.

Section 5 amends AS 11.56.740(c), to conform to Sections 17 and 19 of the bill.

Section 6 amends AS 11.71.050(a) regarding misconduct involving controlled substances in the fourth degree, by eliminating penalty overlap for possession of less than an ounce of a VIA controlled substance and excluding two forms of felony possession of a controlled substance from the offense of misconduct involving a controlled substance in the fourth degree, to conform to MICS 2 and 3.

Section 7 amends AS 12.30.027(b) relating to the release conditions of a person charged with or convicted of a crime involving domestic violence. It ensures that protective orders issued by other jurisdictions are recognized in cases where a judicial officer may not allow a released person to return to the residence or place of employment of someone who has taken out a protective order against them.

Section 8 amends AS 12.55.011(b) regarding victim and community involvement in sentencing, by clarifying that the court shall only provide the form to the victim if practicable.

Section 9 amends AS 12.55.015(a) regarding authorized sentences and forfeiture, and provides explicit authority to the court to suspend an entry of judgment.

Section 10 amends AS 12.55.045(l) regarding restitution and compensation, and ensures that a restitution order is not discharged and remains enforceable when a proceeding is dismissed under a suspended entry of judgment.

Section 11 amends AS 12.55.078(a) regarding suspended entries of judgment, and clarifies that the court may not impose a sentence of imprisonment in a suspended entry of judgment.

Section 12 amends AS 12.55.078(d) regarding suspended entries of judgment, and clarifies when the court shall discharge and dismiss proceedings in a suspended entry of judgment. It also clarifies that a person who has successfully completed probation and the requirements of a suspended entry of judgment is not convicted of a crime.

Section 13 amends AS 12.55.078(f) regarding suspended entries of judgment, and clarifies that the crimes for which a suspended entry of judgement may not be used are the crimes currently charged, not prior convictions.

Section 14 amends AS 12.55.090(c) regarding granting of probation, and clarifies that the maximum probation term for a felony sex offense is 15 years, while all other unclassified felonies have a maximum probation term of 10 years.

Section 15 amends AS 12.65.130(c) to conform to Section 19 of the bill by addressing statutes related to the requirement that the Child Fatality Review Team, housed in the Department of Health and Social Services, review a report of a death of a child if anyone in the child's immediate household was a petitioner or respondent of a protective order within the previous year.

Section 16 amends AS 18.65.865(b) regarding service of process, forms for petitions and orders, fees, warnings, notification, and pending civil or criminal actions, by updating the maximum fine that may be imposed under this section to conform to an increase in the maximum fine for a class A misdemeanor.

Section 17 adds a new section, AS 18.65.867, regarding the enforcement and recognition of protective orders issued in other jurisdictions that have to do with stalking or sexual assault but not with domestic violence. A protective order related to stalking or sexual assault issued "by a court of the United States, a court of another state or territory, a United States military tribunal, or a tribal court" has the same effect and must be recognized and enforced in the same manner as a protective order issued by an Alaska state court. This section also cites United States Code Title 18, Chapter 2265, which is the part of the Violence Against Women Act that addresses protective orders originating in other jurisdictions. Chapter 2265 expressly states that orders issued in other jurisdictions do not have to be filed (registered) in an Alaska state court in order to be enforced here. Chapter 2265 also describes certain criteria the issuing jurisdiction needs to meet in order for its protective order to be given full faith and credit by another jurisdiction.

This new section further instructs law enforcement, in subsection (b), that a stalking or sexual-assault-related protective order issued in another jurisdiction that appears authentic on its face should be presumed valid.

Section 18 amends AS 18.66.130(d) regarding specific protective orders. Updates the maximum fine that may be imposed under this section to conform to an increase in the maximum fine for a class A misdemeanor.

Section 19 amends AS 18.66.140(b) to state that (just as with protective orders relating to stalking and sexual assault in the absence of domestic violence, addressed in Section 20) a protective order related to domestic violence issued in another jurisdiction must be recognized and enforced just as if it were issued by an Alaskan court, regardless of whether the protective order has been filed (registered) with an Alaskan court. This section also cites United States Code Title 18, Chapter 2265, which includes certain criteria the issuing jurisdiction needs to meet in order for its protective order to be given full faith and credit.

Section 20 adds a new subsection, AS 18.66.140(d), stating that a domestic-violence-related protective order issued in another jurisdiction that appears authentic on its face should be presumed valid.

Section 21 amends AS 22.35.030, statutes detailing what the Court System is prohibited from publishing on a publically available website. At AS 22.35.030(2), Section 21 adds a prohibition against publishing "...a protective order under AS 18.65.850 – AS 18.65.870 or AS 18.66.100 – AS 18.66.180, restraining order, or injunction in a case involving domestic violence, stalking, or sexual assault if the publication would likely reveal the identity or location of the party protected under the order."

Sections 22 amends AS 25.24.210(e) by adding recognition of domestic-violence-related protective orders issued by another jurisdiction in statutes concerned with divorce and dissolution of marriage. A petition for dissolution of a marriage must state whether during the marriage either spouse was either the petitioner or respondent of a domestic-violence-related protective order issued in another jurisdiction. The change in Section 22 specifies that the protective order in question need not have been filed with a state court.

Section 23 amends AS 25.24.220(h) to instruct the courts to use a heightened level of scrutiny of agreements relating to a dissolution of marriage if during the marriage one or the other spouse was either the petitioner or respondent for a domestic-violence-related protective order issued in another jurisdiction. Similar to Section 22, Section 23 specifies that the protective order issued in another jurisdiction need not have been filed with a state court.

Section 24 amends AS 28.15.165(e) regarding administrative revocations and disqualifications resulting from chemical sobriety tests and refusals to submit to tests. Clarifies that the dismissal of all charges, regardless of prejudice, serves to meet the requirement of this section.

Section 25 amends AS 29.25.070(g) regarding municipal penalties. Specifies that limitations on municipal authority to impose punishments does not apply to non-criminal offenses.

Section 26 amends AS 44.19.645(g) regarding the powers and duties of the Alaska Criminal Justice Commission. Requires the Department of Corrections to report certain data to the commission regarding earned compliance credits for parolees.

Section 27 amends AS 47.37.040 regarding the duties of the Department of Health and Social Services, and authorizes the Alcohol Safety Action Program to accept referrals from the court for minor consuming/possession and similar offenses.

Section 28 repeals AS 33.16.120(h) regarding rights of certain victims in connection with parole. Resolves a drafting error that requires the Department of Corrections to provide notifications for hearings that will not occur.

Section 29 adds a new section to uncodified law of the State of Alaska requiring an inventory of all untested sexual assault examination kits by September 1, 2017. Additionally, a report prepared by the Dept. of Public Safety and transmitted to the legislature by November 1, 2017 shall detail the number of untested sexual assault examination kits, the date each kit was collected, and a plan to address the current backlog and prevent further accumulation of untested kits.

Section 30 adds a new section to uncodified law regarding applicability to offenses committed on or after the effective date of this bill.

