

**HB**

**254**

<TARGET><BILL>HB 254</BILL><SUBJECT>HB  
254</SUBJECT><COMM>HSTA30</COMM></TARGET>

# Alaska State Legislature

## House of Representatives



## Lora Reinbold

### Sponsor Statement

*"An Act relating to criminal law and procedure; relating to controlled substances; relating to victims of criminal offenses; relating to probation; relating to sentencing; relating to treatment program credit for time spent toward service of a sentence of imprisonment; relating to the Violent Crimes Compensation Board; relating to permanent fund dividends; relating to electronic monitoring; relating to penalties for violating municipal ordinances; relating to parole; relating to community work service; relating to revocation, termination, suspension, cancellation, or restoration of a driver's license; relating to the duties of the commissioner of corrections; relating to the duties of the Department of Health and Social Services; relating to civil in rem forfeiture actions; providing for an effective date by repealing sec. 193, ch. 36, SLA 2016, sec. 79, ch. 1, 4SSLA 2017, sec. 81, ch. 1, 4SSLA 2017, and sec. 83, ch. 1, 4SSLA 2017; and providing for an effective date."*

### HB 254

HB 254 seeks to protect Alaskans from criminals and criminal activity, while discouraging with consequences those who choose to engage in criminal behavior. This is done with clear expectations and measured penalties. Long held standards of Alaskan conduct are a priority over unproven theoretical reforms or cost-saving measures that end up costing more than imagined.

HB 254 is a necessary response to rising crime due to laws which have emboldened criminals. Public safety has been compromised for Alaskans in their homes, businesses and public spaces. We must empower law enforcement agencies, so they may better enforce C felonies for crimes such as auto theft.

HB 254 expresses the conviction that the Department of Corrections is mandated to incarcerate criminals. Efficiencies for requirements of this department are encouraged--if they reinforce the explicit mission of containing criminals and rehabilitation, where possible.

Being tough on crime means establishing firm legal benchmarks and holding criminals accountable when apprehended. Redemption, restitution, and personal responsibility of persons who have chosen to break laws and harm others, all pale in our responsibility to protect law-abiding citizens from criminals. Some criminals will never be rehabilitated, and we must accept some level of cost for their humane care. Others may pay their debt to society and become rehabilitated.

This bill assures that willful criminals are prosecuted in a manner that Alaskans have known and expected for generations.

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### House Bill 254 Sectional Analysis

**Section 1:** deletes language allowing restrictions on purchasing alcoholic beverages as a condition of probation or parole "for any other crime."

**Sections 2 - 3:** changes references to AS 11.71.021 and 11.71.030.

**Sections 4 - 11:** removes inflation adjustment language in theft crimes.

**Section 12:** adds a reference to AS 11.46.140(a)(4) for prior convictions.

**Section 13:** removes inflation adjustment language in vehicle theft crime.

**Section 14:** amends arson in the third degree statute to change "public" to "state or municipal" land and removes the element of the crime if a person intentionally damages a motor vehicle by starting a fire or causing an explosion while a vehicle is on private property.

**Section 15:** changes the crime of disregard of a highway obstruction from a violation to a class B misdemeanor.

**Sections 16 - 21:** removes inflation adjustment language in criminal mischief and other crimes.

**Sections 22 - 23:** amends the penalty for failure to appear. Removes language requiring a person to not make contact with the court or a judicial officer within 30 days after failing to appear or fails to appear in order to avoid prosecution. Removes language that allows punishment as a violation, making failure to appear either a class C felony or a class A misdemeanor.

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**Section 24:** amends violation of condition of release to make the crime either a class A or B misdemeanor.

**Section 25:** adds language that a person convicted of disorderly conduct shall receive a sentence of not more than 10 days imprisonment.

**Section 26:** makes promoting exhibition of fighting animals a class B misdemeanor for the second offense instead of a violation.

**Sections 27 - 28:** makes obstruction of highways a class B misdemeanor.

**Section 29:** removes language from sex trafficking in the first degree that requires inducing another person to engage in prostitution.

**Section 30:** requires intent to promote prostitution for sex trafficking in the third degree.

**Section 31:** deletes language requiring a person to receive compensation for prostitution services rendered by another in order to commit sex trafficking in the fourth degree.

**Section 32:** makes gambling a class B misdemeanor for the second and subsequent offenses.

**Section 33:** creates the crime of misconduct involving a controlled substance in the second degree, which punishes crime involving methamphetamines and precursors of methamphetamines.

**Section 34:** changes second degree misconduct involving a controlled substance to third degree. Adds a manufacturing and delivery crime for schedule IIA or IIIA controlled substances.

**Section 35:** makes third degree punishable as a class B felony.

**Section 36:** changes third degree misconduct involving a controlled substance to fourth degree. Adds various possession crimes.

**Section 37:** makes fourth degree punishable as a class C felony.

**Section 38:** changes fourth degree misconduct involving a controlled substance to fifth degree. Adds various possession crimes.

**Section 39:** changes fifth degree misconduct involving controlled substances to sixth degree.

**Section 40:** updates a reference to AS 11.71.050.

**Section 41:** requires a person arrested to be taken before a judge or magistrate within 48 hours and removes language relating to pretrial services officers.

**Section 42:** removes class C felonies from the list of crimes that an officer may issue a citation for instead of arresting.

**Section 43:** removes violation of conditions of release and failure to appear from the crimes where the presumption is arrest as opposed to citation.

**Section 44:** requires the time specified in the notice to appear to be at least five days after issuance of a citation.

**Section 45:** allows a person charged with a felony to be detained for up to 48 hours to allow the prosecutor to demonstrate release would not ensure the appearance of a person or protect the victim, other persons, or the community.

**Section 46:** deletes language that requires a judicial officer to revise conditions of release that have prevented a defendant from being released.

**Section 47:** states that "new information" for a bail hearing does not include a person's inability to post bail and deletes language that allows only one bail review hearing solely for inability to pay.

**Section 48:** deletes language referring to a pretrial services officer.

**Section 49:** reverts AS 12.30.011, regarding bail procedures, to how it read prior to passage of ch. 36, SLA 2016.

**Sections 50 - 51:** removes references to pretrial services.

**Section 52:** for a person charged with manufacture of methamphetamines, if the person has previously been convicted of a similar crime, the judicial officer shall require posting of a minimum of \$250,000 cash bond before the person may be released.

**Section 53:** removes a reference to pretrial supervision under AS 33.07. Removes other conditions related to appointment of a third-party custodian.

**Section 54:** prevents a person from being appointed a third-party custodian if the person may be called as a witness in the prosecution.

**Section 55:** removes a reference to technical violations of probation.

**Section 56:** provides credit towards a sentence of imprisonment for time spent on electronic monitoring only as provided in AS 12.55.027.

**Section 57:** repeals and reenacts AS 12.55.027(b) to set out the requirements for a defendant to get credit for time spent in a treatment facility.

**Section 58:** repeals and reenacts AS 12.55.027(c) relating to requirements for a treatment facility in order for a defendant to get credit for time spent in that facility credited against a sentence of imprisonment.

**Section 59:** changes the fine for a class A misdemeanor from \$25,000 to \$10,000.

**Section 60:** removes references to AS 12.55.110 in AS 12.55.051(a).

**Section 61:** removes a reference to suspended entry of judgment.

**Section 62:** provides that community work in lieu of a fine is to be paid at \$3 per hour instead of the state's minimum wage.

**Section 63:** amends AS 12.55.090(b) to allow a court to revoke or modify a condition of probation, or change the period of probation, but removes the ability of the court to terminate probation and discharge the defendant from probation.

**Section 64:** sets the maximum period of probation for a felony sex offense at 25 years, and 10 years for any other offense.

**Section 65:** removes limitations on the type of proceeding where a defendant and prosecutor can agree to a reduction of the period of probation.

**Section 66:** raises the presumptive sentence ranges for class A felonies.

**Section 67:** raises the presumptive sentence ranges for class B felonies.

**Section 68:** changes the presumptive sentence ranges for class C felonies.

**Section 69:** adds language to AS 12.55.125(q) stating that a defendant sentenced under AS 12.55.125(i) cannot have the period of probation set out in this section suspended or reduced.

**Section 70:** sets the punishment for a class A misdemeanor of up to one year.

**Section 71:** sets the punishment for a class B misdemeanor of up to 90 days.

**Section 72:** adds new language that a person may not receive a sentence of imprisonment or suspended imprisonment for possession of marijuana in violation of AS 11.71.060 if the possession was for personal use in the defendant's residence and the defendant has no previous marijuana possession convictions.

**Section 73:** requires a prosecutor to confer with a victim of a crime involving domestic violence, as opposed to a victim of any crime, before entering into a plea agreement.

**Section 74:** removes language that prevents an employer from penalizing a victim of a crime if the victim reports an offense or participates in the investigation of an offense. Adds a definition for "penalize."

**Section 75:** updates a reference to AS 11.66.130(a).

**Section 76:** allows a person to be held for up to 48 hours following an arrest before being taken before a judge or magistrate.

**Section 77:** removes physician assistant or advanced nurse practitioner from the list of options for the physician seat on the violent crimes compensation board.

**Section 78:** updates a reference to AS 11.66.130(a).

**Section 79:** removes language requiring a person to surrender a license if the person has been ordered to refrain from consuming alcoholic beverages as a condition of probation or parole for any crime. The section now applies to conviction under AS 28.35.030 or AS 28.35.032, or a similar municipal ordinance.

**Sections 80 - 81:** makes driving with license canceled, suspended, or revoked a class A misdemeanor and sets out the sentence for committing the crime.

**Section 82:** removes language that allows a court to reduce a person's fine or license revocation based on compliance with a treatment plan.

**Section 83:** makes changes to where imprisonment can be served under AS 28.35.030(k). Adds community residential center as a place where imprisonment can be spent. Removes language requiring imprisonment to be spent at a private residence if electronic monitoring is not available.

**Section 84:** removes language that requires regulations to include the cost associated with electronic monitoring.

**Section 85:** removes language relating to restoration of a license for a person with limited license privileges under AS 28.15.201(g).

**Section 86:** makes changes to where imprisonment can be served under AS 28.35.032(o). Adds community residential center as a place where imprisonment can be spent. Removes language requiring imprisonment to be spent at a private residence if electronic monitoring is not available.

**Sections 87 - 88:** removes a reference to AS 29.25.070(g), which is repealed in sec. 123.

**Section 89:** removes references to the administrative sanctions and incentives program for probation officers. Removes language requiring a probation officer to recommend early termination from probation.

**Section 90:** removes a reference to special medical parole. Previously, a prisoner who is not eligible for special medical parole was to be released on discretionary parole after a certain period of time.

**Section 91:** removes a requirement that the parole board consider suitability for discretionary parole at least 30 days before the prisoner's first date of eligibility.

**Section 92:** removes language requiring a person to be released on discretionary parole if the prisoner is at least 60 years old, has served at least 10 years, and has not been convicted of an unclassified or sexual felony.

**Section 93:** expands the list of crimes that are eligible for release on discretionary parole.

**Section 94:** removes language that limits discretionary parole only to those convicted of an unclassified felony.

**Section 95:** removes a reference to preparole reports.

**Section 96:** authorizes the parole board, if the board denies discretionary parole, to make a prisoner ineligible for further consideration of discretionary parole or require additional time be served before the prisoner can be considered for discretionary parole.

**Section 97:** removes a reference to a parole plan. Removes prisoner information that was prevented from being shared with the victim of a crime.

**Section 98:** removes a reference to AS 33.16.090, so that the parole board does not have to notify a victim if a prisoner is released under AS 33.16.090.

**Section 99:** removes victims of sexual assault from the people required to be informed by the board in advance of a hearing considering discretionary parole.

**Section 100:** repeals and reenacts AS 33.16.130, relating to applications for discretionary parole.

**Section 101:** removes a reference to AS 33.30.011(a)(10), which is repealed in sec. 108.

**Section 102:** removes various duties from the commissioner of corrections, including establishing an administrative sanctions and incentives program for parolees.

**Section 103:** increases the period of time required to be served on parole before unconditional discharge from one year to two years.

**Section 104:** requires a person to serve at least two years on mandatory parole before unconditional discharge.

**Section 105:** removes a reference to technical violations of parole.

**Section 106:** removes a reference to preliminary parole hearings.

**Section 107:** removes language requiring tolling of the period of probation for a person who has absconded and provides that the parole board cannot extend the period of parole beyond a person's original maximum release date.

**Section 108:** provides that a prisoner may not be awarded a good time deduction for any time spent in a treatment program, in a private residence, or while under electronic monitoring.

**Section 109:** removes duties from the commissioner of corrections, including requirements of a written case plan for prisoners, establishing a reentry program for prisoners, and establishing minimum standards for electronic monitoring.

**Section 110:** removes a requirement that the commissioner of corrections notify the victim if the offender is discharged from parole under AS 33.16.

**Section 111:** removes a reference to private electronic monitoring contractors.

**Section 112:** removes certain requirements and standards for correctional restitution centers.

**Section 113:** updates a reference to the misconduct involving a controlled substance statutes in light of the changes in secs. 33 - 39.

**Section 114:** updates a reference to the sex trafficking in the third degree statute in light of the changes in sec. 30.

**Section 115:** removes a requirement that the Alaska Criminal Justice Commission make annual recommendations to the governor and legislature on how savings from the criminal justice reforms should be reinvested to reduce recidivism.

**Section 116:** removes certain requirements from the annual report filed by the Alaska Criminal Justice Commission.

**Section 117:** sunsets the Alaska Criminal Justice Commission on June 30, 2018.

**Section 118:** updates references to the misconduct involving a controlled substance statutes in light of the changes in secs. 33 - 39.

**Section 119:** changes the types of crimes that can be referred to the alcohol safety action program.

**Section 120:** makes changes related to the alcohol substance abuse monitoring program and removes the requirement that the department of corrections contract for the program.

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**Section 121:** changes the recidivism reduction program to only apply to transitional re-entry programs.

**Section 122:** changes the requirements of transitional re-entry programs.

**Section 123:** amends the repeal date for AS 22.20.210 to June 30, 2018. AS 22.20.210 is a statute requiring the judicial council to provide staff and administrative support to the Alaska Criminal Justice Commission.

**Section 124:** repeals various statutes.

**Section 125:** repeals a court rule change section from ch. 36, SLA 2016. Repeals conditional effect sections from ch. 1, 4SSLA 2017.

**Section 126:** provides the applicability provisions for the bill.

**Section 127:** repeals effective date provisions from ch. 36, SLA 2016 and ch. 1, 4SSLA 2017.

**Section 128:** provides for an immediate effective date.

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**CS FOR HOUSE BILL NO. 254( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**THIRTIETH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVE REINBOLD**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to criminal law and procedure; relating to controlled substances;**  
2 **relating to victims of criminal offenses; relating to probation; relating to sentencing;**  
3 **relating to treatment program credit for time spent toward service of a sentence of**  
4 **imprisonment; relating to the Violent Crimes Compensation Board; relating to**  
5 **permanent fund dividends; relating to electronic monitoring; relating to penalties for**  
6 **violating municipal ordinances; relating to parole; relating to community work service;**  
7 **relating to revocation, termination, suspension, cancellation, or restoration of a driver's**  
8 **license; relating to the duties of the commissioner of corrections; relating to the duties of**  
9 **the Department of Health and Social Services; relating to civil in rem forfeiture actions;**  
10 **providing for an effective date by repealing sec. 193, ch. 36, SLA 2016, sec. 79, ch. 1,**  
11 **4SSLA 2017, sec. 81, ch. 1, 4SSLA 2017, and sec. 83, ch. 1, 4SSLA 2017; and providing**  
12 **for an effective date."**

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

2 \* **Section 1.** AS 04.16.160(a) is amended to read:

3 (a) Except as otherwise provided by law, a person who is 21 years of age or  
4 older may not purchase alcoholic beverages if the person has been ordered to refrain  
5 from consuming alcoholic beverages under AS 12.55.015(a)(13) or as part of a  
6 sentence for conviction of a crime under AS 28.35.030, 28.35.032, or a similar  
7 municipal ordinance or [,] as a condition of probation or parole from a conviction  
8 under AS 28.35.030, 28.35.032, or a similar municipal ordinance [, OR AS A  
9 **CONDITION OF PROBATION OR PAROLE FOR ANY OTHER CRIME**]. The  
10 restriction on purchasing alcoholic beverages applies during the period that the person  
11 is required to refrain from consuming alcoholic beverages under the sentence or  
12 condition of probation or parole.

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

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

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

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

21 (3) under circumstances not amounting to murder in the first degree  
22 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the  
23 person commits or attempts to commit arson in the first degree, kidnapping, sexual  
24 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor  
25 in the first degree, sexual abuse of a minor in the second degree, burglary in the first  
26 degree, escape in the first or second degree, robbery in any degree, or misconduct  
27 involving a controlled substance under AS 11.71.010(a), 11.71.021(a),  
28 11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2)  
29 and, in the course of or in furtherance of that crime or in immediate flight from that  
30 crime, any person causes the death of a person other than one of the participants;

31 (4) acting with a criminal street gang, the person commits or attempts

1 to commit a crime that is a felony and, in the course of or in furtherance of that crime  
2 or in immediate flight from that crime, any person causes the death of a person other  
3 than one of the participants; or

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

7 (A) a felony violation of AS 11.41;

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

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

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

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

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

16 (2) with intent to cause serious physical injury to an unborn child or to  
17 another person or knowing that the conduct is substantially certain to cause death or  
18 serious physical injury to an unborn child or to another person, causes the death of an  
19 unborn child;

20 (3) while acting alone or with one or more persons, commits or  
21 attempts to commit arson in the first degree, kidnapping, sexual assault in the first  
22 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,  
23 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the  
24 first or second degree, robbery in any degree, or misconduct involving a controlled  
25 substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9)  
26 [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2), and, in the course of or  
27 in furtherance of that crime or in immediate flight from that crime, any person causes  
28 the death of an unborn child;

29 (4) knowingly engages in conduct that results in the death of an unborn  
30 child under circumstances manifesting an extreme indifference to the value of human  
31 life; for purposes of this paragraph, a pregnant woman's decision to remain in a

1 relationship in which domestic violence, as defined in AS 18.66.990, has occurred  
2 does not constitute conduct manifesting an extreme indifference to the value of human  
3 life.

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

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

7 (1) the value of the property or services [, ADJUSTED FOR  
8 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than  
9 \$25,000;

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

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

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

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

16 (6) the value of the property [, ADJUSTED FOR INFLATION AS  
17 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750 and, within the  
18 preceding five years, the person has been convicted and sentenced on two or more  
19 separate occasions in this or another jurisdiction of

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

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

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

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

28 (7) the property is an access device.