Section 31 amends uncodified law regarding applicability provisions clarifying that no decisions made by the Board of Parole prior to January 1, 2017 that extended the period of supervision beyond the maximum release date are to be construed as invalidated by the passage of SB 91 (2016). There is further clarification that the earned compliance credit for parolees does not apply to time served prior to January 1, 2017.

Section 32 states that sections 1-3, 6, 8-14, 16, 18, and 24-31 of this Act would take effect immediately.

AMENDMENT #1

by Representative
Eastman

OFFERED IN THE HOUSE
TO: CSSB 55(FIN)

1 Page 8, lines 4 - 10:

2 Delete all material and insert:

3 ** Sec. 15. AS 29.10.200(21) is amended to read:

4 (21) AS 29.25.070(e) (notices of certain civil actions) [AND (g)
5 (PENALTIES)];

6 * Sec. 16. AS 29.25.070(a) is amended to read:

7 (a) For the violation of an ordinance, a municipality may by ordinance
8 prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days [,
9 EXCEPT AS LIMITED BY (g) OF THIS SECTION]. For a violation that cannot
10 result in incarceration or the loss of a valuable license, a municipality may allow
11 disposition of the violation without court appearance and establish a schedule of fine
12 amounts for each offense."
13

14 Renumber the following bill sections accordingly.
15

16 Page 12, line 28:

17 Delete all material and insert:

18 ** Sec. 19. AS 29.25.070(g) and AS 33.16.120(h) are repealed."

AMENDMENT #2

OFFERED IN THE HOUSE
TO: CSSB 55(FIN)

BY REPRESENTATIVE EASTMAN

- 1 Page 3, lines 7 - 17:
- 2 Delete all material.
- 3
- 4 Renumber the following bill sections accordingly.
- 5
- 6 Page 12, line 28:
- 7 Delete all material.
- 8
- 9 Renumber the following bill sections accordingly.
- 10
- 11 Page 13, line 6:
- 12 Delete "sec. 8"
- 13 Insert "sec. 7"
- 14
- 15 Page 13, line 7:
- 16 Delete "sec. 9"
- 17 Insert "sec. 8"
- 18 Delete "sec. 10"
- 19 Insert "sec. 9"
- 20
- 21 Page 13, line 8:
- 22 Delete "secs. 8 - 10"
- 23 Insert "secs. 7 - 9"

1

2 Page 13, line 9:

3 Delete "secs. 8 - 10"

4 Insert "secs. 7 - 9"

5

6 Page 13, line 10:

7 Delete "sec. 11"

8 Insert "sec. 10"

9

10 Page 13, line 11:

11 Delete "sec. 11"

12 Insert "sec. 10"

13

14 Page 13, line 12:

15 Delete "sec. 11"

16 Insert "sec. 10"

17

18 Page 13, line 13:

19 Delete "sec. 14"

20 Insert "sec. 13"

21

22 Page 13, lines 15 - 16:

23 Delete "sec. 14"

24 Insert "sec. 13"

25

26 Page 13, line 16:

27 Delete "sec. 14"

28 Insert "sec. 13"

30-LS0119\G
Martin
5/12/17

HOUSE CS FOR CS FOR SENATE BILL NO. 55(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal law and procedure; relating to controlled substances;**
2 **relating to sentencing; relating to protective orders; relating to restitution; relating to**
3 **the period of probation; relating to revocation, termination, suspension, cancellation, or**
4 **restoration of a driver's license; relating to parole; relating to the duties of the**
5 **Department of Corrections and the Department of Health and Social Services; requiring**
6 **an inventory of and reports on untested sexual assault examination kits; and providing**
7 **for an effective date."**

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

9 *** Section 1.** AS 11.46.280(d) is amended to read:

10 (d) Issuing a bad check is

11 (1) a class B felony if the face amount of the check [, ADJUSTED
12 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$25,000 or more;

13 (2) a class C felony if the face amount of the check, adjusted for

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inflation as provided in AS 11.46.982, is \$1,000 or more but less than \$25,000;
(3) a class A misdemeanor if the face amount of the check, adjusted for inflation as provided in AS 11.46.982, is \$250 or more but less than \$1,000;
(4) a class B misdemeanor if the face amount of the check, adjusted for inflation as provided in AS 11.46.982, is less than \$250.

* **Sec. 2.** AS 11.46.285(b) is amended to read:

(b) Fraudulent use of an access device is

- (1) a class B felony if the value of the property or services obtained [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$25,000 or more;
- (2) a class C felony if the value of the property or services obtained, adjusted for inflation as provided in AS 11.46.982, is \$1,000 or more but less than \$25,000;
- (3) a class A misdemeanor if the value of the property or services obtained, adjusted for inflation as provided in AS 11.46.982, is less than \$1,000.

* **Sec. 3.** AS 11.46.730(c) is amended to read:

(c) Defrauding creditors is a class A misdemeanor unless that secured party, judgment creditor, or creditor incurs a pecuniary loss, adjusted for inflation as provided in AS 11.46.982, of \$1,000 or more as a result of the defendant's conduct, in which case defrauding secured creditors is

- (1) a class B felony if the loss [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$25,000 or more;
- (2) a class C felony if the loss, adjusted for inflation as provided in AS 11.46.982, is \$1,000 or more but less than \$25,000.

* **Sec. 4.** AS 11.56.740(a) is amended to read:

(a) A person commits the crime of violating a protective order if the person is subject to a protective order

- (1) issued, [OR] filed, or recognized under AS 18.66 and containing a provision listed in AS 18.66.100(c)(1) - (7) and knowingly commits or attempts to commit an act with reckless disregard that the act violates or would violate a provision of the protective order;

1 (2) issued or recognized under AS 18.65.850, 18.65.855, [OR]
2 18.65.860, or 18.65.867 and knowingly commits or attempts to commit an act that
3 violates or would violate a provision listed in AS 18.65.850(c)(1) - (3); or

4 (3) issued under AS 13.26.450 - 13.26.460 and knowingly commits or
5 attempts to commit an act with reckless disregard that the act violates or would violate
6 a provision of the protective order.

7 * **Sec. 5.** AS 11.56.740(c) is amended to read:

8 (c) In this section, "protective order" means an order issued, [OR] filed, or
9 recognized under AS 13.26.450 - 13.26.460, AS 18.65.850 - 18.65.870, or
10 AS 18.66.100 - 18.66.180.

11 * **Sec. 6.** AS 11.71.050(a) is amended to read:

12 (a) Except as authorized in AS 17.30, a person commits the crime of
13 misconduct involving a controlled substance in the fourth degree if the person

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

18 (2) [REPEALED]

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

21 (4) under circumstances not proscribed under AS 11.71.030(a)(3),
22 11.71.040(a)(3), 11.71.040(a)(4), [AS 11.71.040(a)(3)] or 11.71.060(a)(2)
23 [11.71.060(a)(2)(B)], possesses any amount of a schedule IA, IIA, IIIA, IVA, VA, or
24 VIA controlled substance.