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

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

1 (1) the value of the property or services [, ADJUSTED FOR  
2 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750;  
3 or

4 (2) [REPEALED]

5 (3) [REPEALED]

6 (4) the value of the property is less than \$250 and, within the preceding  
7 five years, the person has been convicted and sentenced on three or more separate  
8 occasions in this or another jurisdiction of theft or concealment of merchandise, or an  
9 offense under another law or ordinance with similar elements.

10 \* Sec. 6. AS 11.46.150(a) is amended to read:

11 (a) A person commits the crime of theft in the fourth degree if the person  
12 commits theft as defined in AS 11.46.100 and the value of the property or services [,  
13 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

14 \* Sec. 7. AS 11.46.220(c) is amended to read:

15 (c) Concealment of merchandise is

16 (1) a class C felony if

17 (A) the merchandise is a firearm;

18 (B) the value of the merchandise [, ADJUSTED FOR  
19 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more; or

20 (C) the value of the merchandise [, ADJUSTED FOR  
21 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than  
22 \$750 and, within the preceding five years, the person has been convicted and  
23 sentenced on two or more separate occasions in this or another jurisdiction of

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

27 (ii) an offense under AS 11.46.120, 11.46.130, or  
28 11.46.140(a)(1), or an offense under another law or ordinance with  
29 similar elements;

30 (2) a class A misdemeanor if

31 (A) the value of the merchandise [, ADJUSTED FOR

1 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than  
2 \$750; or

3 (B) [REPEALED]

4 (C) the value of the merchandise is less than \$250 and, within  
5 the preceding five years, the person has been convicted and sentenced on three  
6 or more separate occasions of the offense of concealment of merchandise or  
7 theft in any degree, or an offense under another law or ordinance with similar  
8 elements;

9 (3) a class B misdemeanor if the value of the merchandise [,  
10 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

11 \* Sec. 8. AS 11.46.260(b) is amended to read:

12 (b) Removal of identification marks is

13 (1) a class C felony if the value of the property on which the serial  
14 number or identification mark appeared [, ADJUSTED FOR INFLATION AS  
15 PROVIDED IN AS 11.46.982,] is \$750 or more;

16 (2) a class A misdemeanor if the value of the property on which the  
17 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS  
18 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750;

19 (3) a class B misdemeanor if the value of the property on which the  
20 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS  
21 PROVIDED IN AS 11.46.982,] is less than \$250.

22 \* Sec. 9. AS 11.46.270(b) is amended to read:

23 (b) Unlawful possession is

24 (1) a class C felony if the value of the property on which the serial  
25 number or identification mark appeared [, ADJUSTED FOR INFLATION AS  
26 PROVIDED IN AS 11.46.982,] is \$750 or more;

27 (2) a class A misdemeanor if the value of the property on which the  
28 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS  
29 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750;

30 (3) a class B misdemeanor if the value of the property on which the  
31 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS

1 PROVIDED IN AS 11.46.982,] is less than \$250.

2 \* Sec. 10. AS 11.46.280(d) is amended to read:

3 (d) Issuing a bad check is

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

5 (2) a class C felony if the face amount of the check [, ADJUSTED  
6 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than  
7 \$25,000;

8 (3) a class A misdemeanor if the face amount of the check [,  
9 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more  
10 but less than \$750;

11 (4) a class B misdemeanor if the face amount of the check [,  
12 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

13 \* Sec. 11. AS 11.46.285(b) is amended to read:

14 (b) Fraudulent use of an access device is

15 (1) a class B felony if the value of the property or services obtained is  
16 \$25,000 or more;

17 (2) a class C felony if the value of the property or services obtained [,  
18 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more  
19 but less than \$25,000;

20 (3) a class A misdemeanor if the value of the property or services  
21 obtained [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less  
22 than \$750.

23 \* Sec. 12. AS 11.46.295 is amended to read:

24 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior  
25 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or  
26 11.46.140(a)(4) or in prosecuting the crime of concealment of merchandise under  
27 AS 11.46.220(c),

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

31 (2) a conviction for an offense under Alaska law where the value of the

1 property or services for the offense was lower than the value of property or services  
2 for the offense under current Alaska law is a prior conviction for that offense; and

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

5 \* Sec. 13. AS 11.46.360(a) is amended to read:

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

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

11 (2) the propelled vehicle of another and

12 (A) the vehicle or any other property of another is damaged in a  
13 total amount [, ADJUSTED FOR INFLATION AS PROVIDED IN  
14 AS 11.46.982,] of \$750 or more;

15 (B) the owner incurs reasonable expenses as a result of the loss  
16 of use of the vehicle, in a total amount [, ADJUSTED FOR INFLATION AS  
17 PROVIDED IN AS 11.46.982,] of \$750 or more; or

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

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

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

24 (A) this section or AS 11.46.365;

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

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

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

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

1 \* **Sec. 14.** AS 11.46.420(a) is amended to read:

2 (a) A person commits the crime of arson in the third degree if the person  
3 intentionally damages a motor vehicle

4 [(1)] by starting a fire or causing an explosion while that vehicle is  
5 located on state or municipal [PUBLIC] land [; OR

6 (2) THAT IS THE PROPERTY OF ANOTHER PERSON BY  
7 STARTING A FIRE OR CAUSING AN EXPLOSION WHILE THAT VEHICLE IS  
8 LOCATED ON PRIVATE PROPERTY].

9 \* **Sec. 15.** AS 11.46.460 is amended to read:

10 **Sec. 11.46.460. Disregard of a highway obstruction.** (a) A person commits  
11 the crime [OFFENSE] of disregard of a highway obstruction if, without the right to do  
12 so or a reasonable ground to believe the person has the right, the person

13 (1) drives a vehicle through, over, or around an obstruction erected on  
14 a highway under authority of AS 19.10.100; or

15 (2) opens an obstruction erected on a highway under authority of  
16 AS 19.10.100.

17 (b) Violation of this section is a class B misdemeanor [VIOLATION  
18 PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000].

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

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

23 (1) with intent to damage property of another, the person damages  
24 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED  
25 IN AS 11.46.982,] of \$750 or more;

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

28 (3) the person knowingly

29 (A) defaces, damages, or desecrates a cemetery or the contents  
30 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,  
31 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or

1 memorial appears to be abandoned, lost, or neglected;

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

5 \* Sec. 17. AS 11.46.484(a) is amended to read:

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

9 (1) with intent to damage property of another, the person damages  
10 property of another in an amount [ , ADJUSTED FOR INFLATION AS PROVIDED  
11 IN AS 11.46.982,] of \$250 or more but less than \$750;

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

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

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

20 (5) the person knowingly removes, relocates, defaces, alters, obscures,  
21 shoots at, destroys, or otherwise tampers with an official traffic control device or  
22 damages the work on a highway under construction.

23 \* Sec. 18. AS 11.46.486(a) is amended to read:

24 (a) A person commits the crime of criminal mischief in the fifth degree if,  
25 having no right to do so or any reasonable ground to believe the person has such a  
26 right,

27 (1) with reckless disregard for the risk of harm to or loss of the  
28 property or with intent to cause substantial inconvenience to another, the person  
29 tampers with property of another;

30 (2) with intent to damage property of another, the person damages  
31 property of another in an amount [ , ADJUSTED FOR INFLATION AS PROVIDED

1 IN AS 11.46.982,] less than \$250; or

2 (3) the person rides in a propelled vehicle and, with criminal  
3 negligence, disregards the fact that it has been stolen or that it is being used in  
4 violation of AS 11.46.360 or 11.46.365(a)(1).

5 \* Sec. 19. AS 11.46.530(b) is amended to read:

6 (b) Criminal simulation is

7 (1) a class C felony if the value of what the object purports to represent  
8 [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or  
9 more;

10 (2) a class A misdemeanor if the value of what the object purports to  
11 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is  
12 \$250 or more but less than \$750;

13 (3) a class B misdemeanor if the value of what the object purports to  
14 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less  
15 than \$250.

16 \* Sec. 20. AS 11.46.620(d) is amended to read:

17 (d) Misapplication of property is

18 (1) a class C felony if the value of the property misapplied [,   
19 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more;

20 (2) a class A misdemeanor if the value of the property misapplied [,   
21 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$750.

22 \* Sec. 21. AS 11.46.730(c) is amended to read:

23 (c) Defrauding creditors is a class A misdemeanor unless that secured party,  
24 judgment creditor, or creditor incurs a pecuniary loss [, ADJUSTED FOR  
25 INFLATION AS PROVIDED IN AS 11.46.982,] of \$750 or more as a result of the  
26 defendant's conduct, in which case defrauding secured creditors is

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

28 (2) a class C felony if the loss [, ADJUSTED FOR INFLATION AS  
29 PROVIDED IN AS 11.46.982,] is \$750 or more but less than \$25,000.

30 \* Sec. 22. AS 11.56.730(a) is amended to read:

31 (a) A person commits the crime [OFFENSE] of failure to appear if the person

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- (1) is released under the provisions of AS 12.30;
- (2) knows that the person is required to appear before a court or judicial officer at the time and place of a scheduled hearing; and
- (3) with criminal negligence does not appear before the court or judicial officer at the time and place of the scheduled hearing.

\* Sec. 23. AS 11.56.730(d) is amended to read:

(d) Failure to appear is a

(1) class C felony if the person was released in connection with a charge of a felony or while awaiting sentence or appeal after conviction of a felony [AND THE PERSON

(A) DOES NOT MAKE CONTACT WITH THE COURT OR A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED HEARING; OR

(B) DOES NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED HEARING TO AVOID PROSECUTION];

(2) class A misdemeanor if the person was released in connection with

a

(A) charge of a misdemeanor, while awaiting sentence or appeal after conviction of a misdemeanor; or

(B) [, OR IN CONNECTION WITH A] requirement to appear as a material witness in a criminal proceeding [, AND THE PERSON

(A) DOES NOT MAKE CONTACT WITH THE COURT OR A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED HEARING; OR

(B) DOES NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED HEARING TO AVOID PROSECUTION; OR

(3) VIOLATION PUNISHABLE BY A FINE OF UP TO \$1,000].

\* Sec. 24. AS 11.56.757(b) is amended to read:

(b) Violation of condition of release is a

1                   **(1) class A misdemeanor if the person is released from a charge or**  
 2                   **conviction of a felony;**

3                   **(2) class B misdemeanor if the person is released from a charge or**  
 4                   **conviction of a misdemeanor.**

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

6                   (c) Disorderly conduct is a class B misdemeanor **and is punishable as**  
 7                   **authorized in AS 12.55 except that a sentence of imprisonment, if imposed, shall**  
 8                   **be for a definite term of not more than 10 days.**

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

10                   (d) Promoting an exhibition of fighting animals

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

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

13                   [[A)] a violation

14                   [[i)] for the first offense, **a class B misdemeanor** [;

15                   (ii) PUNISHABLE BY A FINE OF NOT MORE

16                   THAN \$1,000] for the second offense, [;] and

17                   [(B)] a class A misdemeanor for the third and each subsequent

18                   offense.

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

20                   (a) A person commits the **crime** [OFFENSE] of obstruction of highways if the  
 21                   person knowingly

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

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

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

27                   (c) Obstruction of highways is a **class B misdemeanor** [VIOLATION  
 28                   PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000].

29 \* Sec. 29. AS 11.66.110(a) is amended to read:

30                   (a) A person commits the crime of sex trafficking in the first degree if the  
 31                   person

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

3 (2) as other than a patron of a prostitute, induces or causes a  
4 [ANOTHER] person [WHO IS] under 20 years of age to engage in prostitution; or

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

7 \* Sec. 30. AS 11.66.130(a) is amended to read:

8 (a) A person commits the crime of sex trafficking in the third degree if, with  
9 intent to promote prostitution, the person

10 (1) [RECEIVES COMPENSATION FOR PROSTITUTION  
11 SERVICES RENDERED BY ANOTHER; AND

12 (2) WITH THE INTENT TO PROMOTE PROSTITUTION,

13 (A)] manages, supervises, controls, or owns, either alone or in  
14 association with others, a place of prostitution;

15 (2) [(B)] as other than a patron of a prostitute, induces or causes a  
16 [ANOTHER] person who is 20 years of age or older to engage in prostitution;

17 (3) as other than a prostitute receiving compensation for  
18 personally rendered prostitution services, [(C)] receives or agrees to receive money  
19 or other property under an agreement or understanding that the money or other  
20 property is derived from prostitution; or

21 (4) [(D)] engages in conduct that institutes, aids, or facilitates a  
22 prostitution enterprise.

23 \* Sec. 31. AS 11.66.135(a) is amended to read:

24 (a) A person commits the crime of sex trafficking in the fourth degree if the  
25 person

26 [(1) RECEIVES COMPENSATION FOR PROSTITUTION  
27 SERVICES RENDERED BY ANOTHER; AND

28 (2)] engages in conduct that institutes, aids, or facilitates prostitution  
29 under circumstances not proscribed under AS 11.66.130(a)(4)  
30 [AS 11.66.130(a)(2)(D)].

31 \* Sec. 32. AS 11.66.200(c) is amended to read:

1 (c) Gambling is a violation

2 [(1)] for the first offense. Gambling is a class B misdemeanor [;

3 (2) PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000] for  
4 the second and each subsequent offense.

5 \* Sec. 33. AS 11.71 is amended by adding a new section to read:

6 **Sec. 11.71.021. Misconduct involving a controlled substance in the second**  
7 **degree.** (a) Except as authorized in AS 17.30, a person commits the crime of  
8 misconduct involving a controlled substance in the second degree if the person

9 (1) manufactures or delivers any amount of a schedule IA controlled  
10 substance or possesses any amount of a schedule IA controlled substance with intent  
11 to manufacture or deliver;

12 (2) manufactures any material, compound, mixture, or preparation that  
13 contains

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

15 or

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

18 (3) possesses an immediate precursor of methamphetamine, or the  
19 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,  
20 with the intent to manufacture any material, compound, mixture, or preparation that  
21 contains methamphetamine, or its salts, isomers, or salts of isomers;

22 (4) possesses a listed chemical with intent to manufacture any material,  
23 compound, mixture, or preparation that contains

24 (A) methamphetamine, or its salts, isomers, or salts of isomers;

25 or

26 (B) an immediate precursor of methamphetamine, or its salts,  
27 isomers, or salts of isomers;

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

30 (6) under circumstances not proscribed under AS 11.71.010(a)(2),  
31 delivers

1 (A) an immediate precursor of methamphetamine, or the salts,  
2 isomers, or salts of isomers of the immediate precursor of methamphetamine,  
3 to another person with reckless disregard that the precursor will be used to  
4 manufacture any material, compound, mixture, or preparation that contains  
5 methamphetamine, or its salts, isomers, or salts of isomers; or

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

9 (i) methamphetamine, or its salts, isomers, or salts of  
10 isomers;

11 (ii) an immediate precursor of methamphetamine, or its  
12 salts, isomers, or salts of isomers; or

13 (iii) methamphetamine or its salts, isomers, or salts of  
14 isomers in an organic solution.

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

23 (1) the listed chemicals ephedrine, pseudoephedrine,  
24 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

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

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

29 (i) retailer or as a wholesaler;

30 (ii) wholesale drug distributor licensed by the Board of  
31 Pharmacy;

1 (iii) manufacturer of drug products licensed by the  
2 Board of Pharmacy;

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

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

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

12 (c) In this section, "listed chemical" means a chemical described under  
13 AS 11.71.200.

14 (d) Misconduct involving a controlled substance in the second degree is a  
15 class A felony.

16 \* Sec. 34. AS 11.71.030(a) is amended to read:

17 (a) Except as authorized in AS 17.30, a person commits the crime of  
18 misconduct involving a controlled substance in the third [SECOND] degree if the  
19 person

20 (1) manufactures or delivers, or possesses with intent to manufacture  
21 or deliver,

22 (A) one or more preparations, compounds, mixtures, or  
23 substances of an aggregate weight of one gram or more containing a schedule  
24 IA controlled substance;

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

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

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

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

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

5 (A) with reckless disregard that the possession occurs

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

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

8 or

9 (B) on a school bus;

10 (4) manufactures any material, compound, mixture, or preparation that  
11 contains

12 (A) methamphetamine, or its salts, isomers, or salts of isomers;

13 or

14 (B) an immediate precursor of methamphetamine, or its salts,  
15 isomers, or salts of isomers;

16 (5) possesses an immediate precursor of methamphetamine, or the  
17 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,  
18 with the intent to manufacture any material, compound, mixture, or preparation that  
19 contains methamphetamine, or its salts, isomers, or salts of isomers;

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

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

23 or

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

26 (7) possesses methamphetamine in an organic solution with intent to  
27 extract from it methamphetamine or its salts, isomers, or salts of isomers; [OR]

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

30 (A) an immediate precursor of methamphetamine, or the salts,  
31 isomers, or salts of isomers of the immediate precursor of methamphetamine,

1 to another person with reckless disregard that the precursor will be used to  
2 manufacture any material, compound, mixture, or preparation that contains  
3 methamphetamine, or its salts, isomers, or salts of isomers; or

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

7 (i) methamphetamine, or its salts, isomers, or salts of  
8 isomers;

9 (ii) an immediate precursor of methamphetamine, or its  
10 salts, isomers, or salts of isomers; or

11 (iii) methamphetamine or its salts, isomers, or salts of  
12 isomers in an organic solution; or

13 **(9) under circumstances not proscribed under AS 11.71.021(a)(2) -**  
14 **(6), manufactures or delivers any amount of a schedule IIA or IIIA controlled**  
15 **substance or possesses any amount of a schedule IIA or IIIA controlled substance**  
16 **with intent to manufacture or deliver.**

17 \* Sec. 35. AS 11.71.030(d) is amended to read:

18 (d) Misconduct involving a controlled substance in the third [SECOND]  
19 degree is a class B felony.

20 \* Sec. 36. AS 11.71.040(a) is amended to read:

21 (a) Except as authorized in AS 17.30, a person commits the crime of  
22 misconduct involving a controlled substance in the fourth [THIRD] degree if the  
23 person

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

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

31 (3) possesses

- 1                    (A) any amount of a
- 2                            (i) schedule IA controlled substance [LISTED IN
- 3                    AS 11.71.140(e)];
- 4                            (ii) IIA controlled substance except a controlled
- 5                    substance listed in AS 11.71.150(e)(11) - (15);
- 6                    (B) 25 or more tablets, ampules, or syrettes containing a
- 7                    schedule IIIA or IVA controlled substance;
- 8                    (C) one or more preparations, compounds, mixtures, or
- 9                    substances of an aggregate weight of
- 10                            (i) three grams or more containing a schedule IIIA
- 11                            or IVA controlled substance except a controlled substance in a
- 12                            form listed in (ii) of this subparagraph;
- 13                            (ii) 12 grams or more containing a schedule IIIA
- 14                            controlled substance listed in AS 11.71.160(f)(7) - (16) that has been
- 15                            sprayed on or otherwise applied to tobacco, an herb, or another
- 16                            organic material; or
- 17                            (iii) 500 milligrams or more of a schedule IIA
- 18                            controlled substance listed in AS 11.71.150(e)(11) - (15);
- 19                    (D) 50 or more tablets, ampules, or syrettes containing a
- 20                    schedule VA controlled substance;
- 21                    (E) one or more preparations, compounds, mixtures, or
- 22                    substances of an aggregate weight of six grams or more containing a
- 23                    schedule VA controlled substance;
- 24                    (F) one or more preparations, compounds, mixtures, or
- 25                    substances of an aggregate weight of four ounces or more containing a
- 26                    schedule VIA controlled substance; or
- 27                    (G) 25 or more plants of the genus cannabis;
- 28                    (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance
- 29                            (A) with reckless disregard that the possession occurs
- 30                                    (i) on or within 500 feet of school grounds; or
- 31                                    (ii) at or within 500 feet of a recreation or youth center;

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or

(B) on a school bus;

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

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

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

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

(9) obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;

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

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

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

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

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

(D) less than 50 tablets, ampules, or syrettes containing a

1 schedule IIA or IIIA controlled substance.

2 \* Sec. 37. AS 11.71.040(d) is amended to read:

3 (d) Misconduct involving a controlled substance in the fourth [THIRD]  
4 degree is a class C felony.

5 \* Sec. 38. AS 11.71.050 is amended to read:

6 **Sec. 11.71.050. Misconduct involving a controlled substance in the fifth**  
7 **[FOURTH] degree.** (a) Except as authorized in AS 17.30, a person commits the  
8 crime of misconduct involving a controlled substance in the fifth [FOURTH] degree if  
9 the person

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

14 (2) [REPEALED]

15 (3) fails to make, keep, or furnish any record, notification, order form,  
16 statement, invoice, or information required under AS 17.30; [OR]

17 (4) under circumstances not proscribed under AS 11.71.030(a)(3),  
18 11.71.040(a)(3), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a  
19 schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance; or

20 **(5) possesses**

21 **(A) less than 25 tablets, ampules, or syrettes containing a**  
22 **schedule IIIA or IVA controlled substance;**

23 **(B) one or more preparations, compounds, mixtures, or**  
24 **substances of an aggregate weight of less than**

25 **(i) three grams containing a schedule IIIA or IVA**  
26 **controlled substance except a controlled substance in a form listed**  
27 **in (ii) of this subparagraph;**

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



1 11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) if  
2 that person

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

6 (A) the evidence supporting the prosecution for an offense  
7 under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(5)  
8 [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) was obtained or discovered as a  
9 result of the person seeking medical or law enforcement assistance;

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

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

14 (2) was experiencing a drug overdose and sought medical assistance,  
15 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),  
16 11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2)  
17 was obtained as a result of the overdose and the need for medical assistance.

18 \* Sec. 41. AS 12.25.150(a) is amended to read:

19 (a) A person arrested shall be taken before a judge or magistrate without  
20 unnecessary delay, and in any event within 48 [24] hours after arrest, [ABSENT  
21 COMPELLING CIRCUMSTANCES,] including Sundays and holidays. [THE  
22 UNAVAILABILITY OF A REPORT PREPARED BY THE PRETRIAL SERVICES  
23 OFFICER UNDER AS 33.07 OR A DELAY IN THE TRANSMITTAL OF THAT  
24 REPORT TO THE PARTIES OR TO THE COURT MAY NOT BE CONSIDERED  
25 A SUFFICIENT COMPELLING CIRCUMSTANCE TO JUSTIFY DELAYING A  
26 HEARING BEYOND 24 HOURS. THE HEARING BEFORE THE JUDGE OR  
27 MAGISTRATE MAY NOT TAKE PLACE MORE THAN 48 HOURS AFTER  
28 ARREST.] This requirement applies to municipal police officers to the same extent as  
29 it does to state troopers.

30 \* Sec. 42. AS 12.25.180(a) is amended to read:

31 (a) When a peace officer stops or contacts a person for the commission of [A

1 CLASS C FELONY OFFENSE,] a misdemeanor [,] or the violation of a municipal  
2 ordinance, the officer may, in the officer's discretion, issue a citation to the person  
3 instead of taking the person before a judge or magistrate under AS 12.25.150, unless  
4 [EXCEPT THE OFFICER MAY ARREST IF]

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

6 (2) the peace officer reasonably believes the person is a danger to self  
7 or others;

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

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

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

15 \* Sec. 43. AS 12.25.180(b) is amended to read:

16 (b) When a peace officer stops or contacts a person for the commission of an  
17 infraction or a violation, the officer shall issue a citation instead of taking the person  
18 before a judge or magistrate under AS 12.25.150, unless [EXCEPT THE OFFICER  
19 MAY ARREST IF]

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

21 (2) the person refuses to accept service of the citation [; OR

22 (3) THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE  
23 THE PERSON HAS COMMITTED

24 (A) A VIOLATION OF CONDITIONS OF RELEASE  
25 UNDER AS 11.56.757; OR

26 (B) THE OFFENSE OF FAILURE TO APPEAR UNDER  
27 AS 11.56.730].

28 \* Sec. 44. AS 12.25.190(b) is amended to read:

29 (b) The time specified in the notice to appear shall be at least five [TWO]  
30 working days after the issuance of the citation [UNDER AS 12.25.180(a)].

31 \* Sec. 45. AS 12.30.006(b) is amended to read:

1 (b) At the first appearance before a judicial officer, a person who is charged  
2 with a felony may be detained up to 48 hours for the prosecuting authority to  
3 demonstrate that release of the person under AS 12.30.011 would not reasonably  
4 ensure the appearance of the person or will pose a danger to the victim, other persons,  
5 or the community [, IF THE PERSON HAS BEEN CHARGED WITH THE  
6 FOLLOWING CRIMES:

7 (1) AN UNCLASSIFIED, CLASS A, OR CLASS B FELONY;

8 (2) A CLASS C FELONY

9 (A) UNDER AS 11.41, AS 11.56.730, AS 28.35.030, OR  
10 28.35.032;

11 (B) THAT IS A SEX OFFENSE; IN THIS  
12 SUBPARAGRAPH, "SEX OFFENSE" HAS THE MEANING GIVEN IN  
13 AS 12.63.100; OR

14 (C) THAT IS A CRIME INVOLVING DOMESTIC  
15 VIOLENCE; IN THIS SUBPARAGRAPH, "CRIME INVOLVING  
16 DOMESTIC VIOLENCE" HAS THE MEANING GIVEN IN AS 18.66.990;  
17 OR

18 (3) A CLASS C FELONY, OTHER THAN A CLASS C FELONY  
19 LISTED IN (2) OF THIS SUBSECTION, AND THE PERSON HAS BEEN  
20 ASSESSED AS MODERATE TO HIGH RISK UNDER AS 12.30.011(c)(2)].

21 \* Sec. 46. AS 12.30.006(c) is amended to read:

22 (c) A person who remains in custody 48 hours after appearing before a judicial  
23 officer because of inability to meet the conditions of release shall, upon application, be  
24 entitled to have the conditions reviewed by the judicial officer who imposed them. If  
25 the judicial officer who imposed the conditions of release is not available, any judicial  
26 officer in the judicial district may review the conditions. [UPON REVIEW OF THE  
27 CONDITIONS, THE JUDICIAL OFFICER SHALL REVISE ANY CONDITIONS  
28 OF RELEASE THAT HAVE PREVENTED THE DEFENDANT FROM BEING  
29 RELEASED UNLESS THE JUDICIAL OFFICER FINDS ON THE RECORD THAT  
30 THERE IS CLEAR AND CONVINCING EVIDENCE THAT LESS RESTRICTIVE  
31 RELEASE CONDITIONS CANNOT REASONABLY ENSURE THE

- 1 (1) APPEARANCE OF THE PERSON IN COURT; AND  
2 (2) SAFETY OF THE VICTIM, OTHER PERSONS, AND THE  
3 COMMUNITY.]

4 \* Sec. 47. AS 12.30.006(d) is amended to read:

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

11 (1) the person provides to the court and the prosecuting authority a  
12 written statement that new information not considered at the previous review will be  
13 presented at the hearing; the statement must include a description of the information  
14 and the reason the information was not presented at a previous hearing; in this  
15 paragraph, "new information" does not include [INCLUDES] the [PERSON'S]  
16 inability to post the required bail;

17 (2) the prosecuting authority and any surety, if applicable, have at least  
18 48 hours' written notice before the time set for the review requested under this  
19 subsection; the defendant shall notify the surety; and

20 (3) at least seven days have elapsed between the previous review and  
21 the time set for the requested review [; HOWEVER, A PERSON MAY RECEIVE  
22 ONLY ONE BAIL REVIEW HEARING SOLELY FOR INABILITY TO PAY].

23 \* Sec. 48. AS 12.30.006(f) is amended to read:

24 (f) The judicial officer shall issue written or oral findings that explain the  
25 reasons the officer imposed the particular conditions of release or modifications or  
26 additions to conditions previously imposed. The judicial officer shall inform the  
27 person that a law enforcement officer [OR A PRETRIAL SERVICES OFFICER  
28 UNDER AS 33.07] may arrest the person without a warrant for violation of the court's  
29 order establishing conditions of release.

30 \* Sec. 49. AS 12.30.011 is repealed and reenacted to read:

31 **Sec. 12.30.011. Release before trial.** (a) Except as otherwise provided in this

1 chapter, a judicial officer shall order a person charged with an offense to be released  
2 on the person's personal recognizance or upon execution of an unsecured appearance  
3 bond, on the condition that the person

4 (1) obey all court orders and all federal, state, and local laws;

5 (2) appear in court when ordered;

6 (3) if represented, maintain contact with the person's lawyer; and

7 (4) notify the person's lawyer, who shall notify the prosecuting  
8 authority and the court, not more than 24 hours after the person changes residence.

9 (b) If a judicial officer determines that the release under (a) of this section will  
10 not reasonably ensure the appearance of the person or will pose a danger to the victim,  
11 other persons, or the community, the officer shall impose the least restrictive condition  
12 or conditions that will reasonably ensure the person's appearance and protect the  
13 victim, other persons, and the community. In addition to conditions under (a) of this  
14 section, the judicial officer may, singly or in combination,

15 (1) require the execution of an appearance bond in a specified amount  
16 of cash to be deposited into the registry of the court, in a sum not to exceed 10 percent  
17 of the amount of the bond;

18 (2) require the execution of a bail bond with sufficient solvent sureties  
19 or the deposit of cash;

20 (3) require the execution of a performance bond in a specified amount  
21 of cash to be deposited in the registry of the court;

22 (4) place restrictions on the person's travel, association, or residence;

23 (5) order the person to refrain from possessing a deadly weapon on the  
24 person or in the person's vehicle or residence;

25 (6) require the person to maintain employment or, if unemployed,  
26 actively seek employment;

27 (7) require the person to notify the person's lawyer and the prosecuting  
28 authority within two business days after any change in employment;

29 (8) require the person to avoid all contact with a victim, a potential  
30 witness, or a codefendant;

31 (9) require the person to refrain from the consumption and possession

1 of alcoholic beverages;

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

5 (11) require the person to be physically inside the person's residence,  
6 or in the residence of the person's third-party custodian, at time periods set by the  
7 court;

8 (12) require the person to keep regular contact with a law enforcement  
9 officer or agency;

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

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

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

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

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

21 (18) require the person to comply with a program established under  
22 AS 47.38.020 if the person has been charged with an alcohol-related or substance-  
23 abuse-related offense that is an unclassified felony, a class A felony, a sexual felony,  
24 or a crime involving domestic violence.

25 (c) In determining the conditions of release under this chapter, the court shall  
26 consider the following:

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

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

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

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

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

- 1 (6) the person's record of convictions;
- 2 (7) the person's record of appearance at court proceedings;
- 3 (8) assets available to the person to meet monetary conditions of
- 4 release;
- 5 (9) the person's reputation, character, and mental condition;
- 6 (10) the effect of the offense on the victim, any threats made to the
- 7 victim, and the danger that the person poses to the victim;
- 8 (11) any other facts that are relevant to the person's appearance or the
- 9 person's danger to the victim, other persons, or the community.
- 10 (d) In making a finding regarding the release of a person under this chapter,
- 11 (1) except as otherwise provided in this chapter, the burden of proof is
- 12 on the prosecuting authority that a person charged with an offense should be detained
- 13 or released with conditions described in (b) of this section or AS 12.30.016;
- 14 (2) there is a rebuttable presumption that no condition or combination
- 15 of conditions will reasonably ensure the appearance of the person or the safety of the
- 16 victim, other persons, or the community, if the person is
- 17 (A) charged with an unclassified felony, a class A felony, a
- 18 sexual felony, or a felony under AS 28.35.030 or 28.35.032;
- 19 (B) charged with a felony crime against a person under
- 20 AS 11.41, was previously convicted of a felony crime against a person under
- 21 AS 11.41 in this state or a similar offense in another jurisdiction, and less than
- 22 five years have elapsed between the date of the person's unconditional
- 23 discharge on the immediately preceding offense and the commission of the
- 24 present offense;
- 25 (C) charged with a felony offense committed while the person
- 26 was on release under this chapter for a charge or conviction of another offense;
- 27 (D) charged with a crime involving domestic violence, and has
- 28 been convicted in the previous five years of a crime involving domestic
- 29 violence in this state or a similar offense in another jurisdiction;
- 30 (E) arrested in connection with an accusation that the person
- 31 committed a felony outside the state or is a fugitive from justice from another

1 jurisdiction, and the court is considering release under AS 12.70.

2 \* **Sec. 50.** AS 12.30.016(b) is amended to read:

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

5 (1) to refrain from

6 (A) consuming alcoholic beverages; or

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

10 (2) to submit to a search without a warrant of the person, the person's  
11 personal property, the person's residence, or any vehicle or other property over which  
12 the person has control, for the presence of alcoholic beverages by a peace officer [OR  
13 PRETRIAL SERVICES OFFICER] who has reasonable suspicion that the person is  
14 violating the conditions of the person's release by possessing alcoholic beverages;

15 (3) to submit to a breath test when requested by a law enforcement  
16 officer [OR PRETRIAL SERVICES OFFICER];

17 (4) to provide a sample for a urinalysis or blood test when requested by  
18 a law enforcement officer [OR PRETRIAL SERVICES OFFICER];

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

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

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

24 \* **Sec. 51.** AS 12.30.016(c) is amended to read:

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

27 (1) to refrain from

28 (A) consuming a controlled substance; or

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

1 (2) to submit to a search without a warrant of the person, the person's  
2 personal property, the person's residence, or any vehicle or other property over which  
3 the person has control, for the presence of a controlled substance or drug paraphernalia  
4 by a peace officer [OR PRETRIAL SERVICES OFFICER] who has reasonable  
5 suspicion that the person is violating the terms of the person's release by possessing  
6 controlled substances or drug paraphernalia;

7 (3) to enroll in a random drug testing program, at the person's expense,  
8 [WITH TESTING TO OCCUR NOT LESS THAN ONCE A WEEK, OR TO  
9 SUBMIT TO RANDOM DRUG TESTING BY THE PRETRIAL SERVICES  
10 OFFICE IN THE DEPARTMENT OF CORRECTIONS] to detect the presence of a  
11 controlled substance, with testing to occur not less than once a week, and with the  
12 results being submitted to the court and the prosecuting authority;

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

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

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

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

20 \* Sec. 52. AS 12.30.016 is amended by adding a new subsection to read:

21 (g) In a prosecution charging misconduct involving a controlled substance  
22 under AS 11.71.021(a)(2) for the manufacture of methamphetamine, or its salts,  
23 isomers, or salts of isomers, if the person has been previously convicted in this or  
24 another jurisdiction of a crime involving the manufacturing, delivering, or possessing  
25 of methamphetamine, or its salts, isomers, or salts of isomers, a judicial officer shall  
26 require the posting of a minimum of \$250,000 cash bond before the person may be  
27 released. The judicial officer may reduce this requirement if the person proves to the  
28 satisfaction of the officer that the person's only role in the offense was as an aider or  
29 abettor and that the person did not stand to benefit financially from the manufacturing.

30 \* Sec. 53. AS 12.30.021(a) is amended to read:

31 (a) In addition to other conditions imposed under AS 12.30.011 or 12.30.016,

1 a judicial officer may appoint a third-party custodian if the officer finds [, ON THE  
2 RECORD,] that the appointment will, singly or in combination with other  
3 conditions.

4 [(1) PRETRIAL SUPERVISION UNDER AS 33.07 IS NOT  
5 AVAILABLE IN THE PERSON'S LOCATION;

6 (2) NO SECURED APPEARANCE OR PERFORMANCE BONDS  
7 HAVE BEEN ORDERED; AND

8 (3) NO OTHER CONDITIONS OF RELEASE OR COMBINATION  
9 OF CONDITIONS CAN] reasonably ensure the person's appearance and the safety of  
10 the victim, other persons, and the community.

11 \* Sec. 54. AS 12.30.021(c) is amended to read:

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

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

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

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

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

21 (5) [THERE IS A REASONABLE PROBABILITY THAT THE  
22 STATE WILL CALL] the proposed custodian may be called as a witness in the  
23 prosecution of the person;

24 (6) the proposed custodian resides out of state; however, a nonresident  
25 may serve as a custodian if the nonresident resides in the state while serving as  
26 custodian.

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

28 (c) Except as provided in (d) of this section, when a defendant is sentenced to  
29 imprisonment, the term of confinement commences on the date of imposition of  
30 sentence unless the court specifically provides that the defendant must report to serve  
31 the sentence on another date. If the court provides another date to begin the term of

1 confinement, the court shall provide the defendant with written notice of the date,  
2 time, and location of the correctional facility to which the defendant must report. A  
3 defendant shall receive credit for time spent in custody pending trial, sentencing, or  
4 appeal, if the detention was in connection with the offense for which sentence was  
5 imposed [INCLUDING A TECHNICAL VIOLATION OF PROBATION AS  
6 PROVIDED IN AS 12.55.110]. A defendant may not receive credit for more than the  
7 actual time spent in custody pending trial, sentencing, or appeal. The time during  
8 which a defendant is voluntarily absent from official detention after the defendant has  
9 been sentenced may not be credited toward service of the sentence.