25 * **Sec. 7.** AS 12.30.027(b) is amended to read:

26 (b) A judicial officer may not order or permit a person released under (a) of
27 this section to return to the residence or place of employment of the victim or the
28 residence or place of employment of a petitioner who has a protective order directed to
29 the person and issued, [OR] filed, or recognized under AS 18.66.100 - 18.66.180
30 unless

31 (1) 20 days have elapsed following the date the person was arrested;

1 (2) the victim or petitioner consents to the person's return to the
2 residence or place of employment;

3 (3) the person does not have a prior conviction for an offense under
4 AS 11.41 that is a crime involving domestic violence; and

5 (4) the court finds by clear and convincing evidence that the return to
6 the residence or place of employment does not pose a danger to the victim or
7 petitioner.

8 * **Sec. 8.** AS 12.55.011(b) is amended to read:

9 (b) At the time of sentencing, the court shall, if practicable, provide the
10 victim with a form 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
17 the court, the Victim Information and Notification Everyday service, and the
18 Department of Corrections.

19 * **Sec. 9.** AS 12.55.015(a) is amended to read:

20 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing
21 sentence on a defendant convicted of an offense, may singly or in combination

22 (1) impose a fine when authorized by law and as provided in
23 AS 12.55.035;

24 (2) order the defendant to be placed on probation under conditions
25 specified by the court that may include provision for active supervision;

26 (3) impose a definite term of periodic imprisonment, but only if an
27 employment obligation of the defendant preexisted sentencing and the defendant
28 receives a composite sentence of not more than two years to serve;

29 (4) impose a definite term of continuous imprisonment;

30 (5) order the defendant to make restitution under AS 12.55.045;

31 (6) order the defendant to carry out a continuous or periodic program

1 of community work under AS 12.55.055;

2 (7) suspend execution of all or a portion of the sentence imposed under
3 AS 12.55.080;

4 (8) suspend **entry of judgment under AS 12.55.078 or suspend**
5 imposition of sentence under AS 12.55.085;

6 (9) order the forfeiture to the commissioner of public safety or a
7 municipal law enforcement agency of a deadly weapon that was in the actual
8 possession of or used by the defendant during the commission of an offense described
9 in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

10 (10) order the defendant, while incarcerated, to participate in or
11 comply with the treatment plan of a rehabilitation program that is related to the
12 defendant's offense or to the defendant's rehabilitation if the program is made available
13 to the defendant by the Department of Corrections;

14 (11) order the forfeiture to the state of a motor vehicle, weapon,
15 electronic communication device, or money or other valuables, used in or obtained
16 through an offense that was committed for the benefit of, at the direction of, or in
17 association with a criminal street gang;

18 (12) order the defendant to have no contact, either directly or
19 indirectly, with a victim or witness of the offense until the defendant is
20 unconditionally discharged;

21 (13) order the defendant to refrain from consuming alcoholic
22 beverages for a period of time.

23 * **Sec. 10.** AS 12.55.045(*l*) is amended to read:

24 (*l*) An order by the court that the defendant pay restitution is a civil judgment
25 for the amount of the restitution. An order by the court that the defendant pay
26 restitution when the court **suspends entry of judgment under AS 12.55.078 or**
27 **suspends imposition of sentence under AS 12.55.085** is a civil judgment for the
28 amount of the restitution and remains enforceable and is not discharged when **the**
29 **proceeding is dismissed under AS 12.55.078 or** a conviction is set aside under
30 AS 12.55.085. The victim or the state on behalf of the victim may enforce the
31 judgment through any procedure authorized by law for the enforcement of a civil

1 judgment. If the victim enforces or collects restitution through civil process, collection
2 costs and full reasonable attorney fees shall be awarded. If the state on the victim's
3 behalf enforces or collects restitution through civil process, collection costs and full
4 reasonable attorney fees shall be awarded, up to a maximum of twice the amount of
5 restitution owing at the time the civil process was initiated. This section does not limit
6 the authority of the court to enforce orders of restitution.

7 * **Sec. 11.** AS 12.55.078(a) is amended to read:

8 (a) Except as provided in (f) of this section, if a person is found guilty or
9 pleads guilty to a crime, the court may, with the consent of the defendant and the
10 prosecution and without imposing or entering a judgment of guilt, defer further
11 proceedings and place the person on probation. The period of probation may not
12 exceed the applicable terms set out in AS 12.55.090(c). **The court may not impose a**
13 **sentence of imprisonment under this section.**

14 * **Sec. 12.** AS 12.55.078(d) is amended to read:

15 (d) If the court finds that the person has successfully completed probation, the
16 court shall, at the end of the probationary period set by the court, or at any time after
17 the expiration of one year from the date [OF] the original probation **was imposed,**
18 discharge the person and dismiss the proceedings against the person. **A person who is**
19 **discharged under this section is not convicted of a crime.**

20 * **Sec. 13.** AS 12.55.078(f) is amended to read:

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

23 (1) is **charged with** [CONVICTED OF] a violation of AS 11.41.100 -
24 11.41.220, 11.41.260 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530,
25 AS 11.46.400, AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.135;

26 (2) uses a firearm in the commission of the offense for which the
27 person is **charged** [CONVICTED];

28 (3) has previously been granted a suspension of judgment under this
29 section or a similar statute in another jurisdiction, unless the court enters written
30 findings that by clear and convincing evidence the person's prospects for rehabilitation
31 are high and suspending judgment under this section adequately protects the victim of

1 the offense, if any, and the community;

2 (4) is **charged with** [CONVICTED OF] a violation of AS 11.41.230,
3 11.41.250, or a felony and the person has one or more prior convictions for a
4 misdemeanor violation of AS 11.41 or for a felony or for a violation of a law in this or
5 another jurisdiction having similar elements to an offense defined as a misdemeanor in
6 AS 11.41 or as a felony in this state; for the purposes of this paragraph, a person shall
7 be considered to have a prior conviction even if

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

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

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

12 (5) **is charged with** [HAS BEEN CONVICTED OF] a crime
13 involving domestic violence, as defined in AS 18.66.990.

14 * **Sec. 14.** AS 12.55.090(c) is amended to read:

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

16 (1) 15 years for a felony sex offense;

17 (2) 10 years for an unclassified felony under AS 11 **not listed in (1) of**
18 **this subsection;**

19 (3) five years for a felony offense not listed in (1) or (2) of this
20 subsection;

21 (4) three years for a misdemeanor offense

22 (A) under AS 11.41;

23 (B) that is a crime involving domestic violence; or

24 (C) that is a sex offense, as that term is defined in
25 AS 12.63.100;

26 (5) two years for a misdemeanor offense under AS 28.35.030 or
27 28.35.032, if the person has previously been convicted of an offense under
28 AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or another
29 jurisdiction; or

30 (6) one year for an offense not listed in (1) - (5) of this subsection.