10 \* Sec. 56. AS 12.55.027(a) is amended to read:

11 (a) A court may grant a defendant credit toward a sentence of imprisonment  
12 for time spent in a treatment program or under electronic monitoring only as  
13 provided in [THAT FURTHERS THE REFORMATION AND REHABILITATION  
14 OF THE DEFENDANT IF THE COURT FINDS THAT THE PROGRAM PLACES  
15 A SUBSTANTIAL RESTRICTION ON THE DEFENDANT'S FREEDOM OF  
16 MOVEMENT AND BEHAVIOR AND IS CONSISTENT WITH] this section.

17 \* Sec. 57. AS 12.55.027(b) is repealed and reenacted to read:

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

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

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

26 (3) the court has received a written report from the director of the  
27 program that

28 (A) states that the defendant has participated in the treatment  
29 plan prescribed for the defendant and has complied with the requirements of  
30 the plan; and

31 (B) sets out the number of full days the defendant resided in the

1 facility of the treatment program and observed the rules of the treatment  
2 program and facility.

3 \* **Sec. 58.** AS 12.55.027(c) is repealed and reenacted to read:

4 (c) To qualify for credit against a sentence of imprisonment for a day spent in  
5 a treatment program, the treatment program and the facility of the treatment program  
6 must impose substantial restrictions on a person's liberty on that day that are  
7 equivalent to incarceration, including the requirement that a participant in the program

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

9 (2) must be confined at all times to the grounds of the facility or be in  
10 the physical custody of an employee of the facility, except for

11 (A) court appearances;

12 (B) meetings with counsel;

13 (C) employment, vocational training, or community volunteer  
14 work required by the treatment program; and

15 (D) periods during which the resident is permitted to leave the  
16 facility for rehabilitative purposes directly related to the person's treatment, so  
17 long as the periods during which the resident is permitted to leave the facility  
18 are expressly limited as to both time and purpose by the treatment program;

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

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

24 \* **Sec. 59.** AS 12.55.035(b) is amended to read:

25 (b) Upon conviction of an offense, a defendant who is not an organization may  
26 be sentenced to pay, unless otherwise specified in the provision of law defining the  
27 offense, a fine of not more than

28 (1) \$500,000 for murder in the first or second degree, attempted  
29 murder in the first degree, murder of an unborn child, sexual assault in the first degree,  
30 sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first  
31 degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in

1 the first degree;

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

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

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

5 (5) \$10,000 [25,000] for a class A misdemeanor;

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

7 (7) \$500 for a violation.

8 \* Sec. 60. AS 12.55.051(a) is amended to read:

9 (a) If the defendant defaults in the payment of a fine or any installment or of  
10 restitution or any installment, the court may order the defendant to show cause why  
11 the defendant should not be sentenced to imprisonment for nonpayment and, if the  
12 payment was made a condition of the defendant's probation, may revoke the probation  
13 of the defendant [SUBJECT TO THE LIMITS SET OUT IN AS 12.55.110]. In a  
14 contempt or probation revocation proceeding brought as a result of failure to pay a  
15 fine or restitution, it is an affirmative defense that the defendant was unable to pay  
16 despite having made continuing good faith efforts to pay the fine or restitution. If the  
17 court finds that the defendant was unable to pay despite having made continuing good  
18 faith efforts, the defendant may not be imprisoned solely because of the inability to  
19 pay. If the court does not find that the default was attributable to the defendant's  
20 inability to pay despite having made continuing good faith efforts to pay the fine or  
21 restitution, the court may order the defendant imprisoned until the order of the court  
22 is satisfied [SUBJECT TO THE LIMITS SET OUT IN AS 12.55.110]. A term of  
23 imprisonment imposed under this section may not exceed one day for each \$50 of the  
24 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall  
25 be given toward satisfaction of the order of the court for every day a person is  
26 incarcerated for nonpayment of a fine or restitution.

27 \* Sec. 61. AS 12.55.055(a) is amended to read:

28 (a) The court may order a defendant convicted of an offense to perform  
29 community work as a condition of probation, a suspended sentence, or suspended  
30 imposition of sentence, [OR SUSPENDED ENTRY OF JUDGMENT,] or in addition  
31 to any fine or restitution ordered. If the defendant is sentenced to imprisonment, the

1 court may recommend to the Department of Corrections that the defendant perform  
2 community work.

3 \* Sec. 62. AS 12.55.055(c) is amended to read:

4 (c) The court may offer a defendant convicted of an offense the option of  
5 performing community work in lieu of a fine, surcharge, or portion of a fine or  
6 surcharge if the court finds the defendant is unable to pay the fine. The value of  
7 community work in lieu of a fine is \$3 [THE STATE'S MINIMUM WAGE] for each  
8 hour.

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

10 (b) Except as otherwise provided in (f) of this section, the court may revoke or  
11 modify any condition of probation or may [,] change the period of probation [, OR  
12 TERMINATE PROBATION AND DISCHARGE THE DEFENDANT FROM  
13 PROBATION].

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

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

16 (1) 25 [15] years for a felony sex offense; or

17 (2) 10 years for any other offense [AN UNCLASSIFIED FELONY  
18 UNDER AS 11 NOT LISTED IN (1) OF THIS SUBSECTION;

19 (3) FIVE YEARS FOR A FELONY OFFENSE NOT LISTED IN (1)  
20 OR (2) OF THIS SUBSECTION;

21 (4) THREE YEARS FOR A MISDEMEANOR OFFENSE

22 (A) UNDER AS 11.41;

23 (B) THAT IS A CRIME INVOLVING DOMESTIC  
24 VIOLENCE; OR

25 (C) THAT IS A SEX OFFENSE, AS THAT TERM IS  
26 DEFINED IN AS 12.63.100;

27 (5) TWO YEARS FOR A MISDEMEANOR OFFENSE UNDER  
28 AS 28.35.030 OR 28.35.032, IF THE PERSON HAS PREVIOUSLY BEEN  
29 CONVICTED OF AN OFFENSE UNDER AS 28.35.030 OR 28.35.032, OR A  
30 SIMILAR LAW OR ORDINANCE OF THIS OR ANOTHER JURISDICTION; OR

31 (6) ONE YEAR FOR AN OFFENSE NOT LISTED IN (1) - (5) OF

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THIS SUBSECTION].

\* Sec. 65. AS 12.55.090(f) is amended to read:

(f) Unless the defendant and the prosecuting authority agree at the probation revocation proceeding or other proceeding [RELATED TO A PROBATION VIOLATION, THE PERSON QUALIFIES FOR A REDUCTION UNDER AS 33.05.020(h), OR A PROBATION OFFICER RECOMMENDS TO THE COURT THAT PROBATION BE TERMINATED AND THE DEFENDANT BE DISCHARGED FROM PROBATION UNDER (g) OF THIS SECTION OR AS 33.05.040], the court may not reduce the specific period of probation or the specific term of suspended incarceration except by the amount of incarceration imposed for a probation violation, if

(1) the sentence was imposed in accordance with a plea agreement under Rule 11, Alaska Rules of Criminal Procedure; and

(2) the agreement required a specific period of probation or a specific term of suspended incarceration.

\* Sec. 66. AS 12.55.125(c) is amended to read:

(c) Except as provided in (i) of this section, a defendant convicted of a class A felony may be sentenced to a definite term of imprisonment of not more than 20 years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, five [THREE] to eight [SIX] years;

(2) if the offense is a first felony conviction

(A) and the defendant

[(A)] possessed a firearm, used a dangerous instrument, or caused serious physical injury or death during the commission of the offense, [FIVE TO NINE YEARS;] or

[(B)] knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, firefighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance

1 of official duties at the time of the offense, seven to 11 years;

2 (B) and the conviction is for manufacturing related to  
3 methamphetamine under AS 11.71.021(a)(2)(A) or (B), seven to 11 years if

4 (i) the manufacturing occurred in a building with  
5 reckless disregard that the building was used as a permanent or  
6 temporary home or place of lodging for one or more children  
7 under 18 years of age or the building was a place frequented by  
8 children; or

9 (ii) in the course of manufacturing or in preparation  
10 for manufacturing, the defendant obtained the assistance of one or  
11 more children under 18 years of age or one or more children were  
12 present;

13 (3) if the offense is a second felony conviction, 10 [EIGHT] to 14 [12]  
14 years;

15 (4) if the offense is a third felony conviction and the defendant is not  
16 subject to sentencing under (f) of this section, 15 [13] to 20 years.

17 \* Sec. 67. AS 12.55.125(d) is amended to read:

18 (d) Except as provided in (i) of this section, a defendant convicted of a class B  
19 felony may be sentenced to a definite term of imprisonment of not more than 10 years,  
20 and shall be sentenced to a definite term within the following presumptive ranges,  
21 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

22 (1) if the offense is a first felony conviction and does not involve  
23 circumstances described in (2) of this subsection, one [ZERO] to three [TWO] years;  
24 a defendant sentenced under this paragraph may, if the court finds it appropriate, be  
25 granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of  
26 probation under AS 12.55.086, the defendant is required to serve an active term  
27 of imprisonment within the range specified in this paragraph, unless the court  
28 finds that a mitigation factor under AS 12.55.155 applies;

29 (2) if the offense is a first felony conviction,

30 (A) the defendant violated AS 11.41.130, and the victim was

31 [(A)] a child under 16 years of age, two to four years; [OR]

1 (B) two to four years if the conviction is for attempt,  
2 solicitation, or conspiracy to manufacture related to methamphetamine  
3 under AS 11.31 and AS 11.71.021(a)(2)(A) or (B), and

4 (i) the attempted manufacturing occurred, or the  
5 solicited or conspired offense was to have occurred, in a building  
6 with reckless disregard that the building was used as a permanent  
7 or temporary home or place of lodging for one or more children  
8 under 18 years of age or the building was a place frequented by  
9 children; or

10 (ii) in the course of an attempt to manufacture, the  
11 defendant obtained the assistance of one or more children under 18  
12 years of age or one or more children were present [WAS 16 YEARS  
13 OF AGE OR OLDER, ONE TO THREE YEARS];

14 (3) if the offense is a second felony conviction, four [TWO] to seven  
15 [FIVE] years;

16 (4) if the offense is a third felony conviction, six [FOUR] to 10 years.

17 \* Sec. 68. AS 12.55.125(e) is amended to read:

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

22 (1) if the offense is a first felony conviction and does not involve  
23 circumstances described in (4) of this subsection, zero to two years; a defendant  
24 sentenced under this paragraph may, if the court finds it appropriate, be granted a  
25 suspended imposition of sentence under AS 12.55.085, and the court may, as a  
26 condition of probation under AS 12.55.086, require the defendant to serve an active  
27 term of imprisonment within the range specified in this paragraph;

28 (2) if the offense is a second felony conviction, two [ONE] to four  
29 years;

30 (3) if the offense is a third felony conviction, three [TWO] to five  
31 years;

1 (4) if the offense is a first felony conviction, and the defendant violated  
2 AS 08.54.720(a)(15), one to two years.

3 \* Sec. 69. AS 12.55.125(q) is amended to read:

4 (q) Other than for convictions subject to a mandatory 99-year sentence, the  
5 court shall impose, in addition to an active term of imprisonment imposed under (i) of  
6 this section, a minimum period of (1) suspended imprisonment of five years and a  
7 minimum period of probation supervision of 15 years for conviction of an unclassified  
8 felony, (2) suspended imprisonment of three years and a minimum period of probation  
9 supervision of 10 years for conviction of a class A or class B felony, or (3) suspended  
10 imprisonment of two years and a minimum period of probation supervision of five  
11 years for conviction of a class C felony. The period of probation is in addition to any  
12 sentence received under (i) of this section and may not be suspended or reduced.  
13 Upon a defendant's release from confinement in a correctional facility, the  
14 defendant is subject to this probation requirement and shall submit and comply  
15 with the terms and requirements of the probation.

16 \* Sec. 70. AS 12.55.135(a) is amended to read:

17 (a) A defendant convicted of a class A misdemeanor may be sentenced to a  
18 definite term of imprisonment of not more than

19 [(1)] one year [, IF THE

20 (A) CONVICTION IS FOR A CRIME WITH A  
21 MANDATORY MINIMUM TERM OF 30 DAYS OR MORE OF ACTIVE  
22 IMPRISONMENT;

23 (B) TRIER OF FACT FINDS THE AGGRAVATING  
24 FACTOR THAT THE CONDUCT CONSTITUTING THE OFFENSE WAS  
25 AMONG THE MOST SERIOUS CONDUCT INCLUDED IN THE  
26 DEFINITION OF THE OFFENSE;

27 (C) DEFENDANT HAS PAST CRIMINAL CONVICTIONS  
28 FOR CONDUCT VIOLATIVE OF CRIMINAL LAWS, PUNISHABLE AS  
29 FELONIES OR MISDEMEANORS, SIMILAR IN NATURE TO THE  
30 OFFENSE FOR WHICH THE DEFENDANT IS BEING SENTENCED;

31 (D) CONVICTION IS FOR AN ASSAULT IN THE FOURTH

1 DEGREE UNDER AS 11.41.230; OR

2 (E) CONVICTION IS FOR A VIOLATION OF

3 (i) AS 11.41.427;

4 (ii) AS 11.41.440;

5 (iii) AS 11.41.460, IF THE INDECENT EXPOSURE  
6 IS BEFORE A PERSON UNDER 16 YEARS OF AGE; OR

7 (iv) AS 11.61.116(c)(2); OR

8 (v) AS 11.61.118(a)(2);

9 (2) 30 DAYS].

10 \* Sec. 71. AS 12.55.135(b) is amended to read:

11 (b) A defendant convicted of a class B misdemeanor may be sentenced to a  
12 definite term of imprisonment of not more than 90

13 [(1) 10] days unless otherwise specified in the provision of law  
14 defining the offense [OR IN THIS SECTION;

15 (2) 90 DAYS IF THE CONVICTION IS FOR A VIOLATION OF

16 (A) AS 11.61.116(c)(1) AND THE PERSON IS 21 YEARS  
17 OF AGE OR OLDER; OR

18 (B) AS 11.61.120(a)(6) AND THE PERSON IS 21 YEARS OF  
19 AGE OR OLDER; OR

20 (3) FIVE DAYS IF THE CONVICTION IS FOR A VIOLATION OF  
21 AS 11.56.757].

22 \* Sec. 72. AS 12.55.135 is amended by adding a new subsection to read:

23 (q) A court may not impose a sentence of imprisonment or suspended  
24 imprisonment for possession of marijuana in violation of AS 11.71.060 if the  
25 defendant alleges, and the court finds, that the defendant was not under formal or  
26 informal probation or parole conditions in this or another jurisdiction at the time of the  
27 offense; that the defendant possessed the marijuana for the defendant's personal use  
28 within the defendant's permanent or temporary residence; and that the defendant has  
29 not been previously convicted more than once in this or another jurisdiction for  
30 possession of marijuana. If the defendant has not been previously convicted as  
31 described in this subsection, the maximum unsuspended fine that the court may

1 impose is \$500. If the defendant has been previously convicted once as described in  
2 this subsection, the maximum unsuspended fine that the court may impose is \$1,000.  
3 In this subsection,

4 (1) "permanent or temporary residence" means a permanent structure  
5 adopted for overnight accommodation; "permanent or temporary residence" does not  
6 include

7 (A) vehicles, tents, prisons or other correctional facilities,  
8 residential treatment facilities, or shelters operated by a charitable organization  
9 or a government agency;

10 (B) any place where the defendant's possession or use of  
11 marijuana violated established rules for residents, such as a ban on smoking or  
12 a ban on marijuana or other controlled substances;

13 (2) "previously convicted" means the defendant entered a plea of  
14 guilty, no contest, or nolo contendere, or has been found guilty by a court or jury,  
15 regardless of whether the conviction was set aside under AS 12.55.085 or a similar  
16 procedure in another jurisdiction, of possession of marijuana; "previously convicted"  
17 does not include a judgment that has been reversed or vacated by a court.

18 \* Sec. 73. AS 12.61.015(a) is amended to read:

19 (a) If a victim of a felony or a crime involving domestic violence requests, the  
20 prosecuting attorney shall make a reasonable effort to

21 (1) confer with the person against whom the offense has been  
22 perpetrated about that person's testimony before the defendant's trial;

23 (2) in a manner reasonably calculated to give prompt actual notice,  
24 notify the victim

25 (A) of the defendant's conviction and the crimes of which the  
26 defendant was convicted;

27 (B) of the victim's right in a case that is a felony to make a  
28 written or oral statement for use in preparation of the defendant's presentence  
29 report, and of the victim's right to appear personally at the defendant's  
30 sentencing hearing to present a written statement and to give sworn testimony  
31 or an unsworn oral presentation;

1 (C) of the address and telephone number of the office that will  
2 prepare the presentence report; and

3 (D) of the time and place of the sentencing proceeding;

4 (3) notify the victim in writing of the final disposition of the case  
5 within 30 days after final disposition of the case;

6 (4) confer with the victim of a crime involving domestic violence  
7 concerning a proposed plea agreement before entering into an agreement;

8 (5) inform the victim of a pending motion that may substantially delay  
9 the prosecution and inform the court of the victim's position on the motion; in this  
10 paragraph, a "substantial delay" is

11 (A) for a misdemeanor, a delay of one month or longer;

12 (B) for a felony, a delay of two months or longer; and

13 (C) for an appeal, a delay of six months or longer.

14 \* Sec. 74. AS 12.61.017(a) is amended to read:

15 (a) An employer may not penalize or threaten to penalize a victim [OF AN  
16 OFFENSE] because the victim

17 [(1)] is subpoenaed or requested by the prosecuting attorney to attend a  
18 court proceeding for the purpose of giving testimony. In this subsection, "penalize"  
19 means to take action affecting the employment status, wages, and benefits  
20 payable to the victim, including

21 (1) demotion or suspension;

22 (2) dismissal from employment;

23 (3) loss of pay or benefits, except pay and benefits that are directly  
24 attributable to the victim's absence from employment to attend the court  
25 proceeding [; OR

26 (2) REPORTS THE OFFENSE TO A LAW ENFORCEMENT  
27 AGENCY OR PARTICIPATES IN THE INVESTIGATION OF THE OFFENSE BY  
28 A LAW ENFORCEMENT AGENCY].

29 \* Sec. 75. AS 12.63.100(6) is amended to read:

30 (6) "sex offense" means

31 (A) a crime under AS 11.41.100(a)(3), or a similar law of

1 another jurisdiction, in which the person committed or attempted to commit a  
2 sexual offense, or a similar offense under the laws of the other jurisdiction; in  
3 this subparagraph, "sexual offense" has the meaning given in  
4 AS 11.41.100(a)(3);

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

8 (i) sexual assault in the first degree;

9 (ii) sexual assault in the second degree;

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

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

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

14 (i) AS 11.41.410 - 11.41.438;

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

16 (iii) AS 11.41.450 - 11.41.458;

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

20 (v) AS 11.61.125 - 11.61.128;

21 (vi) AS 11.66.110 or 11.66.130(a)(2)

22 [11.66.130(a)(2)(B)] if the person who was induced or caused to  
23 engage in prostitution was under 20 years of age at the time of the  
24 offense;

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

28 (viii) AS 11.61.118(a)(2) if the offender has a previous  
29 conviction for that offense; or

30 (ix) AS 11.66.100(a)(2) if the offender is subject to  
31 punishment under AS 11.66.100(e);

1 \* Sec. 76. AS 12.70.130 is amended to read:

2           **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be  
3 lawfully made by a peace officer or a private person without a warrant upon  
4 reasonable information that the accused stands charged in the courts of another state  
5 with a crime punishable by death or imprisonment for a term exceeding one year, but  
6 when arrested the accused must be taken before a judge or magistrate without  
7 unnecessary delay and, in any event, within 48 [24] hours after arrest, [ABSENT  
8 COMPELLING CIRCUMSTANCES,] including Sundays and holidays, and  
9 complaint shall be made against the accused under oath setting out the ground for the  
10 arrest as in AS 12.70.120. [THE HEARING BEFORE THE JUDGE OR  
11 MAGISTRATE MAY NOT TAKE PLACE MORE THAN 48 HOURS AFTER  
12 ARREST.] Thereafter the answer of the accused shall be heard as if the accused had  
13 been arrested on a warrant.

14 \* Sec. 77. AS 18.67.020(a) is amended to read:

15           (a) The Violent Crimes Compensation Board is established in the  
16 Department of Administration. The board is composed of three members to be  
17 appointed by the governor. One of the members shall be designated as chair by the  
18 governor. At least one member must be a medical or osteopathic physician [, A  
19 PHYSICIAN ASSISTANT, OR AN ADVANCED NURSE PRACTITIONER]  
20 licensed to practice in this state or holding a retired status license [FROM  
21 PRACTICE] in this state, and one member must be an attorney licensed to practice in  
22 this state or retired from practice in this state.

23 \* Sec. 78. AS 18.67.101 is amended to read:

24           **Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The  
25 board may order the payment of compensation in accordance with the provisions of  
26 this chapter for personal injury or death that resulted from

27           (1) an attempt on the part of the applicant to prevent the commission of  
28 crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police  
29 officer to do so, or aiding a victim of crime; or

30           (2) the commission or attempt on the part of one other than the  
31 applicant to commit any of the following offenses:

- 1 (A) murder in any degree;  
2 (B) manslaughter;  
3 (C) criminally negligent homicide;  
4 (D) assault in any degree;  
5 (E) kidnapping;  
6 (F) sexual assault in any degree;  
7 (G) sexual abuse of a minor;  
8 (H) robbery in any degree;  
9 (I) threats to do bodily harm;  
10 (J) driving while under the influence of an alcoholic beverage,  
11 inhalant, or controlled substance or another crime resulting from the operation  
12 of a motor vehicle, boat, or airplane when the offender is under the influence  
13 of an alcoholic beverage, inhalant, or controlled substance;  
14 (K) arson in the first degree;  
15 (L) sex trafficking in violation of AS 11.66.110 or  
16 11.66.130(a)(2) [11.66.130(a)(2)(B)];  
17 (M) human trafficking in any degree; or  
18 (N) unlawful exploitation of a minor.

19 \* Sec. 79. AS 28.15.191(g) is amended to read:

- 20 (g) A court that has ordered a person to refrain from consuming alcoholic  
21 beverages as part of a sentence for conviction of a crime under AS 28.35.030,  
22 28.35.032, or a similar municipal ordinance or as a condition of probation or parole  
23 following a conviction under those sections or a similar municipal ordinance [, OR AS  
24 A CONDITION OF PROBATION OR PAROLE FOR ANY OTHER CRIME] shall  
25 (1) require the surrender of the person's license and identification card  
26 and forward the license and identification card to the department;  
27 (2) report the order to the department within two days; and  
28 (3) inform the person that the person's license and identification card  
29 are subject to cancellation under AS 28.15.161 and AS 18.65.310 and, if the person is  
30 otherwise qualified to receive a license or identification card, when the person obtains  
31 a new license or identification card, the license or identification card must list the

1 restriction imposed by AS 04.16.160 for the period of probation or parole.

2 \* **Sec. 80.** AS 28.15.291(a) is repealed and reenacted to read:

3 (a) A person is guilty of a class A misdemeanor if the person

4 (1) drives a motor vehicle on a highway or vehicular way or area at a  
5 time when that person's driver's license, privilege to drive, or privilege to obtain a  
6 license has been canceled, suspended, or revoked in this or another jurisdiction; or

7 (2) drives in violation of a limitation placed on that person's license or  
8 privilege to drive in this or another jurisdiction.

9 \* **Sec. 81.** AS 28.15.291(b) is repealed and reenacted to read:

10 (b) Upon conviction under (a) of this section, the court

11 (1) shall impose a minimum sentence of imprisonment

12 (A) if the person has not been previously convicted, of not less  
13 than 10 days with 10 days suspended, including a mandatory condition of  
14 probation that the defendant complete not less than 80 hours of community  
15 work service;

16 (B) if the person has been previously convicted, of not less than  
17 10 days;

18 (C) if the person's driver's license, privilege to drive, or  
19 privilege to obtain a license was revoked under circumstances described in  
20 AS 28.15.181(c)(1), if the person was driving in violation of a limited license  
21 issued under AS 28.15.201(d) following that revocation, or if the person was  
22 driving in violation of an ignition interlock device requirement following that  
23 revocation, of not less than 20 days with 10 days suspended, and a fine of not  
24 less than \$500, including a mandatory condition of probation that the  
25 defendant complete not less than 80 hours of community work service;

26 (D) if the person's driver's license, privilege to drive, or  
27 privilege to obtain a license was revoked under circumstances described in  
28 AS 28.15.181(c)(2), (3), or (4), if the person was driving in violation of a  
29 limited license issued under AS 28.15.201(d) following that revocation, or if  
30 the person was driving in violation of an ignition interlock device requirement  
31 following that revocation, of not less than 30 days and a fine of not less than

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(2) may impose additional conditions of probation;

(3) may not

(A) suspend execution of sentence or grant probation except on condition that the person serve a minimum term of imprisonment and perform required community work service as provided in (1) of this subsection;

(B) suspend imposition of sentence;

(4) shall revoke the person's license, privilege to drive, or privilege to obtain a license, and the person may not be issued a new license or a limited license nor may the privilege to drive or obtain a license be restored for an additional period of not less than 90 days after the date that the person would have been entitled to restoration of driving privileges; and

(5) may order that the motor vehicle that was used in commission of the offense be forfeited under AS 28.35.036.

\* Sec. 82. AS 28.35.028(b) is amended to read:

(b) Once the court elects to proceed under this section, the defendant shall enter a no contest or guilty plea to the offense or shall admit to a probation violation, as appropriate. The state and the defendant may enter into a plea agreement to determine the offense or offenses to which the defendant is required to plead. If the court accepts the agreement, the court shall enforce the terms of the agreement. The court shall enter a judgment of conviction for the offense or offenses for which the defendant has pleaded or an order finding that the defendant has violated probation, as appropriate. A judgment of conviction or an order finding a probation violation must set a schedule for payment of restitution owed by the defendant. In a judgment of conviction and on probation conditions that the court considers appropriate, the court may withhold pronouncement of a period of imprisonment or a fine to provide an incentive for the defendant to complete recommended treatment successfully. Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any mandatory minimum or other sentencing provision applicable to the offense. However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any other provision of law, the court, at any time after the period when a reduction of

1 sentence is normally available, may consider and reduce the defendant's sentence [,  
2 INCLUDING IMPRISONMENT, FINE, OR LICENSE REVOCATION,] based on  
3 the defendant's compliance with the treatment plan; when reducing a sentence, the  
4 court (1) may not reduce the sentence below the mandatory minimum sentence for the  
5 offense unless the court finds that the defendant has successfully complied with and  
6 completed the treatment plan and that the treatment plan approximated the severity of  
7 the minimum period of imprisonment, and (2) may consider the defendant's  
8 compliance with the treatment plan as a mitigating factor allowing a reduction of a  
9 sentence under AS 12.55.155(a). A court entering an order finding the defendant has  
10 violated probation may withhold pronouncement of disposition to provide an incentive  
11 for the defendant to complete the recommended treatment successfully.

12 \* Sec. 83. AS 28.35.030(k) is amended to read:

13 (k) Imprisonment required under (b)(1)(A) of this section shall be served at a  
14 community residential center or by electronic monitoring at a private residence  
15 [UNDER AS 33.30.065]. If electronic monitoring is not available, imprisonment  
16 required under (b)(1)(A) of this section may [SHALL] be served at another  
17 appropriate place determined by the commissioner of corrections [A PRIVATE  
18 RESIDENCE BY OTHER MEANS DETERMINED BY THE COMMISSIONER OF  
19 CORRECTIONS. A PERSON WHO IS SERVING A SENTENCE OF  
20 IMPRISONMENT REQUIRED UNDER (b)(1)(A) OF THIS SECTION BY  
21 ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY NOT BE  
22 SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A PEACE  
23 OFFICER OR A PERSON REQUIRED TO ADMINISTER THE ELECTRONIC  
24 MONITORING UNDER AS 33.30.065(a), EXCEPT UPON PROBABLE CAUSE].  
25 Imprisonment required under (b)(1)(B) - (F) of this section may be served at a  
26 community residential center or at a private residence if approved by the  
27 commissioner of corrections. Imprisonment served at a private residence must include  
28 electronic monitoring [UNDER AS 33.30.065 OR, IF ELECTRONIC MONITORING  
29 IS NOT AVAILABLE, BY OTHER MEANS AS DETERMINED BY THE  
30 COMMISSIONER OF CORRECTIONS]. The cost of imprisonment resulting from  
31 the sentence imposed under (b)(1) of this section shall be paid to the state by the

1 person being sentenced provided, however, that the [. THE] cost of imprisonment  
2 required to be paid under this subsection may not exceed \$2,000. Upon the person's  
3 conviction, the court shall include the costs of imprisonment as a part of the judgment  
4 of conviction. Except for reimbursement from a permanent fund dividend as provided  
5 in this subsection, payment of the cost of imprisonment is not required if the court  
6 determines the person is indigent. For costs of imprisonment that are not paid by the  
7 person as required by this subsection, the state shall seek reimbursement from the  
8 person's permanent fund dividend as provided under AS 43.23.065. While at the  
9 community residential center or other appropriate place, a person sentenced  
10 under (b)(1)(A) of this section shall perform at least 24 hours of community  
11 service work. A person sentenced under (b)(1)(B) of this section shall perform at least  
12 160 hours of community service work, as required by the director of the community  
13 residential center or other appropriate place, or as required by the commissioner of  
14 corrections if the sentence is being served at a private residence. In this subsection,  
15 "appropriate place" means a facility with 24-hour on-site staff supervision that is  
16 specifically adapted to provide a residence, and includes a correctional center,  
17 residential treatment facility, hospital, halfway house, group home, work farm, work  
18 camp, or other place that provides varying levels of restriction.

19 \* Sec. 84. AS 28.35.030(*l*) is amended to read:

20 (l) The commissioner of corrections shall determine and prescribe by  
21 regulation a uniform average cost of imprisonment for the purpose of determining the  
22 cost of imprisonment required to be paid under (k) of this section by a convicted  
23 person. [THE REGULATIONS MUST INCLUDE THE COSTS ASSOCIATED  
24 WITH ELECTRONIC MONITORING UNDER AS 33.30.065.]

25 \* Sec. 85. AS 28.35.030(*o*) is amended to read:

26 (o) Upon request, the department shall review a driver's license revocation  
27 imposed under (n)(3) of this section and

28 [(1)] may restore the driver's license if

29 (1) [(A)] the license has been revoked for a period of at least 10 years;

30 (2) [(B)] the person has not been convicted of a [DRIVING-  
31 RELATED] criminal offense since the license was revoked; and

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(3) [(C)] the person provides proof of financial responsibility [;

(2) SHALL RESTORE THE DRIVER'S LICENSE IF

(A) THE PERSON HAS BEEN GRANTED LIMITED LICENSE PRIVILEGES UNDER AS 28.15.201(g) AND HAS SUCCESSFULLY DRIVEN UNDER THAT LIMITED LICENSE FOR THREE YEARS WITHOUT HAVING THE LIMITED LICENSE PRIVILEGES REVOKED;

(B) THE PERSON HAS SUCCESSFULLY COMPLETED A COURT-ORDERED TREATMENT PROGRAM UNDER AS 28.35.028 OR A REHABILITATIVE TREATMENT PROGRAM UNDER AS 28.15.201(h);

(C) THE PERSON HAS NOT BEEN CONVICTED OF A VIOLATION OF AS 28.35.030 OR 28.35.032 OR A SIMILAR LAW OR ORDINANCE OF THIS OR ANOTHER JURISDICTION SINCE THE LICENSE WAS REVOKED;

(D) THE PERSON IS OTHERWISE ELIGIBLE TO HAVE THE PERSON'S DRIVING PRIVILEGES RESTORED AS PROVIDED IN AS 28.15.211; IN AN APPLICATION UNDER THIS SUBSECTION, A PERSON WHOSE LICENSE WAS REVOKED FOR A VIOLATION OF AS 28.35.030(n) OR 28.35.032(p) IS NOT REQUIRED TO SUBMIT COMPLIANCE AS REQUIRED UNDER AS 28.35.030(h) OR 28.35.032(l); AND

(E) THE PERSON PROVIDES PROOF OF FINANCIAL RESPONSIBILITY].

\* Sec. 86. AS 28.35.032(o) is amended to read:

(o) Imprisonment required under (g)(1)(A) of this section shall be served at a community residential center, or if a community residential center [PRIVATE RESIDENCE BY ELECTRONIC MONITORING UNDER AS 33.30.065. IF ELECTRONIC MONITORING] is not available, at another appropriate place as determined by the commissioner of corrections [IMPRISONMENT UNDER (g)(1)(A) OF THIS SECTION SHALL BE SERVED AT A PRIVATE RESIDENCE BY OTHER MEANS AS DETERMINED BY THE COMMISSIONER OF

1 CORRECTIONS. A PERSON WHO IS SERVING A SENTENCE OF  
2 IMPRISONMENT REQUIRED UNDER (g)(1)(A) OF THIS SECTION BY  
3 ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY NOT BE  
4 SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A PEACE  
5 OFFICER OR A PERSON REQUIRED TO ADMINISTER THE ELECTRONIC  
6 MONITORING UNDER AS 33.30.065(a), EXCEPT UPON PROBABLE CAUSE.]  
7 Imprisonment required under (g)(1)(B) - (F) of this section may be served at a  
8 community residential center or at a private residence if approved by the  
9 commissioner of corrections. Imprisonment served at a private residence must include  
10 electronic monitoring [UNDER AS 33.30.065 OR, IF ELECTRONIC MONITORING  
11 IS NOT AVAILABLE, SHALL BE SERVED BY OTHER MEANS AS  
12 DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. The cost of  
13 imprisonment resulting from the sentence imposed under (g)(1) of this section shall be  
14 paid to the state by the person being sentenced **provided, however, that the** [. THE]  
15 cost of imprisonment required to be paid under this subsection may not exceed \$2,000.  
16 Upon the person's conviction, the court shall include the costs of imprisonment as a  
17 part of the judgment of conviction. Except for reimbursement from a permanent fund  
18 dividend as provided in this subsection, payment of the cost of imprisonment is not  
19 required if the court determines the person is indigent. For costs of imprisonment that  
20 are not paid by the person as required by this subsection, the state shall seek  
21 reimbursement from the person's permanent fund dividend as provided under  
22 AS 43.23.065. **While at the community residential center or another appropriate**  
23 **place, a person sentenced under (g)(1)(A) of this section shall perform at least 24**  
24 **hours of community service work.** A person sentenced under (g)(1)(B) of this  
25 section shall perform at least 160 hours of community service work, as required by the  
26 director of the community residential center or other appropriate place, or as required  
27 by the commissioner of corrections if the sentence is being served at a private  
28 residence. In this subsection, "appropriate place" means a facility with 24-hour on-site  
29 staff supervision that is specifically adapted to provide a residence, and includes a  
30 correctional center, residential treatment facility, hospital, halfway house, group home,  
31 work farm, work camp, or other place that provides varying levels of restriction.

1 \* **Sec. 87.** AS 29.10.200(21) is amended to read:

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

4 \* **Sec. 88.** AS 29.25.070(a) is amended to read:

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

11 \* **Sec. 89.** AS 33.05.040 is amended to read:

12 **Sec. 33.05.040. Duties of probation officers.** A probation officer shall

13 (1) furnish to each probationer under the supervision of the officer a  
14 written statement of the conditions of probation and shall instruct the probationer  
15 regarding the same;

16 (2) keep informed concerning the conduct and condition of each  
17 probationer under the supervision of the officer and shall report on the probationer to  
18 the court placing that person on probation;

19 (3) use all suitable methods, not inconsistent with the conditions  
20 imposed by the court, to aid probationers and to bring about improvements in their  
21 conduct and condition;

22 (4) keep records of the probation work, [INCLUDING  
23 ADMINISTRATIVE SANCTIONS AND INCENTIVES THE PROBATION  
24 OFFICER IMPOSES UNDER AS 33.05.020(g),] keep accurate and complete  
25 accounts of all money collected from persons under the supervision of the officer, give  
26 receipts for money collected and make at least monthly returns of it, make the reports  
27 to the court and the commissioner required by them, and perform other duties the court  
28 may direct;

29 (5) perform duties with respect to persons on parole as the  
30 commissioner shall request, and in that service shall be termed a parole officer;

31 (6) [USE ADMINISTRATIVE SANCTIONS AND INCENTIVES

1 DEVELOPED UNDER AS 33.05.020(g) TO RESPOND TO A PROBATIONER'S  
2 NEGATIVE AND POSITIVE BEHAVIOR, INCLUDING RESPONSES TO  
3 TECHNICAL VIOLATIONS OF CONDITIONS OF PROBATION, IN A WAY  
4 THAT IS INTENDED TO INTERRUPT NEGATIVE BEHAVIOR IN A SWIFT,  
5 CERTAIN, AND PROPORTIONAL MANNER AND SUPPORT PROGRESS WITH  
6 A RECOGNITION OF POSITIVE BEHAVIOR;

7 (7) UPON DETERMINING THAT A PROBATIONER UNDER THE  
8 SUPERVISION OF THE OFFICER MEETS THE REQUIREMENTS OF  
9 AS 12.55.090(g), RECOMMEND TO THE COURT AS SOON AS PRACTICABLE  
10 THAT PROBATION BE TERMINATED AND THE PROBATIONER BE  
11 DISCHARGED FROM PROBATION; AND

12 (8) FOR EACH PROBATIONER WHO OWES RESTITUTION AND  
13 WHO IS UNDER THE SUPERVISION OF THE OFFICER, CREATE A  
14 RESTITUTION PAYMENT SCHEDULE BASED ON THE PROBATIONER'S  
15 INCOME AND ABILITY TO PAY IF THE COURT HAS NOT ALREADY SET A  
16 RESTITUTION PAYMENT SCHEDULE.