31 * **Sec. 15.** AS 12.65.130(a) is amended to read:

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- (a) The state child fatality review team shall
 - (1) assist the state medical examiner in determining the cause and manner of the deaths in this state of children under 18 years of age;
 - (2) unless the child's death is currently being investigated by a law enforcement agency, review a report of a death of a child within 48 hours of the report being received by the medical examiner if
 - (A) the death is of a child under 10 years of age;
 - (B) the deceased child, a sibling, or a member of the deceased child's household
 - (i) is in the legal or physical custody of the state under AS 47 or under similar custody of another state or political subdivision of a state; or
 - (ii) has been the subject of a report of harm under AS 47.17 or a child abuse or neglect investigation by the Department of Health and Social Services or by a similar child protective service in this or another state;
 - (C) a protective order issued, filed, or recognized under AS 18.66.100, [OR] 18.66.110, or 18.66.140 has been in effect during the previous year in which the petitioner or respondent was a member of the deceased child's immediate family or household; or
 - (D) the child's death occurred in a mental health institution, mental health treatment facility, foster home, or other residential or child care facility, including a day care facility;
 - (3) review records concerning
 - (A) abuse or neglect of the deceased child or another child in the deceased child's household;
 - (B) the criminal history or juvenile delinquency of a person who may have caused the death of the child and of persons in the deceased child's household; and
 - (C) a history of domestic violence involving a person who may have caused the death of the child or involving persons in the deceased child's

1 household, including records in the central registry of protective orders under
2 AS 18.65.540;

3 (4) if insufficient information exists to adequately determine the cause
4 and manner of death, recommend to the state medical examiner that additional
5 information be obtained under AS 12.65.020; and

6 (5) if a local, regional, or district child fatality review team has not
7 been appointed under AS 12.65.015 or is not available, be available to provide
8 recommendations, suggestions, and advice to state or municipal law enforcement or
9 social service agencies in the investigation of deaths of children.

10 * **Sec. 16.** AS 18.65.865(b) is amended to read:

11 (b) The Alaska Court System shall prepare forms for petitions and protective
12 orders and instructions for their use by a person seeking a protective order under
13 AS 18.65.850 - 18.65.860. The forms must conform to the Alaska Rules of Civil
14 Procedure, except that information on the forms may be filled in by legible
15 handwriting. Filing fees may not be charged in any action seeking only the relief
16 provided in AS 18.65.850 - 18.65.870. Each protective order form must contain the
17 following warning in boldface type: "Violation of this order may be a misdemeanor,
18 punishable by up to one year of incarceration and a fine of up to \$25,000 [\$10,000]."

19 * **Sec. 17.** AS 18.65 is amended by adding a new section to read:

20 **Sec. 18.65.867. Enforcement and recognition of protective orders issued in**
21 **other jurisdictions.** (a) A protective order issued in another jurisdiction has the same
22 effect and must be recognized and enforced in the same manner as a protective order
23 issued by a court of this state if the protective order is

24 (1) issued by a court of the United States, a court of another state or
25 territory, a United States military tribunal, or a tribal court;

26 (2) related to stalking or sexual assault that is not a crime involving
27 domestic violence; and

28 (3) entitled to full faith and credit under 18 U.S.C. 2265.

29 (b) A protective order issued in another jurisdiction that appears authentic on
30 its face is presumed valid.

31 * **Sec. 18.** AS 18.66.130(d) is amended to read:

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(d) In addition to other required information contained in a protective order, the order must include in bold face type the following statements:

(1) "Violation of this order may be a misdemeanor, punishable by up to one year of incarceration and up to a **\$25,000** [\$10,000] fine";

(2) "If you are ordered to have no contact with the petitioner or to stay away from the petitioner's residence, vehicle, or other place designated by the court, an invitation by the petitioner to have the prohibited contact or to be present at or enter the residence, vehicle, or other place does not in any way invalidate or nullify the order."

* **Sec. 19.** AS 18.66.140(b) is amended to read:

(b) A protective order **issued in another jurisdiction** [FILED IN ACCORDANCE WITH (a) OF THIS SECTION] has the same effect and must be **recognized and** enforced in the same manner as a protective order issued by a court of this state, **regardless of whether the protective order issued in another jurisdiction is filed as described in (a) of this section, if the protective order is**

(1) issued by a court of the United States, a court of another state or territory, a United States military tribunal, or a tribal court;

(2) related to domestic violence; and

(3) entitled to full faith and credit under 18 U.S.C. 2265.

* **Sec. 20.** AS 18.66.140 is amended by adding a new subsection to read:

(d) A protective order issued in another jurisdiction that appears authentic on its face is presumed valid.

* **Sec. 21.** AS 25.24.210(e) is amended to read:

(e) If the petition is filed by both spouses under AS 25.24.200(a), the petition must state in detail the terms of the agreement between the spouses concerning the custody of children, child support in terms of periodic payments and in terms of health care expenses, visitation, spousal maintenance and tax consequences, if any, and fair and just division of property, including retirement benefits. A petition filed by both spouses under AS 25.24.200(a) may provide for the ownership or joint ownership of an animal, taking into consideration the well-being of the animal. Agreements on spousal maintenance and property division must fairly allocate the economic effect of

1 dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and (4).
2 In addition, the petition must state

3 (1) the respective occupations of the petitioners;
4 (2) the income, assets, and liabilities of the respective petitioners at the
5 time of filing the petition;

6 (3) the date and place of the marriage;

7 (4) the name, date of birth, and current marital, educational, and
8 custodial status of each child born of the marriage or adopted by the petitioners who is
9 under the age of 19;

10 (5) whether the wife is pregnant;

11 (6) whether either petitioner requires medical care or treatment;

12 (7) whether any of the following has been issued or filed during the
13 marriage by or regarding either spouse as defendant, participant, or respondent:

14 (A) a criminal charge of a crime involving domestic violence;

15 (B) a protective order under AS 18.66.100 - 18.66.180;

16 (C) injunctive relief under former AS 25.35.010 or 25.35.020;

17 or

18 (D) a protective order issued in another jurisdiction and
19 **recognized** [FILED WITH THE COURT] in this state under AS 18.66.140;

20 (8) whether either petitioner has received the advice of legal counsel
21 regarding a divorce or dissolution;

22 (9) other facts and circumstances that the petitioners believe should be
23 considered;

24 (10) that the petition constitutes the entire agreement between the
25 petitioners; and

26 (11) any other relief sought by the petitioners.

27 * **Sec. 22.** AS 25.24.220(h) is amended to read:

28 (h) In its examination of a petitioner under (d) of this section, the court shall
29 use a heightened level of scrutiny of agreements if

30 (1) one party is represented by counsel and the other is not;

31 (2) there is evidence that a party committed a crime involving

1 domestic violence during the marriage or if any of the following has been issued or
2 filed during the marriage by or regarding either spouse as defendant, participant, or
3 respondent:

- 4 (A) a criminal charge of a crime involving domestic violence;
- 5 (B) a protective order under AS 18.66.100 - 18.66.180;
- 6 (C) injunctive relief under former AS 25.35.010 or 25.35.020;

7 or

- 8 (D) a protective order issued in another jurisdiction and
9 recognized [FILED WITH THE COURT] in this state under AS 18.66.140;

10 (3) there is a minor child of the marriage; or

11 (4) there is a patently inequitable division of the marital estate.