17 (9)] accommodate the diligent efforts of each probationer to secure and  
18 maintain steady employment or to participate in educational courses or training  
19 programs when prescribing the times at which a probationer shall report; and

20 (7) [(10)] permit each probationer to travel in the state to make diligent  
21 efforts to secure and maintain steady employment or to participate in educational  
22 courses or training programs if the travel is not inconsistent with other terms and  
23 conditions of probation.

24 \* Sec. 90. AS 33.16.010(c) is amended to read:

25 (c) A prisoner who is not eligible for [SPECIAL MEDICAL OR]  
26 discretionary parole, or who is not released on [SPECIAL MEDICAL OR]  
27 discretionary parole, shall be released on mandatory parole for the term of good time  
28 deductions credited under AS 33.20, if the term or terms of imprisonment are two  
29 years or more.

30 \* Sec. 91. AS 33.16.060(a) is amended to read:

31 (a) The board shall

- 1 (1) serve as the parole authority for the state;
- 2 (2) upon receipt of an application, consider the suitability for parole
- 3 of a prisoner who is eligible [FOR DISCRETIONARY PAROLE AT LEAST 90
- 4 DAYS BEFORE THE PRISONER'S FIRST DATE OF ELIGIBILITY AND UPON
- 5 RECEIPT OF THE PRISONER'S APPLICATION] for special medical or
- 6 discretionary parole;
- 7 (3) impose parole conditions on all prisoners released under
- 8 [SPECIAL MEDICAL,] discretionary [,] or mandatory parole;
- 9 (4) under AS 33.16.210, discharge a person from parole when custody
- 10 is no longer required;
- 11 (5) maintain records of the meetings and proceedings of the board;
- 12 (6) recommend to the governor and the legislature changes in the law
- 13 administered by the board;
- 14 (7) recommend to the governor or the commissioner changes in the
- 15 practices of the department and of other departments of the executive branch
- 16 necessary to facilitate the purposes and practices of parole;
- 17 (8) upon request of the governor, review and recommend applicants
- 18 for executive clemency; and
- 19 (9) execute other responsibilities prescribed by law.

20 \* Sec. 92. AS 33.16.090(a) is amended to read:

- 21 (a) A prisoner sentenced to an active term of imprisonment of at least 181
- 22 days may, in the discretion of the board, be released on discretionary parole if the
- 23 prisoner
- 24 [(1)] has served the amount of time specified under (b) of this section,
- 25 except that
- 26 (1) [(A)] a prisoner sentenced to one or more mandatory 99-year terms
- 27 under AS 12.55.125(a) or one or more definite terms under AS 12.55.125(l) is not
- 28 eligible for consideration for discretionary parole;
- 29 (2) [(B)] a prisoner is not eligible for consideration of discretionary
- 30 parole if made ineligible by order of a court under AS 12.55.115;
- 31 (3) [(C)] a prisoner imprisoned under AS 12.55.086 is not eligible for

1 discretionary parole unless the actual term of imprisonment is more than one year [;  
2 OR

3 (2) IS AT LEAST 60 YEARS OF AGE, HAS SERVED AT LEAST  
4 10 YEARS OF A SENTENCE FOR ONE OR MORE CRIMES IN A SINGLE  
5 JUDGMENT, AND HAS NOT BEEN CONVICTED OF AN UNCLASSIFIED  
6 FELONY OR A SEXUAL FELONY AS DEFINED IN AS 12.55.185].

7 \* Sec. 93. AS 33.16.090(b) is amended to read:

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

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

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

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

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

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

26 (i) the prisoner has successfully completed all  
27 rehabilitation programs ordered by the three-judge panel that were  
28 made available to the prisoner; and

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

31 (4) to a single enhanced sentence under AS 12.55.155(a) that is above

1 the applicable presumptive range may not be released on discretionary parole until the  
2 prisoner has served the greater of the following:

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

6 (B) any term set under AS 12.55.115;

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

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

13 (A) any mandatory minimum sentence or sentences imposed  
14 under any provision of law;

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

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

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

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

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

24 (C) the amount of time that is required to be served under (1) -  
25 (5) of this subsection for the sentence imposed for the primary crime, had that  
26 been the only sentence imposed, plus one-quarter of the composite total of the  
27 active term of imprisonment imposed as consecutive or partially consecutive  
28 sentences imposed for all crimes other than the primary crime.

29 [(8) TO A SINGLE SENTENCE UNDER AS 12.55.125(i)(3) AND  
30 (4), AND HAS NOT BEEN ALLOWED BY THE THREE-JUDGE PANEL UNDER  
31 AS 12.55.175 TO BE CONSIDERED FOR DISCRETIONARY PAROLE RELEASE,

1 MAY NOT BE RELEASED ON DISCRETIONARY PAROLE UNTIL THE  
2 PRISONER HAS SERVED, AFTER A DEDUCTION FOR GOOD TIME EARNED  
3 UNDER AS 33.20.010, ONE-HALF OF THE ACTIVE TERM OF IMPRISONMENT  
4 IMPOSED.]

5 \* Sec. 94. AS 33.16.100(a) is amended to read:

6 (a) The board may authorize the release of a prisoner [CONVICTED OF AN  
7 UNCLASSIFIED FELONY WHO IS OTHERWISE ELIGIBLE UNDER  
8 AS 12.55.115 AND AS 33.16.090(a)(1)] on discretionary parole if it determines a  
9 reasonable probability exists that

10 (1) the prisoner will live and remain at liberty without violating any  
11 laws or conditions imposed by the board;

12 (2) the prisoner's rehabilitation and reintegration into society will be  
13 furthered by release on parole;

14 (3) the prisoner will not pose a threat of harm to the public if released  
15 on parole; and

16 (4) release of the prisoner on parole would not diminish the  
17 seriousness of the crime.

18 \* Sec. 95. AS 33.16.100(b) is amended to read:

19 (b) If the board finds a change in circumstances in a prisoner's parole release  
20 plan submitted under AS 33.16.130(a) [PREPAROLE REPORTS LISTED IN  
21 AS 33.16.110(a)], or discovers new information concerning a prisoner who has been  
22 granted a parole release date, the board may rescind or revise the previously granted  
23 parole release date. In reconsidering the release date, the procedures set out in  
24 AS 33.16.130(b) and (c) [AS 33.16.130] shall be followed.

25 \* Sec. 96. AS 33.16.100 is amended by adding a new subsection to read:

26 (h) If the parole board considers an application for discretionary parole and  
27 denies parole because the prisoner does not meet the standards in (a) of this section,  
28 the board may make a prisoner ineligible for further consideration of discretionary  
29 parole, or may require that additional time be served before the prisoner is again  
30 eligible for consideration for discretionary parole.

31 \* Sec. 97. AS 33.16.120(a) is amended to read:

1 (a) If the victim of a crime against a person or arson in the first degree  
2 requests notice of a scheduled hearing to review or consider discretionary parole for a  
3 prisoner convicted of that crime, the board shall send notice of the hearing to the  
4 victim at least 30 days before the hearing. The notice must be accompanied by a copy  
5 of the prisoner's application for parole submitted under AS 33.16.130(a) [PAROLE  
6 PLAN SUBMITTED TO THE BOARD]. However, the copy of the application  
7 [PAROLE PLAN] sent to the victim may not include the prisoner's [CONFIDENTIAL  
8 HEALTH INFORMATION, INFORMATION PROTECTED UNDER  
9 AS 33.16.170,] proposed residence and [, OR] employment addresses.

10 \* Sec. 98. AS 33.16.120(f) is amended to read:

11 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c)  
12 [OR 33.16.090,] the board shall make every reasonable effort to notify the victim  
13 before the prisoner's release date. Notification under this subsection must include the  
14 expected date of the prisoner's release, the geographic area in which the prisoner is  
15 required to reside, and other pertinent information concerning the prisoner's conditions  
16 of parole that may affect the victim.

17 \* Sec. 99. AS 33.16.120(g) is amended to read:

18 (g) A victim of a crime involving domestic violence [OR OF A SEXUAL  
19 ASSAULT UNDER AS 11.41.410 - 11.41.427] shall be informed by the board at least  
20 30 days in advance of a scheduled hearing to review or consider discretionary parole  
21 for a prisoner. The board shall inform the victim of any decision to grant or deny  
22 discretionary parole or to release the prisoner under AS 33.16.010(c). If the prisoner  
23 is to be released, the victim shall be notified of the expected date of the release, the  
24 geographic area in which the prisoner will reside, and any other information  
25 concerning conditions of parole that may affect the victim. The victim shall also be  
26 informed of any changes in the conditions of parole that may affect the victim. The  
27 board shall send the notice required to the last known address of the victim. A person  
28 may not bring a civil action for damages for a failure to comply with the provisions of  
29 this subsection.

30 \* Sec. 100. AS 33.16.130 is repealed and reenacted to read:

31 **Sec. 33.16.130. Application for discretionary parole.** (a) A prisoner eligible

1 for discretionary parole may apply to the board for discretionary parole. As part of the  
2 application for parole, the prisoner shall submit to the board a parole release plan that  
3 includes the prisoner's plan for employment, residence, and other information  
4 concerning the prisoner's rehabilitative plans if released on parole.

5 (b) Before the board determines a prisoner's suitability for discretionary  
6 parole, the prisoner is entitled to a hearing before the board. The prisoner shall be  
7 furnished a copy of the preparole reports listed in AS 33.16.110, and permitted access  
8 to all records that will be considered by the board in making its decision except those  
9 that are made confidential by law. The prisoner may also respond in writing to all  
10 materials considered by the board, be present at the hearing, and present evidence to  
11 the board.

12 (c) The board shall issue its decision in writing and provide the basis for a  
13 denial of discretionary parole. A copy of the decision shall be provided to the prisoner.

14 \* **Sec. 101.** AS 33.16.150(g) is amended to read:

15 (g) In addition to other conditions of parole imposed under this section for a  
16 prisoner serving a sentence for an offense where the aggravating factor provided in  
17 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a  
18 condition of special medical, discretionary, and mandatory parole a requirement that  
19 the prisoner submit to electronic monitoring. Electronic monitoring under this  
20 subsection must [COMPLY WITH AS 33.30.011(a)(10) AND] provide for monitoring  
21 of the prisoner's location and movements by Global Positioning System technology.  
22 The board shall require a prisoner serving a period of parole with electronic  
23 monitoring as provided under this subsection to pay all or a portion of the costs of the  
24 electronic monitoring, but only if the prisoner has sufficient financial resources to pay  
25 the costs or a portion of the costs. A prisoner subject to electronic monitoring under  
26 this subsection is not entitled to a credit for time served in a correctional facility while  
27 the defendant is on parole. In this subsection, "correctional facility" has the meaning  
28 given in AS 33.30.901.

29 \* **Sec. 102.** AS 33.16.180 is amended to read:

30 **Sec. 33.16.180. Duties of the commissioner.** The commissioner shall

31 (1) conduct investigations of prisoners eligible for discretionary parole,

1 as requested by the board [AND AS PROVIDED IN THIS SECTION];

2 (2) supervise the conduct of parolees;

3 (3) appoint and assign parole officers and personnel;

4 (4) notify the board and provide information on a prisoner 120 days  
5 before the prisoner's mandatory release date, if the prisoner is to be released on  
6 mandatory parole; and

7 (5) maintain records, files, and accounts as requested by the board [;

8 (6) PREPARE PREPAROLE REPORTS UNDER AS 33.16.110(a);

9 (7) NOTIFY THE BOARD IN WRITING OF A PRISONER'S  
10 COMPLIANCE OR NONCOMPLIANCE WITH THE PRISONER'S CASE PLAN  
11 CREATED UNDER AS 33.30.011(a)(8) NOT LESS THAN 30 DAYS BEFORE THE  
12 PRISONER'S NEXT PAROLE ELIGIBILITY DATE OR THE PRISONER'S  
13 PAROLE HEARING DATE, WHICHEVER IS EARLIER;

14 (8) ESTABLISH AN ADMINISTRATIVE SANCTION AND  
15 INCENTIVE PROGRAM TO FACILITATE A SWIFT AND CERTAIN RESPONSE  
16 TO A PAROLEE'S COMPLIANCE WITH OR VIOLATION OF THE  
17 CONDITIONS OF PAROLE AND SHALL ADOPT REGULATIONS TO  
18 IMPLEMENT THE PROGRAM; AT A MINIMUM, THE REGULATIONS MUST  
19 INCLUDE

20 (A) A DECISION-MAKING PROCESS TO GUIDE PAROLE  
21 OFFICERS IN DETERMINING THE SUITABLE RESPONSE TO  
22 POSITIVE AND NEGATIVE OFFENDER BEHAVIOR THAT INCLUDES  
23 A LIST OF SANCTIONS FOR THE MOST COMMON TYPES OF  
24 NEGATIVE BEHAVIOR, INCLUDING TECHNICAL VIOLATIONS OF  
25 CONDITIONS OF PAROLE, AND A LIST OF INCENTIVES FOR  
26 COMPLIANCE WITH CONDITIONS AND POSITIVE BEHAVIOR THAT  
27 EXCEEDS THOSE CONDITIONS;

28 (B) POLICIES AND PROCEDURES THAT ENSURE

29 (i) A PROCESS FOR RESPONDING TO NEGATIVE  
30 BEHAVIOR THAT INCLUDES A REVIEW OF PREVIOUS  
31 VIOLATIONS AND SANCTIONS;

1 (ii) THAT ENHANCED SANCTIONS FOR CERTAIN  
2 NEGATIVE CONDUCT ARE APPROVED BY THE  
3 COMMISSIONER OR THE COMMISSIONER'S DESIGNEE; AND

4 (iii) THAT APPROPRIATE DUE PROCESS  
5 PROTECTIONS ARE INCLUDED IN THE PROCESS, INCLUDING  
6 NOTICE OF NEGATIVE BEHAVIOR, AN OPPORTUNITY TO  
7 DISPUTE THE ACCUSATION AND THE SANCTION, AND AN  
8 OPPORTUNITY TO REQUEST A REVIEW OF THE  
9 ACCUSATION AND THE SANCTION; AND

10 (9) WITHIN 30 DAYS AFTER SENTENCING OF AN OFFENDER,  
11 PROVIDE THE VICTIM OF A CRIME INFORMATION ON THE EARLIEST  
12 DATES THE OFFENDER COULD BE RELEASED ON FURLOUGH,  
13 PROBATION, OR PAROLE, INCLUDING DEDUCTIONS OR REDUCTIONS  
14 FOR GOOD TIME OR OTHER GOOD CONDUCT INCENTIVES, AND THE  
15 PROCESS FOR RELEASE, INCLUDING CONTACT INFORMATION FOR THE  
16 DECISION-MAKING BODIES].

17 \* Sec. 103. AS 33.16.210(a) is amended to read:

18 (a) The board may unconditionally discharge a parolee from the jurisdiction  
19 and custody of the board after the parolee has completed two years [ONE YEAR] of  
20 parole. A discretionary parolee with a residual period of probation may, after two  
21 years [ONE YEAR] of parole, be discharged by the board to immediately begin  
22 serving the residual period of probation.

23 \* Sec. 104. AS 33.16.210(b) is amended to read:

24 (b) Notwithstanding (a) of this section, the board may unconditionally  
25 discharge a mandatory parolee before the parolee has completed two years [ONE  
26 YEAR] of parole if the parolee is serving a concurrent period of residual probation  
27 under AS 33.20.040(c), and the period of residual probation and the period of  
28 suspended imprisonment each equal or exceed the period of mandatory parole.

29 \* Sec. 105. AS 33.16.220(b) is amended to read:

30 (b) Except as provided in (e) of this section, within 15 working days after the  
31 arrest and incarceration of a parolee for violation of a condition of parole, [OTHER

1 THAN A TECHNICAL VIOLATION UNDER AS 33.16.215,] the board or its  
2 designee shall hold a preliminary hearing. At the preliminary hearing, the board or its  
3 designee shall determine if there is probable cause to believe that the parolee violated  
4 the conditions of parole and, when probable cause exists, whether the parolee should  
5 be released pending a final revocation hearing. A finding of probable cause at a  
6 preliminary hearing in a criminal case is conclusive proof of probable cause that a  
7 parole violation occurred.

8 \* Sec. 106. AS 33.16.220(f) is amended to read:

9 (f) The [IF A PAROLEE HAS HAD A PRELIMINARY HEARING UNDER  
10 (b) OF THIS SECTION, THE] board shall hold a final revocation hearing not later  
11 than 120 days after a parolee's arrest, subject to restrictions arising under  
12 AS 33.36.110 and (g) of this section.

13 \* Sec. 107. AS 33.16.220(i) is amended to read:

14 (i) If, after the final revocation hearing, the board finds that the parolee has  
15 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or  
16 ordinance, the board may revoke all or a portion of the [REMAINING PERIOD OF]  
17 parole [SUBJECT TO THE LIMITS SET OUT IN AS 33.16.215], or change any  
18 condition of parole. [A PAROLEE'S PERIOD OF PAROLE IS TOLLED FROM THE  
19 DATE OF FILING WITH THE PAROLE BOARD OF A VIOLATION REPORT  
20 FOR ABSCONDING AND THE DATE OF THE PAROLEE'S ARREST, IF THE  
21 PAROLE BOARD FINDS, AFTER A HEARING, THAT THE PAROLEE  
22 VIOLATED PAROLE BY ABSCONDING, AS DEFINED IN AS 33.16.215(f). THE  
23 BOARD MAY NOT EXTEND THE PERIOD OF PAROLE BEYOND THE  
24 MAXIMUM RELEASE DATE CALCULATED BY THE DEPARTMENT ON THE  
25 PAROLEE'S ORIGINAL SENTENCE PLUS ANY TIME THAT HAS BEEN  
26 TOLLED AS DESCRIBED IN THIS SECTION.]