12 * **Sec. 23.** AS 28.15.165(e) is amended to read:

13 (e) A person whose driver's license, privilege to drive, or privilege to obtain a
14 license has been revoked under this section as a result of a refusal to submit to a
15 chemical test authorized under AS 28.35.031(a) or (g) or a similar municipal
16 ordinance or a chemical test administered under AS 28.35.031(a) or (g) or a similar
17 municipal ordinance in which the test produced a result described in
18 AS 28.35.030(a)(2) may request that the department rescind the revocation. The
19 department shall rescind a revocation under this subsection if the department finds that
20 the person has supplied proof in a form satisfactory to the department that

21 (1) the person has been acquitted of driving while under the influence
22 under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a
23 similar municipal ordinance for the incident on which the revocation was based; or

24 (2) all criminal charges against the person for driving while under the
25 influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit
26 to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to
27 the incident on which the revocation is based have been dismissed [WITHOUT
28 PREJUDICE].

29 * **Sec. 24.** AS 29.25.070(g) is amended to read:

30 (g) If a municipality prescribes a penalty for a violation of a municipal
31 ordinance, including a violation under (a) of this section, and there is a comparable

1 state crime [OFFENSE] under AS 11 or AS 28 with elements that are similar to the
2 municipal ordinance, the municipality may not impose a greater punishment than that
3 imposed for a violation of the state crime [LAW]. This subsection applies to home
4 rule and general law municipalities.

5 * **Sec. 25.** AS 44.19.645(g) is amended to read:

6 (g) The Department of Corrections shall report quarterly to the working group
7 authorized in (b)(3) of this section. The report shall include the following information:

8 (1) data on pretrial decision making and outcomes, including
9 information on pretrial detainees admitted for a new criminal charge; detainees
10 released at any point before case resolution; time spent detained before first release or
11 case resolution; pretrial defendant risk level and charge; pretrial release
12 recommendations made by pretrial services officers; pretrial conditions imposed on
13 pretrial detainees by judicial officers, including amount of bail, and supervision
14 conditions; and information on pretrial outcomes, including whether or not the
15 defendant appeared in court or was re-arrested during the pretrial period;

16 (2) data on offenders admitted to the Department of Corrections for a
17 new criminal conviction, including the offense type, number of prior felony
18 convictions, sentence length, and length of stay;

19 (3) data on the population of the Department of Corrections, using a
20 one-day snapshot on the first day of the first month of each quarter, broken down by
21 type of admission, offense type, and risk level;

22 (4) data on offenders on probation supervised by the Department of
23 Corrections, including the total number of offenders supervised using a one-day
24 snapshot on the first month of each quarter; admissions to probation; assignments to a
25 program under AS 33.05.020(f); probation sentence length; time served on the
26 sentence; whether probation was successfully completed, any new convictions for a
27 felony offense, and any sentences to a term of imprisonment while on probation;

28 (5) data on parole, including the number of offenders supervised on
29 parole, using a one-day snapshot on the first month of each quarter; the number of
30 parole hearings; the parole grant rate and number of parolees released on
31 administrative, discretionary, and special medical parole; and information on parolees,

1 including time spent on parole, whether parole was successfully completed, any new
2 convictions for a new felony offense, and any sentences to a term of imprisonment
3 while on parole;

4 (6) data on the implementation of policies from the 2015 justice
5 reinvestment report, including the number and percentage of offenders who earn
6 compliance credits under AS 33.05.020(h) or AS 33.16.270 in one or more months,
7 and the total amount of credits earned; the average number of sanctions issued under
8 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most
9 common violations of probation or parole; and

10 (7) data on probation and parole revocations, including information on
11 probationers and parolees admitted for a supervision violation pre-case and post-case
12 resolution; probationers and parolees admitted solely for a technical violation;
13 probationers and parolees admitted for a new arrest; the number of previous
14 revocations on the current sentence, if any; the length of time held pre-case resolution;
15 the length of time to case resolution; and the length of stay.

16 * **Sec. 26.** AS 47.37.040 is amended to read:

17 **Sec. 47.37.040. Duties of department.** The department shall

18 (1) develop, encourage, and foster statewide, regional, and local plans
19 and programs for the prevention of alcoholism and drug abuse and treatment of
20 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with
21 public and private agencies, organizations, and individuals, and provide technical
22 assistance and consultation services for these purposes;

23 (2) coordinate the efforts and enlist the assistance of all public and
24 private agencies, organizations, and individuals interested in prevention of alcoholism,
25 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug
26 abusers, and inhalant abusers;

27 (3) cooperate with the Department of Corrections in establishing and
28 conducting programs to provide treatment for alcoholics, intoxicated persons, drug
29 abusers, and inhalant abusers in or on parole from penal institutions;

30 (4) cooperate with the Department of Education and Early
31 Development, school boards, schools, police departments, courts, and other public and

1 private agencies, organizations, and individuals in establishing programs for the
2 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
3 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
4 materials for use at all levels of school education;

5 (5) prepare, publish, evaluate, and disseminate educational material
6 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous
7 volatile substances;

8 (6) develop and implement, as an integral part of treatment programs,
9 an educational program for use in the treatment of alcoholics, intoxicated persons,
10 drug abusers, and inhalant abusers that includes the dissemination of information
11 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

12 (7) organize and foster training programs for all persons engaged in
13 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
14 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant
15 abuse workers;

16 (8) sponsor and encourage research into the causes and nature of
17 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
18 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse
19 for information relating to alcoholism, drug abuse, and inhalant abuse;

20 (9) specify uniform methods for keeping statistical information by
21 public and private agencies, organizations, and individuals, and collect and make
22 available relevant statistical information, including number of persons treated,
23 frequency of admission and readmission, and frequency and duration of treatment;

24 (10) conduct program planning activities approved by the Advisory
25 Board on Alcoholism and Drug Abuse;

26 (11) review all state health, welfare, and treatment plans to be
27 submitted for federal funding, and advise the commissioner on provisions to be
28 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant
29 abusers;

30 (12) assist in the development of, and cooperate with, alcohol, drug
31 abuse, and inhalant abuse education and treatment programs for employees of state

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and local governments and businesses and industries in the state;

(13) use the support and assistance of interested persons in the community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo treatment;

(14) cooperate with the Department of Public Safety and the Department of Transportation and Public Facilities in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while under the influence of an alcoholic beverage, inhalant, or controlled substance, and develop and approve alcohol information courses required to be taken by drivers under AS 28.15 or made available to drivers to reduce points assessed for violation of traffic laws;

(15) encourage hospitals and other appropriate health facilities to admit without discrimination alcoholics, intoxicated persons, drug abusers, and inhalant abusers and to provide them with adequate and appropriate treatment;

(16) encourage all health insurance programs to include alcoholism and drug abuse as a covered illness;

(17) prepare an annual report covering the activities of the department and notify the legislature that the report is available;

(18) develop and implement a training program on alcoholism and drug abuse for employees of state and municipal governments, and private institutions;

(19) develop curriculum materials on drug and alcohol abuse and the misuse of hazardous volatile substances for use in grades kindergarten through 12, as well as a course of instruction for teachers to be charged with presenting the curriculum;

(20) develop and implement or designate, in cooperation with other state or local agencies, a juvenile alcohol safety action program that provides alcohol and substance abuse screening, referral, and monitoring of persons under 18 years of age who have been referred to it by