27 \* Sec. 108. AS 33.20.010(c) is repealed and reenacted to read:

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

31 \* Sec. 109. AS 33.30.011(a) is amended to read:

1 (a) The commissioner shall

2 (1) establish, maintain, operate, and control correctional facilities  
3 suitable for the custody, care, and discipline of persons charged or convicted of  
4 offenses against the state or held under authority of state law; each correctional facility  
5 operated by the state shall be established, maintained, operated, and controlled in a  
6 manner that is consistent with AS 33.30.015;

7 (2) classify prisoners;

8 (3) for persons committed to the custody of the commissioner,  
9 establish programs, including furlough programs that are reasonably calculated to

10 (A) protect the public and the victims of crimes committed by  
11 prisoners;

12 (B) maintain health;

13 (C) create or improve occupational skills;

14 (D) enhance educational qualifications;

15 (E) support court-ordered restitution; and

16 (F) otherwise provide for the rehabilitation and reformation of  
17 prisoners, facilitating their reintegration into society;

18 (4) provide necessary

19 (A) medical services for prisoners in correctional facilities or  
20 who are committed by a court to the custody of the commissioner, including  
21 examinations for communicable and infectious diseases;

22 (B) psychological or psychiatric treatment if a physician or  
23 other health care provider, exercising ordinary skill and care at the time of  
24 observation, concludes that

25 (i) a prisoner exhibits symptoms of a serious disease or  
26 injury that is curable or may be substantially alleviated; and

27 (ii) the potential for harm to the prisoner by reason of  
28 delay or denial of care is substantial; and

29 (C) assessment or screening of the risks and needs of offenders  
30 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal  
31 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based

1 disorder;

2 (5) establish minimum standards for sex offender treatment programs  
3 offered to persons who are committed to the custody of the commissioner;

4 (6) provide for fingerprinting in correctional facilities in accordance  
5 with AS 12.80.060; and

6 (7) establish a program to conduct assessments of the risks and needs  
7 of offenders sentenced to serve a term of incarceration of 30 days or more and provide  
8 to the legislature, by electronic means, by January 15, 2017, and thereafter by  
9 January 15, preceding the first regular session of each legislature, a report  
10 summarizing the findings and results of the program [; THE PROGRAM MUST  
11 INCLUDE A REQUIREMENT FOR AN ASSESSMENT BEFORE A PRISONER'S  
12 RELEASE ON PAROLE, FURLOUGH, OR ELECTRONIC MONITORING FROM  
13 A CORRECTIONAL FACILITY;

14 (8) ESTABLISH A PROCEDURE THAT PROVIDES FOR EACH  
15 PRISONER REQUIRED TO SERVE AN ACTIVE TERM OF IMPRISONMENT OF  
16 30 DAYS OR MORE A WRITTEN CASE PLAN THAT

17 (A) IS PROVIDED TO THE PRISONER WITHIN 90 DAYS  
18 AFTER SENTENCING;

19 (B) IS BASED ON THE RESULTS OF THE ASSESSMENT  
20 OF THE PRISONER'S RISKS AND NEEDS UNDER (7) OF THIS  
21 SUBSECTION;

22 (C) INCLUDES A REQUIREMENT TO FOLLOW THE  
23 RULES OF THE INSTITUTION;

24 (D) IS MODIFIED WHEN NECESSARY FOR CHANGES IN  
25 CLASSIFICATION, HOUSING STATUS, MEDICAL OR MENTAL  
26 HEALTH, AND RESOURCE AVAILABILITY;

27 (E) INCLUDES PARTICIPATION IN PROGRAMMING  
28 THAT ADDRESSES THE NEEDS IDENTIFIED IN THE ASSESSMENT;

29 (9) ESTABLISH A PROGRAM TO BEGIN REENTRY PLANNING  
30 WITH EACH PRISONER SERVING AN ACTIVE TERM OF IMPRISONMENT  
31 OF 90 DAYS OR MORE; REENTRY PLANNING MUST BEGIN AT LEAST 90

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DAYS BEFORE RELEASE ON FURLOUGH OR PROBATION OR PAROLE; THE REENTRY PROGRAM MUST INCLUDE

(A) A WRITTEN REENTRY PLAN FOR EACH PRISONER COMPLETED UPON RELEASE ON FURLOUGH OR PROBATION OR PAROLE THAT INCLUDES INFORMATION ON THE PRISONER'S PROPOSED

- (i) RESIDENCE;
- (ii) EMPLOYMENT OR ALTERNATIVE MEANS OF SUPPORT;
- (iii) TREATMENT OPTIONS;
- (iv) COUNSELING SERVICES;
- (v) EDUCATION OR JOB TRAINING SERVICES;

(B) ANY OTHER REQUIREMENTS FOR SUCCESSFUL TRANSITION BACK TO THE COMMUNITY, INCLUDING ELECTRONIC MONITORING OR FURLOUGH FOR THE PERIOD BETWEEN A SCHEDULED PAROLE HEARING AND PAROLE ELIGIBILITY;

(C) COORDINATION WITH THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT TO PROVIDE ACCESS, AFTER RELEASE, TO JOB TRAINING AND EMPLOYMENT ASSISTANCE;

(10) FOR OFFENDERS UNDER ELECTRONIC MONITORING, ESTABLISH

(A) MINIMUM STANDARDS FOR ELECTRONIC MONITORING, WHICH MAY INCLUDE THE REQUIREMENT OF ACTIVE, REAL-TIME MONITORING USING GLOBAL POSITIONING SYSTEMS; AND

(B) PROCEDURES FOR OVERSIGHT AND APPROVING ELECTRONIC MONITORING PROGRAMS AND SYSTEMS PROVIDED BY PRIVATE CONTRACTORS; AND

(11) ASSIST A PRISONER IN OBTAINING A VALID STATE

1 IDENTIFICATION CARD IF THE PRISONER DOES NOT HAVE A VALID  
2 STATE IDENTIFICATION CARD BEFORE THE PRISONER'S RELEASE; THE  
3 DEPARTMENT SHALL PAY THE APPLICATION FEE FOR THE  
4 IDENTIFICATION CARD].

5 \* **Sec. 110.** AS 33.30.013(a) is amended to read:

6 (a) The commissioner shall notify the victim if the offender

7 [(1)] escapes from custody [;

8 (2) IS DISCHARGED FROM PAROLE UNDER AS 33.16;] or

9 [(3)] is released to the community on a furlough, on an early release  
10 program, or for any other reason.

11 \* **Sec. 111.** AS 33.30.065(a) is amended to read:

12 (a) If the commissioner designates a prisoner to serve the prisoner's term of  
13 imprisonment or period of temporary commitment, or a part of the term or period, by  
14 electronic monitoring, the commissioner shall direct the prisoner to serve the term or  
15 period at the prisoner's residence or other place selected by the commissioner. The  
16 electronic monitoring shall be administered by the department [OR BY A PRIVATE  
17 CONTRACTOR APPROVED BY THE DEPARTMENT UNDER  
18 AS 33.30.011(a)(10)(B)] and shall be designed so that any attempt to remove, tamper  
19 with, or disable the monitoring equipment or to leave the place selected for the service  
20 of the term or period will result in a report or notice to the department.

21 \* **Sec. 112.** AS 33.30.151 is amended to read:

22 **Sec. 33.30.151. Correctional restitution centers.** (a) The commissioner shall  
23 establish correctional restitution centers in the state. The purpose of the centers is to  
24 provide certain offenders with rehabilitation through [COMPREHENSIVE  
25 TREATMENT FOR SUBSTANCE ABUSE, COGNITIVE BEHAVIORAL  
26 DISORDERS, AND OTHER CRIMINAL RISK FACTORS, INCLUDING  
27 AFTERCARE SUPPORT,] community service [,] and employment [,] while  
28 protecting the community through partial incarceration of the offender, and to create a  
29 means to provide restitution to victims of crimes.

30 (b) The commissioner shall adopt regulations setting standards for the  
31 operation of the centers including

1 (1) requirements that the centers be secure and in compliance with  
2 state and local safety laws;

3 (2) standards for disciplinary rules to be imposed on prisoners confined  
4 to the centers;

5 (3) standards for the granting of emergency absence to prisoners  
6 confined to the centers;

7 (4) standards for classifying prisoners to centers;

8 (5) standards for mandatory employment and participation in  
9 community service programs in each center; and

10 (6) standards for periodic review of the performance of prisoners  
11 confined to the centers [AND QUALITY ASSURANCE MEASURES TO ENSURE  
12 CENTERS ARE MEETING STATE STANDARDS AND CONTRACTUAL  
13 OBLIGATIONS;

14 (7) STANDARDS FOR THE PROVISION OF TREATMENT,  
15 INCLUDING SUBSTANCE ABUSE TREATMENT, COGNITIVE BEHAVIORAL  
16 THERAPY, AND AFTERCARE DESIGNED TO ADDRESS AN OFFENDER'S  
17 INDIVIDUAL CRIMINOGENIC NEEDS; AND

18 (8) STANDARDS AND A PROCESS TO ASSESS AN  
19 OFFENDER'S RISK OF RECIDIVATING AND THE CRIMINAL RISK FACTORS  
20 AND NEEDS THAT REDUCE THE RISK OF RECIDIVATING AND ENSURE  
21 THAT

22 (A) HIGH RISK OFFENDERS WITH MODERATE TO  
23 HIGH NEEDS ARE A PRIORITY FOR ACCEPTANCE INTO A  
24 CORRECTIONAL RESTITUTION CENTER; AND

25 (B) CENTERS ESTABLISH INTERNAL PROCEDURES TO  
26 LIMIT THE MIXING OF LOW AND HIGH RISK PRISONERS].

27 \* Sec. 113. AS 34.03.360(7) is amended to read:

28 (7) "illegal activity involving a controlled substance" means a violation  
29 of AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4)  
30 - (8)], or 11.71.040(a)(1), (2), or (5);

31 \* Sec. 114. AS 34.03.360(10) is amended to read:

1 (10) "illegal activity involving a place of prostitution" means a  
2 violation of AS 11.66.120(a)(1) or 11.66.130(a)(1) or (4) [11.66.130(a)(2)(A) or (D)];

3 \* **Sec. 115.** AS 44.19.645(a) is amended to read:

4 (a) The commission shall evaluate the effect of sentencing laws and criminal  
5 justice practices on the criminal justice system to evaluate whether those sentencing  
6 laws and criminal justice practices provide for protection of the public, community  
7 condemnation of the offender, the rights of victims of crimes, the rights of the accused  
8 and the person convicted, restitution from the offender, and the principle of  
9 reformation. The commission shall make recommendations for improving criminal  
10 sentencing practices and criminal justice practices, including rehabilitation and  
11 restitution. [THE COMMISSION SHALL ANNUALLY MAKE  
12 RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE ON  
13 HOW SAVINGS FROM CRIMINAL JUSTICE REFORMS SHOULD BE  
14 REINVESTED TO REDUCE RECIDIVISM.] In formulating its recommendations,  
15 the commission shall consider

16 (1) statutes, court rules, and court decisions relevant to sentencing of  
17 criminal defendants in misdemeanor and felony cases;

18 (2) sentencing practices of the judiciary, including use of presumptive  
19 sentences;

20 (3) means of promoting uniformity, proportionality, and accountability  
21 in sentencing;

22 (4) alternatives to traditional forms of incarceration;

23 (5) the efficacy of parole and probation in ensuring public safety,  
24 achieving rehabilitation, and reducing recidivism;

25 (6) the adequacy, availability, and effectiveness of treatment and  
26 rehabilitation programs;

27 (7) crime and incarceration rates, including the rate of violent crime  
28 and the abuse of controlled substances, in this state compared to other states, and best  
29 practices adopted by other states that have proven to be successful in reducing  
30 recidivism;

31 (8) the relationship between sentencing priorities and correctional

1 resources;

2 (9) the effectiveness of the state's current methodologies for the  
3 collection and dissemination of criminal justice data; and

4 (10) whether the schedules for controlled substances in AS 11.71.140 -  
5 11.71.190 are reasonable and appropriate, considering the criteria established in  
6 AS 11.71.120(c).

7 \* Sec. 116. AS 44.19.647(a) is amended to read:

8 (a) The commission shall submit to the governor and the legislature an annual  
9 report [. THE REPORT MUST INCLUDE

10 (1) A DESCRIPTION] of its proceedings for the previous calendar  
11 year and may submit [;

12 (2) A SUMMARY OF SAVINGS AND RECOMMENDATIONS ON  
13 HOW SAVINGS FROM CRIMINAL JUSTICE REFORM SHOULD BE  
14 REINVESTED TO REDUCE RECIDIVISM;

15 (3) PERFORMANCE METRICS AND OUTCOMES FROM THE  
16 RECOMMENDATIONS THE COMMISSION MADE IN ITS DECEMBER 2015  
17 REPORT, INCLUDING RECIDIVISM RATES, DEFINED AS

18 (A) THE PERCENTAGE OF INMATES WHO RETURN TO  
19 PRISON WITHIN THREE YEARS AFTER RELEASE, BROKEN DOWN  
20 BY OFFENSE TYPE AND RISK LEVEL; AND

21 (B) THE PERCENTAGE OF INMATES WHO RETURN TO  
22 PRISON WITHIN THREE YEARS AFTER RELEASE FOR A NEW  
23 CRIMINAL CONVICTION, BROKEN DOWN BY OFFENSE TYPE AND  
24 RISK LEVEL; AND

25 (4) RECOMMENDATIONS FOR ADDITIONAL REFORMS,  
26 WHICH MAY INCLUDE] recommendations for legislative and administrative action.

27 Reports and recommendations provided under this section shall be submitted not  
28 later than February 1 of each year.

29 \* Sec. 117. AS 44.66.010(a)(12) is amended to read:

30 (12) Alaska Criminal Justice Commission (AS 44.19.641) - June 30,  
31 2018 [JUNE 30, 2021];

1 \* **Sec. 118.** AS 47.12.315(a) is amended to read:

2 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this  
3 section, the department shall disclose information to the public, on request, concerning  
4 a minor subject to this chapter who was at least 13 years of age at the time of  
5 commission of

6 (1) a felony offense against a person under AS 11.41;

7 (2) arson in the first or second degree;

8 (3) burglary in the first degree;

9 (4) distribution of child pornography;

10 (5) sex trafficking in the first degree;

11 (6) misconduct involving a controlled substance in the first, [OR]  
12 second, or third degrees involving distribution or possession with intent to deliver; or

13 (7) misconduct involving weapons in the first through fourth degrees.

14 \* **Sec. 119.** AS 47.37.040, as amended by sec. 71, ch. 1, 4SSLA 2017, is amended to read:

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

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

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

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

28 (4) cooperate with the Department of Education and Early  
29 Development, school boards, schools, police departments, courts, and other public and  
30 private agencies, organizations, and individuals in establishing programs for the  
31 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,

1 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum  
2 materials for use at all levels of school education;

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

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

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

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

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

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

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

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

31 (13) use the support and assistance of interested persons in the

1 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to  
2 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo  
3 treatment;

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

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

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

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

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

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

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

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

31 (B) the agency responsible for the administration of motor

1 vehicle laws in connection with a license action related to the use of alcohol or  
2 a controlled substance; or

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

5 (21) develop and implement, or designate, in cooperation with other  
6 state or local agencies, an alcohol safety action program that provides alcohol and  
7 substance abuse screening, referral, and monitoring services to persons who have been  
8 referred by a court in connection with a charge or conviction of a misdemeanor  
9 involving the use of a motor vehicle, aircraft, or watercraft and alcohol or a  
10 controlled substance, referred by a court [OR] under AS 28.35.028 [AS 04.16.049  
11 OR 04.16.050] or referred by an agency of the state with the responsibility for  
12 administering motor vehicle laws in connection with a driver's license action involving  
13 the use of alcohol or a controlled substance;

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

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

23 \* Sec. 120. AS 47.38.020 is amended to read:

24 **Sec. 47.38.020. Alcohol and substance abuse monitoring program.** (a) The  
25 commissioner, in cooperation with the commissioner of corrections, shall establish a  
26 program [USING A COMPETITIVE PROCUREMENT PROCESS] for certain  
27 persons with release conditions ordered as provided under AS 12.30, or offenders with  
28 conditions of probation, that include not consuming controlled substances or alcoholic  
29 beverages.

30 (b) The commissioner shall adopt regulations to implement the program.  
31 [THE REGULATIONS MUST INCLUDE REGULATIONS REGARDING

1 PRODUCTS AND SERVICES THAT PROVIDE ALCOHOL AND SUBSTANCE  
2 ABUSE MONITORING.]

3 (c) The commissioner shall include in the program

4 (1) a requirement for twice-a-day testing, [EITHER REMOTELY OR]  
5 in person if practicable, for alcoholic beverage use and random testing for controlled  
6 substances;

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

13 (A) fails to appear for an appointment [OR FAILS TO  
14 COMPLETE A TEST THROUGH THE USE OF REMOTE ALCOHOL OR  
15 SUBSTANCE ABUSE MONITORING TECHNOLOGY] as required by the  
16 program requirements; or

17 (B) tests positive for the use of controlled substances or  
18 alcoholic beverages; and

19 (3) a requirement that the person or offender pay, based on the person's  
20 or offender's ability under financial guidelines established by the commissioner, for  
21 the cost of participating in the program.

22 (d) The department shall [CONTRACT WITH ONE OR MORE VENDORS  
23 USING A COMPETITIVE PROCUREMENT PROCESS IN ACCORDANCE WITH  
24 AS 36.30 (STATE PROCUREMENT CODE) TO] provide or conduct the testing  
25 required under (c) of this section.

26 \* Sec. 121. AS 47.38.100(a) is amended to read:

27 (a) The recidivism reduction program is established to promote the  
28 rehabilitation through transitional re-entry programs of persons [ON PROBATION  
29 OR PAROLE OR] incarcerated for offenses and recently released from correctional  
30 facilities.