(A) a court in connection with a charge or conviction of a violation or misdemeanor related to the use of alcohol or a controlled

substance;

(B) the agency responsible for the administration of motor vehicle laws in connection with a license action related to the use of alcohol or a controlled substance; or

(C) department staff after a delinquency adjudication that is related to the use of alcohol or a controlled substance;

(21) develop and implement, or designate, in cooperation with other state or local agencies, an alcohol safety action program that provides services to persons who have been referred by a court under AS 04.16.049, 04.16.050, AS 28.35.028, 28.35.030, or 28.35.032, or referred by an agency of the state with the responsibility for administering motor vehicle laws in connection with a driver's license action involving the use of alcohol or a controlled substance;

(22) whenever possible, apply evidence-based, research-based, and consensus-based substance abuse and co-occurring substance abuse and mental health disorders treatment practices and remove barriers that prevent the use of those practices;

(23) collaborate with first responders, hospitals, schools, primary care providers, developmental disability treatment providers, law enforcement, corrections, attorneys, the Alaska Court System, community behavioral treatment providers, Alaska Native organizations, and federally funded programs in implementing programs for co-occurring substance abuse and mental health disorders treatment.

* **Sec. 27.** AS 33.16.120(h) is repealed.

* **Sec. 28.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT ON UNTESTED SEXUAL ASSAULT EXAMINATION KITS. (a) By September 1, 2017, each law enforcement agency and state department charged with the maintenance, storage, and preservation of sexual assault examination kits shall conduct an inventory of untested sexual assault examination kits and report, in writing, to the Department of Public Safety the number of untested sexual assault examination kits in the possession of the agency or department and the date on which each sexual assault examination kit was collected.

1 (b) By November 1, 2017, the Department of Public Safety shall prepare and transmit
2 a report to the president of the senate and the speaker of the house of representatives that
3 contains

4 (1) the number of untested sexual assault examination kits stored by each law
5 enforcement agency or department;

6 (2) the date each untested sexual assault examination kit was collected; and

7 (3) a plan for addressing the backlog and prevention of a backlog of untested
8 sexual assault examination kits.

9 (c) The Department of Public Safety shall deliver a copy of the report prepared under
10 (b) of this section to the senate secretary and the chief clerk of the house of representatives
11 and notify the legislature that the report is available.

12 (d) In this section, "untested sexual assault examination kit" means a sexual assault
13 examination kit with evidence that

14 (1) has been collected but that has not been submitted to a laboratory operated
15 or approved by the Department of Public Safety for either a serological or DNA test; or

16 (2) has been collected and submitted to a laboratory operated or approved by
17 the Department of Public Safety but that has not had a serological or DNA test conducted on
18 the evidence.

19 * **Sec. 29.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 **APPLICABILITY.** (a) The following sections apply to offenses committed on or after
22 the effective date of those sections:

23 (1) AS 11.46.280(d), as amended by sec. 1 of this Act;

24 (2) AS 11.46.285(b), as amended by sec. 2 of this Act;

25 (3) AS 11.46.730(c), as amended by sec. 3 of this Act; and

26 (4) AS 11.71.050(a), as amended by sec. 6 of this Act.

27 (b) AS 12.55.078(a), as amended by sec. 11 of this Act, AS 12.55.078(d), as amended
28 by sec. 12 of this Act, and AS 12.55.078(f), as amended by sec. 13 of this Act, apply to
29 prosecutions occurring on or after the effective date of secs. 11 - 13 of this Act, for offenses
30 committed before, on, or after the effective date of secs. 11 - 13 of this Act.

31 (c) AS 12.55.090(c), as amended by sec. 14 of this Act, applies to probation ordered

1 on or after the effective date of sec. 14 of this Act for offenses committed before, on, or after
2 the effective date of sec. 14 of this Act.

3 (d) AS 28.15.165(e), as amended by sec. 23 of this Act, applies to a revocation of a
4 driver's license, privilege to drive, or privilege to obtain a license, or to an identification card
5 or driver's license issued to a parolee, occurring before, on, or after the effective date of sec.
6 23 of this Act for conduct occurring before, on, or after the effective date of sec. 23 of this
7 Act.

8 * **Sec. 30.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 **APPLICABILITY OF SECS. 148 AND 151, CH. 36, SLA 2016.** (a) Nothing in the
11 provisions of AS 33.16.220(i) may be construed as invalidating a decision of the Board of
12 Parole, issued before January 1, 2017, that extended the period of supervision beyond the
13 maximum release date on the original sentence.

14 (b) Nothing in the provisions of AS 33.16.270 may be construed as applying to credit
15 for time served on parole before January 1, 2017.

16 * **Sec. 31.** Sections 1 - 3, 6, 8 - 14, 16, 18, and 23 - 30 of this Act take effect immediately
17 under AS 01.10.070(c).

Alaska State Legislature



House Rules Committee

State Capitol Room 216, Juneau, AK 99801-1182 (907) 465-4998
1500 W. Benson Blvd. Anchorage, AK 99501 Phone: (907) 269-0216

Sectional Analysis for the HCS (RLS) to Senate Bill 55 – Omnibus Crime/Corrections 30-LS0119\G

Section 1 amends AS 11.46.280(d) regarding issuing bad checks, by removing inadvertent inflation-adjustment of \$25,000 for class B felony level check amounts.

Section 2 amends AS 11.46.285(b) regarding fraudulent use of an access device, by removing inadvertent inflation-adjustment of \$25,000 for class B felony level value of property or services obtained.

Section 3 amends AS 11.46.730(c) regarding defrauding creditors, by removing inadvertent inflation-adjustment of \$25,000 for class B felony level loss amounts.

Section 4 amends AS 11.56.740(a) to add language recognizing protective orders issued by another jurisdiction, in accordance with the provisions outlined in Sections 17 and 19 of the bill.

Section 5 amends AS 11.56.740(c), to conform to Sections 17 and 19 of the bill.

Section 6 amends AS 11.71.050(a) regarding misconduct involving controlled substances in the fourth degree, by eliminating penalty overlap for possession of less than an ounce of a VIA controlled substance and excluding two forms of felony possession of a controlled substance from the offense of misconduct involving a controlled substance in the fourth degree, to conform to MICS 2 and 3.

Section 7 amends AS 12.30.027(b) relating to the release conditions of a person charged with or convicted of a crime involving domestic violence. It ensures that protective orders issued by other jurisdictions are recognized in cases where a judicial officer may not allow a released person to return to the residence or place of employment of someone who has taken out a protective order against them.

Section 8 amends AS 12.55.011(b) regarding victim and community involvement in sentencing, by clarifying that the court shall only provide the form to the victim if practicable.

Section 9 amends AS 12.55.015(a) regarding authorized sentences and forfeiture, and provides explicit authority to the court to suspend an entry of judgment.

Section 10 amends AS 12.55.045(l) regarding restitution and compensation, and ensures that a restitution order is not discharged and remains enforceable when a proceeding is dismissed under a suspended entry of judgment.

Section 11 amends AS 12.55.078(a) regarding suspended entries of judgment, and clarifies that the court may not impose a sentence of imprisonment in a suspended entry of judgment.

Section 12 amends AS 12.55.078(d) regarding suspended entries of judgment, and clarifies when the court shall discharge and dismiss proceedings in a suspended entry of judgment. It also clarifies that a person who has successfully completed probation and the requirements of a suspended entry of judgment is not convicted of a crime.

Section 13 amends AS 12.55.078(f) regarding suspended entries of judgment, and clarifies that the crimes for which a suspended entry of judgement may not be used are the crimes currently charged, not prior convictions.

Section 14 amends AS 12.55.090(c) regarding granting of probation, and clarifies that the maximum probation term for a felony sex offense is 15 years, while all other unclassified felonies have a maximum probation term of 10 years.

Section 15 amends AS 12.65.130(a) to conform to Section 19 of the bill by addressing statutes related to the requirement that the Child Fatality Review Team, housed in the Department of Health and Social Services, review a report of a death of a child if anyone in the child's immediate household was a petitioner or respondent of a protective order within the previous year.

Section 16 amends AS 18.65.865(b) regarding service of process, forms for petitions and orders, fees, warnings, notification, and pending civil or criminal actions, by updating the maximum fine that may be imposed under this section to conform to an increase in the maximum fine for a class A misdemeanor.

Section 17 adds a new section, AS 18.65.867, regarding the enforcement and recognition of protective orders issued in other jurisdictions that have to do with stalking or sexual assault but not with domestic violence. A protective order related to stalking or sexual assault issued "by a court of the United States, a court of another state or territory, a United States military tribunal, or a tribal court" has the same effect and must be recognized and enforced in the same manner as a protective order issued by an Alaska state court. This section also cites United States Code Title 18, Chapter 2265, which is the part of the Violence Against Women Act that addresses protective orders originating in other jurisdictions. Chapter 2265 expressly states that orders issued in other jurisdictions do not have to be filed (registered) in an Alaska state court in order to be enforced here. Chapter 2265 also describes certain criteria the issuing jurisdiction needs to meet in order for its protective order to be given full faith and credit by another jurisdiction.

This new section further instructs law enforcement, in subsection (b), that a stalking or sexual-assault-related protective order issued in another jurisdiction that appears authentic on its face should be presumed valid.

Section 18 amends AS 18.66.130(d) regarding specific protective orders. Updates the maximum fine that may be imposed under this section to conform to an increase in the maximum fine for a class A misdemeanor.

Section 19 amends AS 18.66.140(b) to state that (just as with protective orders relating to stalking and sexual assault in the absence of domestic violence, addressed in Section 20) a protective order related to domestic violence issued in another jurisdiction must be recognized and enforced just as if it were issued by an Alaskan court, regardless of whether the protective order has been filed (registered) with an Alaskan court. This section also cites United States Code Title 18, Chapter 2265, which includes certain criteria the issuing jurisdiction needs to meet in order for its protective order to be given full faith and credit.

Section 20 adds a new subsection, AS 18.66.140(d), stating that a domestic-violence-related protective order issued in another jurisdiction that appears authentic on its face should be presumed valid.

Sections 21 amends AS 25.24.210(e) by adding recognition of domestic-violence-related protective orders issued by another jurisdiction in statutes concerned with divorce and dissolution of marriage. A petition for dissolution of a marriage must state whether during the marriage either spouse was either the petitioner or respondent of a domestic-violence-related protective order issued in another jurisdiction. The change in Section 22 specifies that the protective order in question need not have been filed with a state court.

Section 22 amends AS 25.24.220(h) to instruct the courts to use a heightened level of scrutiny of agreements relating to a dissolution of marriage if during the marriage one or the other spouse was either the petitioner or respondent for a domestic-violence-related protective order issued in another jurisdiction. Similar to Section 22, Section 23 specifies that the protective order issued in another jurisdiction need not have been filed with a state court.

Section 23 amends AS 28.15.165(e) regarding administrative revocations and disqualifications resulting from chemical sobriety tests and refusals to submit to tests. Clarifies that the dismissal of all charges, regardless of prejudice, serves to meet the requirement of this section.

Section 24 amends AS 29.25.070(g) regarding municipal penalties. Specifies that limitations on municipal authority to impose punishments does not apply to non-criminal offenses.

Section 25 amends AS 44.19.645(g) regarding the powers and duties of the Alaska Criminal Justice Commission. Requires the Department of Corrections to report certain data to the commission regarding earned compliance credits for parolees.

Section 26 amends AS 47.37.040 regarding the duties of the Department of Health and Social Services, and authorizes the Alcohol Safety Action Program to accept referrals from the court for minor consuming/possession and similar offenses.

Section 27 repeals AS 33.16.120(h) regarding rights of certain victims in connection with parole. Resolves a drafting error that requires the Department of Corrections to provide notifications for hearings that will not occur.

Section 28 adds a new section to uncodified law of the State of Alaska requiring an inventory of all untested sexual assault examination kits by September 1, 2017. Additionally, a report prepared by the Dept. of Public Safety and transmitted to the legislature by November 1, 2017 shall detail the number of untested sexual assault examination kits, the date each kit was collected, and a plan to address the current backlog and prevent further accumulation of untested kits.

Section 29 adds a new section to uncodified law regarding applicability to offenses committed on or after the effective date of this bill.

Section 30 amends uncodified law regarding applicability provisions clarifying that no decisions made by the Board of Parole prior to January 1, 2017 that extended the period of supervision beyond the maximum release date are to be construed as invalidated by the passage of SB 91 (2016). There is further clarification that the earned compliance credit for parolees does not apply to time served prior to January 1, 2017.

Section 31 states that sections 1-3, 6, 8-14, 16, 18, and 23-30 of this Act would take effect immediately.

ALASKA STATE LEGISLATURE



HOUSE RULES COMMITTEE

State Capitol Room 216, Juneau, AK 99801-1182 (907) 465-4998
1500 W. Benson Blvd. Anchorage, AK 99501 Phone: (907) 269-0216

Explanation of Changes for the HCS (RLS) to Senate Bill 55 – Omnibus Crime/Corrections 30-LS0119\G

Sections 1-3, 6-14, 16, 18, 24-27, 29, and 30 are existing and make technical changes to statute affected by the adoption of SB91 in the 2016 legislative session.

New section 28 would require an inventory and report on untested sexual assault examination kits. The inventory must be completed by September 1, 2017, with a report and plan to address the untested kit backlog transmitted to the legislature by November 1, 2017.

New sections 4, 5, 15, 17, 19, and 20-23 would amend conflicting state statute regarding the enforcement of protective orders issued in another jurisdiction, such as a state, territory, or tribal court. These changes would bring Alaska into compliance with the federal Violence Against Women Act (VAWA).

Section 31 is the effective date clause.

AMENDMENT

#1

OFFERED IN THE HOUSE

TO: HCS CSSB 55(RLS), Draft Version "G"

1 Page 12, line 29, through page 13, line 4:

2 Delete all material and insert:

3 **** Sec. 24.** AS 29.10.200(21) is amended to read:

4 (21) AS 29.25.070(e) (notices of certain civil actions) [AND (g)
5 (PENALTIES)];

6 *** Sec. 25.** AS 29.25.070(a) is amended to read:

7 (a) For the violation of an ordinance, a municipality may by ordinance
8 prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days [,
9 EXCEPT AS LIMITED BY (g) OF THIS SECTION]. For a violation that cannot
10 result in incarceration or the loss of a valuable license, a municipality may allow
11 disposition of the violation without court appearance and establish a schedule of fine
12 amounts for each offense."
13

14 Renumber the following bill sections accordingly.

15

16 Page 17, line 22:

17 Delete all material and insert:

18 **** Sec. 28.** AS 29.25.070(g) is repealed."
19

19

20 Page 19, line 16:

21 Delete "23 - 30"

22 Insert "23 - 31"

AMENDMENT #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE EASTMAN

TO: HCS CSSB 55(RLS), Draft Version "G"

1 Page 4, lines 8 - 18:

2 Delete all material.

3

4 Renumber the following bill sections accordingly.

5

6 Page 17, line 22:

7 Delete all material.

8

9 Renumber the following bill sections accordingly.

10

11 Page 18, line 27:

12 Delete "sec. 11"

13 Insert "sec. 10"

14

15 Page 18, line 28:

16 Delete "sec. 12"

17 Insert "sec. 11"

18 Delete "sec. 13"

19 Insert "sec. 12"

20

21 Page 18, line 29:

22 Delete "secs. 11 - 13"

23 Insert "secs. 10 - 12"

- 1
- 2 **Page 18, line 30:**
- 3 **Delete "secs. 11 - 13"**
- 4 **Insert "secs. 10 - 12"**
- 5
- 6 **Page 18, line 31:**
- 7 **Delete "sec. 14"**
- 8 **Insert "sec. 13"**
- 9
- 10 **Page 19, line 1:**
- 11 **Delete "sec. 14"**
- 12 **Insert "sec. 13"**
- 13
- 14 **Page 19, line 2:**
- 15 **Delete "sec. 14"**
- 16 **Insert "sec. 13"**
- 17
- 18 **Page 19, line 3:**
- 19 **Delete "sec. 23"**
- 20 **Insert "sec. 22"**
- 21
- 22 **Page 19, lines 5 - 6:**
- 23 **Delete "sec. 23"**
- 24 **Insert "sec. 22"**
- 25
- 26 **Page 19, line 6:**
- 27 **Delete "sec. 23"**
- 28 **Insert "sec. 22"**
- 29
- 30 **Page 19, line 16:**
- 31 **Delete "8 - 14, 16, 18, and 23 - 30"**

1 Insert "8 - 13, 15, 17, and 22 - 28"

AMENDMENT #3

OFFERED IN THE HOUSE

BY REPRESENTATIVE REINBOLD

TO: HCS CSSB 55(RLS), Draft Version "G"

1 Page 7, following line 30:

2 Insert a new bill section to read:

3 **** Sec. 15.** AS 12.55.135(b) is amended to read:

4 (b) A defendant convicted of a class B misdemeanor may be sentenced to a
5 definite term of imprisonment of not more than

6 (1) 10 days unless otherwise specified in the provision of law defining
7 the offense or in this section;

8 (2) 90 days if the conviction is for a violation of

9 (A) AS 11.61.116(c)(1) and the person is 21 years of age or
10 older; [OR]

11 (B) AS 11.61.120(a)(6) and the person is 21 years of age or
12 older; or

13 (C) AS 11.46.150, 11.46.220(c)(3), 11.46.260(b)(3),
14 11.46.270(b)(3), 11.46.280(d)(4), or 11.46.530(b)(3)."

15

16 Renumber the following bill sections accordingly.

17

18 Page 17, line 22:

19 Delete all material and insert:

20 **** Sec. 28.** AS 12.55.135(l) and AS 33.16.120(h) are repealed."

21

22 Page 19, following line 2:

23 Insert a new subsection to read:

1 "(d) AS 12.55.135(b), as amended by sec. 15 of this Act, applies to sentences imposed
2 on or after the effective date of sec. 15 of this Act, for offenses committed on or after the
3 effective date of sec. 15 of this Act."
4

4

5 Reletter the following subsection accordingly.

6

7 Page 19, line 3:

8 Delete "sec. 23"

9 Insert "sec. 24"

10

11 Page 19, lines 5 - 6:

12 Delete "sec. 23"

13 Insert "sec. 24"

14

15 Page 19, line 6:

16 Delete "sec. 23"

17 Insert "sec. 24"

18

19 Page 19, line 16:

20 Delete "8 - 14, 16, 18, and 23 - 30"

21 Insert "8 - 15, 17, 19, and 24 - 31"

AMENDMENT #4

OFFERED IN THE HOUSE

BY REPRESENTATIVE REINBOLD

TO: HCS CSSB 55(RLS), Draft Version "S"

1 Page 7, following line 30:

2 Insert a new bill section to read:

3 **"* Sec. 15.** AS 12.55.125(e) is amended to read:

4 (e) Except as provided in (i) of this section, a defendant convicted of a class C
5 felony may be sentenced to a definite term of imprisonment of not more than five
6 years, and shall be sentenced to a definite term within the following presumptive
7 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

8 (1) if the offense is a first felony conviction and does not involve
9 circumstances described in (4) of this subsection, [PROBATION, WITH A
10 SUSPENDED TERM OF IMPRISONMENT OF] zero to one year [18 MONTHS]; a
11 defendant sentenced under this paragraph may, if the court finds it appropriate, be
12 granted a suspended imposition of sentence under AS 12.55.085;

13 (2) if the offense is a second felony conviction, one to three years;

14 (3) if the offense is a third felony conviction, two to five years;

15 (4) if the offense is a first felony conviction, and the defendant violated

16 (A) AS 08.54.720(a)(15), one to two years;

17 (B) AS 28.35.030(n)(1)(A) or 28.35.032(p)(1)(A), 120 days to
18 239 days;

19 (C) AS 28.35.030(n)(1)(B) or 28.35.032(p)(1)(B), 240 days to
20 359 days;

21 (D) AS 28.35.030(n)(1)(C) or 23.35.032(p)(1)(C), 360 days to
22 two years."
23

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

2

3 **Page 19, following line 22:**

4 **Insert a new subsection to read:**

5 **"(d) AS 12.55.125(e), as amended by sec. 15 of this Act, applies to sentences imposed**
6 **on or after the effective date of sec. 15 of this Act, for conduct occurring on or after the**
7 **effective date of sec. 15 of this Act."**

8

9 **Reletter the following subsection accordingly.**

10

11 **Page 19, line 23:**

12 **Delete "sec. 24"**

13 **Insert "sec. 25"**

14

15 **Page 19, lines 25 - 26:**

16 **Delete "sec. 24"**

17 **Insert "sec. 25"**

18

19 **Page 19, line 26:**

20 **Delete "sec. 24"**

21 **Insert "sec. 25"**

22

23 **Page 20, line 5:**

24 **Delete "16, 18, and 24 - 31"**

25 **Insert "17, 19, and 25 - 32"**