31 \* Sec. 122. AS 47.38.100(b) is amended to read:

1 (b) The commissioner, in cooperation with the commissioner of corrections  
2 [ALASKA CRIMINAL JUSTICE COMMISSION ESTABLISHED IN  
3 AS 44.19.641], may provide for programs that have, as a primary focus, rehabilitation  
4 and reduction of recidivism through transitional re-entry for persons [ON  
5 PROBATION OR PAROLE OR] incarcerated for offenses and recently released from  
6 correctional facilities. The commissioner may enter into contracts to provide for  
7 programs under this section. A [AN ELIGIBLE] program under this section must  
8 [ACCOMPLISH AT LEAST ONE OF THE FOLLOWING OBJECTIVES:]

9 (1) include case management;

10 (2) require sober living;

11 (3) provide, on-site or by referral, treatment for substance abuse  
12 or mental health treatment;

13 (4) require employment, educational programming, vocational  
14 training, or community volunteer work as approved by the director of the  
15 treatment program; and

16 (5) limit residential placements in the program to a maximum of  
17 one year [INCREASING ACCESS TO EVIDENCE-BASED REHABILITATION  
18 PROGRAMS, INCLUDING DRUG AND ALCOHOL TREATMENT, MENTAL  
19 HEALTH TREATMENT, AND COGNITIVE BEHAVIORAL PROGRAMS; OR

20 (2) SUPPORTING OFFENDERS' TRANSITION AND RE-ENTRY  
21 FROM CORRECTIONAL FACILITIES TO THE COMMUNITY, INCLUDING  
22 TRANSITIONAL HOUSING SERVICES, EMPLOYMENT SERVICES,  
23 VOCATIONAL TRAINING, EDUCATIONAL SUPPORT, COUNSELING, AND  
24 MEDICAL CARE].

25 \* Sec. 123. Section 35, ch. 83, SLA 2014, as amended by sec. 177, ch. 36, SLA 2016, is  
26 amended to read:

27 Sec. 35. AS 22.20.210 is repealed June 30, 2018 [JUNE 30, 2021].

28 \* Sec. 124. AS 09.55.700; AS 11.46.980(d), 11.46.982; AS 11.56.730(e); AS 11.66.100(c),  
29 11.66.150(1); AS 11.71.030(a)(1), 11.71.030(a)(4), 11.71.030(a)(5), 11.71.030(a)(6),  
30 11.71.030(a)(7), 11.71.030(a)(8), 11.71.030(c), 11.71.030(e), 11.71.040(a)(11),  
31 11.71.050(a)(4); AS 12.25.180(c), 12.25.190(d); AS 12.30.055(b); AS 12.55.011(b),

1 12.55.027(f), 12.55.027(g), 12.55.055(g), 12.55.055(h), 12.55.078, 12.55.090(g),  
 2 12.55.090(h), 12.55.090(i), 12.55.090(j), 12.55.090(k), 12.55.090(l), 12.55.090(m),  
 3 12.55.090(n), 12.55.100(a)(1), 12.55.100(a)(2)(H), 12.55.110(c), 12.55.110(d), 12.55.110(e),  
 4 12.55.110(f), 12.55.110(g), 12.55.110(h), 12.55.135(l), 12.55.135(m), 12.55.135(n),  
 5 12.55.135(o), 12.55.135(p), 12.55.145(a)(5); AS 12.61.016, 12.61.017(d); AS 22.35.030(4);  
 6 AS 28.15.165(e), 28.15.201(g), 28.15.201(h), 28.15.201(i), 28.15.201(j); AS 29.25.070(g);  
 7 AS 33.05.020(g), 33.05.020(h), 33.05.080(1); AS 33.07.010, 33.07.020, 33.07.030,  
 8 33.07.040, 33.07.090; AS 33.16.100(f), 33.16.100(g), 33.16.110(a)(9), 33.16.110(a)(10),  
 9 33.16.150(h), 33.16.150(i), 33.16.210(c), 33.16.215, 33.16.220(j), 33.16.240(h), 33.16.240(i),  
 10 33.16.270, 33.16.900(2); AS 33.20.010(a)(4); AS 33.30.095; AS 43.23.065(b)(9);  
 11 AS 43.61.010(c), 43.61.010(d), 43.61.010(e); AS 44.19.645(b)(3), 44.19.645(b)(4),  
 12 44.19.645(c), 44.19.645(d), 44.19.645(e), 44.19.645(f), 44.19.645(g), 44.19.645(h),  
 13 44.19.647(b), 44.19.647(c); AS 47.27.015(i); AS 47.37.130(h)(3), 47.37.130(k); and  
 14 AS 47.38.100(d) are repealed.

15 \* **Sec. 125.** Section 178, ch. 36, SLA 2016, sec. 73, ch. 1, 4SSLA 2017, sec. 76, ch. 1,  
 16 4SSLA 2017, and sec. 77, ch. 1, 4SSLA 2017, are repealed.

17 \* **Sec. 126.** The uncodified law of the State of Alaska is amended by adding a new section  
 18 to read:

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

- 21 (1) AS 11.46.130(a), as amended by sec. 4 of this Act;  
 22 (2) AS 11.46.140(a), as amended by sec. 5 of this Act;  
 23 (3) AS 11.46.150(a), as amended by sec. 6 of this Act;  
 24 (4) AS 11.46.220(c), as amended by sec. 7 of this Act;  
 25 (5) AS 11.46.260(b), as amended by sec. 8 of this Act;  
 26 (6) AS 11.46.270(b), as amended by sec. 9 of this Act;  
 27 (7) AS 11.46.280(d), as amended by sec. 10 of this Act;  
 28 (8) AS 11.46.285(b), as amended by sec. 11 of this Act;  
 29 (9) AS 11.46.295, as amended by sec. 12 of this Act;  
 30 (10) AS 11.46.360(a), as amended by sec. 13 of this Act;  
 31 (11) AS 11.46.420(a), as amended by sec. 14 of this Act;

- 1 (12) AS 11.46.460, as amended by sec. 15 of this Act;
- 2 (13) AS 11.46.482(a), as amended by sec. 16 of this Act;
- 3 (14) AS 11.46.484(a), as amended by sec. 17 of this Act;
- 4 (15) AS 11.46.486(a), as amended by sec. 18 of this Act;
- 5 (16) AS 11.46.530(b), as amended by sec. 19 of this Act;
- 6 (17) AS 11.46.620(d), as amended by sec. 20 of this Act;
- 7 (18) AS 11.46.730(c), as amended by sec. 21 of this Act;
- 8 (19) AS 11.56.730(d), as amended by sec. 23 of this Act;
- 9 (20) AS 11.56.757(b), as amended by sec. 24 of this Act;
- 10 (21) AS 11.61.110(c), as amended by sec. 25 of this Act;
- 11 (22) AS 11.61.150(c), as amended by sec. 28 of this Act;
- 12 (23) AS 11.66.110(a), as amended by sec. 29 of this Act;
- 13 (24) AS 11.66.130(a), as amended by sec. 30 of this Act;
- 14 (25) AS 11.66.135(a), as amended by sec. 31 of this Act;
- 15 (26) AS 11.66.200(c), as amended by sec. 32 of this Act;
- 16 (27) AS 11.71.021, enacted by sec. 33 of this Act;
- 17 (28) AS 11.71.030(a), as amended by sec. 34 of this Act;
- 18 (29) AS 11.71.030(d), as amended by sec. 35 of this Act;
- 19 (30) AS 11.71.040(a), as amended by sec. 36 of this Act;
- 20 (31) AS 11.71.040(d), as amended by sec. 37 of this Act;
- 21 (32) AS 11.71.050, as amended by sec. 38 of this Act;
- 22 (33) AS 11.71.060, as amended by sec. 39 of this Act;
- 23 (34) AS 28.15.291(a), as repealed and reenacted by sec. 80 of this Act;
- 24 (35) AS 29.10.200(21), as amended by sec. 87 of this Act; and
- 25 (36) AS 29.25.070(a), as amended by sec. 88 of this Act.

26 (b) The following sections apply to contact with a police officer occurring on or after  
27 the effective date of those sections for offenses occurring before, on, or after the effective date  
28 of those sections:

- 29 (1) AS 12.25.150(a), as amended by sec. 41 of this Act;
- 30 (2) AS 12.25.180(a), as amended by sec. 42 of this Act;
- 31 (3) AS 12.25.180(b), as amended by sec. 43 of this Act; and

1 (4) AS 12.25.190(b), as amended by sec. 44 of this Act.

2 (c) The following sections apply to offenses committed on or after the effective date  
3 of those sections:

4 (1) AS 12.30.006(b), as amended by sec. 45 of this Act;

5 (2) AS 12.30.006(c), as amended by sec. 46 of this Act;

6 (3) AS 12.30.006(d), as amended by sec. 47 of this Act;

7 (4) AS 12.30.006(f), as amended by sec. 48 of this Act;

8 (5) AS 12.30.011, as repealed and reenacted by sec. 49 of this Act;

9 (6) AS 12.30.016(b), as amended by sec. 50 of this Act;

10 (7) AS 12.30.016(c), as amended by sec. 51 of this Act;

11 (8) AS 12.30.021(a), as amended by sec. 53 of this Act; and

12 (9) AS 12.30.021(c), as amended by sec. 54 of this Act.

13 (d) The following sections apply to sentences imposed on or after the effective date of  
14 those sections for conduct occurring on or after the effective date of those sections:

15 (1) AS 12.55.025(c), as amended by sec. 55 of this Act;

16 (2) AS 12.55.027(a), as amended by sec. 56 of this Act;

17 (3) AS 12.55.027(b), as repealed and reenacted by sec. 57 of this Act;

18 (4) AS 12.55.027(c), as repealed and reenacted by sec. 58 of this Act;

19 (5) AS 12.55.051(a), as amended by sec. 60 of this Act;

20 (6) AS 12.55.125(c), as amended by sec. 66 of this Act;

21 (7) AS 12.55.125(d), as amended by sec. 67 of this Act;

22 (8) AS 12.55.125(e), as amended by sec. 68 of this Act;

23 (9) AS 12.55.125(q), as amended by sec. 69 of this Act;

24 (10) AS 12.55.135(a), as amended by sec. 70 of this Act;

25 (11) AS 12.55.135(b), as amended by sec. 71 of this Act;

26 (12) AS 12.55.135(q), enacted by sec. 72 of this Act;

27 (13) AS 28.15.291(b), as repealed and reenacted by sec. 81 of this Act;

28 (14) AS 28.35.030(k), as amended by sec. 83 of this Act; and

29 (15) AS 28.35.032(o), as amended by sec. 86 of this Act.

30 (e) AS 12.55.035(b), as amended by sec. 59 of this Act, applies to sentences imposed  
31 on or after the effective date of sec. 59 of this Act, for conduct occurring before, on, or after

1 the effective date of sec. 59 of this Act.

2 (f) AS 12.55.055(a), as amended by sec. 61 of this Act, and AS 12.55.055(c), as  
3 amended by sec. 62 of this Act, apply to community work service imposed on or after the  
4 effective date of secs. 61 and 62 of this Act for conduct occurring on or after the effective date  
5 of secs. 61 and 62 of this Act.

6 (g) The following sections apply to probation ordered on or after the effective date of  
7 those sections for conduct occurring on or after the effective date of those sections:

8 (1) AS 12.55.090(b), as amended by sec. 63 of this Act;

9 (2) AS 12.55.090(c), as amended by sec. 64 of this Act; and

10 (3) AS 12.55.090(f), as amended by sec. 65 of this Act.

11 (h) AS 28.35.030(o), as amended by sec. 85 of this Act, applies to revocation of a  
12 driver's license, privilege to drive, privilege to obtain a driver's license, or an identification  
13 card or driver's license occurring on or after the effective date of sec. 85 of this Act.

14 (i) The following sections apply to parole granted on or after the effective date of  
15 those sections for conduct occurring on or after the effective date of those sections:

16 (1) AS 33.16.010(c), as amended by sec. 90 of this Act;

17 (2) AS 33.16.060(a), as amended by sec. 91 of this Act;

18 (3) AS 33.16.090(a), as amended by sec. 92 of this Act;

19 (4) AS 33.16.090(b), as amended by sec. 93 of this Act;

20 (5) AS 33.16.100(h), enacted by sec. 96 of this Act;

21 (6) AS 33.16.150(g), as amended by sec. 101 of this Act;

22 (7) AS 33.16.210(a), as amended by sec. 103 of this Act;

23 (8) AS 33.16.210(b), as amended by sec. 104 of this Act;

24 (9) AS 33.16.220(b), as amended by sec. 105 of this Act;

25 (10) AS 33.16.220(f), as amended by sec. 106 of this Act;

26 (11) AS 33.16.220(i), as amended by sec. 107 of this Act; and

27 (12) AS 33.20.010(c), as repealed and reenacted by sec. 108 of this Act.

28 (j) AS 33.16.100(a), as amended by sec. 94 of this Act, applies to parole granted on or  
29 after the effective date of sec. 94 of this Act, for conduct occurring before, on, or after the  
30 effective date of sec. 94 of this Act.

31 \* Sec. 127. Section 193, ch. 36, SLA 2016, sec. 79, ch. 1, 4SSLA 2017, sec. 81, ch. 1,

1 4SSLA 2017, and sec. 83, ch. 1, 4SSLA 2017, are repealed.

2 \* **Sec. 128.** This Act takes effect immediately under AS 01.10.070(c).

## Rep. Lora Reinbold

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**From:** Win Faulkner <winthropf@gmail.com>  
**Sent:** Wednesday, February 7, 2018 9:00 PM  
**To:** Rep. Lora Reinbold  
**Subject:** Car theft in Anchorage becoming ridiculous

Hi Lora,

I have lived in Anchorage 54 years and have never seen so many stolen vehicles. Here's a story about a recent car theft that shed some light on the problem. I've also proposed a simple solution. We can solve this problem and make Anchorage a :

My close friend's son had his pickup truck stolen from the West High School parking lot several weeks ago. About a week later it was recovered and found with 15 purses and a number of new tools that were presumably stolen. Several needles and Meth were later found in the truck by my friend. The perpetrator claimed that he had borrowed the vehicle and was not arrested since the police could not prove he stole the truck.

The ridiculous part of this story is that our current laws actually encourage stealing vehicles if you are involved in the business of burglary and/or drugs. If you can simply claim you borrowed the vehicle, you don't have to worry about being arrested.

Another unfortunate part of this story is that even though the truck was recovered intact, the insurance company totaled it because drugs were found in the truck, and they want no part of that liability. We are all paying the price in higher crime, higher insurance rates and fear.

I verified this story with a police officer. He confided with me that it is extremely frustrating and that the current law ties their hands. This problem also makes his job more dangerous since many criminals simply never make it to jail. More cops will never solve this problem.

Here's a simple solution. Let's pass a law that says that if you are in a vehicle found to be stolen, you will be charged with Grand Theft Auto and arrested for a class C (or B) Felony! Let's make the claim of "I borrowed the vehicle" no longer an excuse.

Let's make stealing vehicles a lot more unpleasant for criminals. And let's make Anchorage a safer city. Please help.

Thanks,

Win Faulkner  
Chair, District 21 ARP  
2825 Illiamna Ave  
907-244-8906

PS: I know you are working hard on this!

## **Rep. Lora Reinbold**

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**From:** Jenn Matz <rabrog@hotmail.com>  
**Sent:** Saturday, March 10, 2018 11:31 AM  
**To:** Rep. Lora Reinbold  
**Subject:** Repeal SB 91

Rep. Reinbold,

this past year, a woman was released from the Fairbanks Correctional Facility while still intoxicated due to SB 91. This woman was then run over and killed. Had the laws been appropriate, she would have still been in a holding facility and received proper treatment. This woman's death could have been prevented. Please take this as full support of a repeal of SB 91.

Thank you,

Jenn Matz

## Rep. Lora Reinbold

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**From:** Jennifer Bundy <jeeperjoebundy@yahoo.com>  
**Sent:** Saturday, March 10, 2018 4:57 PM  
**To:** Rep. Lora Reinbold  
**Subject:** Repeal SB91! (and cut the budget)

Representative Reinbold,

I appreciate your exhaustive work to represent the people in Eagle River. Since the implementation of SB91, I have noticed a severe uptick in criminal activity and the people of our community feeling unsafe. My family and I have lived in our home since 1992. During the first 20-23 years or so, we had only a few incidents in our neighborhood. I could probably count them all on one hand. In the past 3-5 years, we have had at least 8 or more incidents, that I am aware of (including burglary, attempted burglary, theft, stealing things out of vehicles, and vehicle theft). We are hearing daily of multiple vehicle thefts. Many of which, if recovered, are destroyed on the inside and have drug paraphernalia throughout. I have concerns about what will happen if I come out of either my home or a business and my vehicle isn't there. What would I do? Referencing drugs, I am concerned about taking my children to public areas or even walking along the sidewalks because of drug needles that have been found. I can't police the entire area before they play, and I worry they may come across it before I am able to make sure the area is safe. I also worry about those that are using the drugs and coming across them in the community.

I know that one of the reasons that SB91 was implemented was to supposedly help out the financial situation of the criminal justice department. If, in fact, that has happened, it has happened at the sacrifice of the citizens feeling safe, the financial detriment of those who have been the victims of nefarious activity (thefts, burglary, shoplifting, auto theft, drugs, etc.), and allowing those that know about the flaws in SB91 to feel that they have the 'run of the place' because all they get, at most, is a slap on the wrist and are right back out doing the same things again.

Please continue to work on repealing SB91! All of Alaska would benefit from a complete repeal, in my opinion.

I also urge our legislators to please work on our budget and make CUTS! We cannot sustain where we have been, let alone increase our budget. Don't take the PFD and don't tax us before you are willing to tighten the belts in Juneau. That's what we are having to continue to do in our personal lives and that's what we expect you all to do down there. If you don't limit spending, you are going to have too many Alaskans looking for ways to leave Alaska because we just can't make a realistic living here with all the money that is going to the State instead of in our own personal pockets. Please think of us and what we need to live day to day.

Sincerely,  
Jennifer Bundy of Eagle River, AK

## **Rep. Lora Reinbold**

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**From:** Dana Smith <spenardgirl@yahoo.com>  
**Sent:** Saturday, March 10, 2018 9:22 PM  
**To:** Rep. Lora Reinbold  
**Subject:** Repeal SB91!

Please help our fine officers do the all important jobs of helping to keep criminals off of our streets!  
I am so disappointed in our legislators for allowing this revolving door to keep rotating for so long.  
I want to feel safe for myself and my family in my neighborhood again!

Dana Smith  
17826 Chilkat Ct  
Eagle River  
907- 351-1411

Sent from my iPhone

**Rep. Lora Reinbold**

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**From:** Bernie McClure <bernie4homesak@gmail.com>  
**Sent:** Saturday, March 10, 2018 4:39 PM  
**To:** Rep. Lora Reinbold  
**Subject:** SB 91

It would be to the benefit of the voters that put "elected politicians" in office to repeal SB 91 immediately.

There is no question a mistake was made by allowing this law to be voted in. Now take it out.

Represent the people who put you in office with the proper protection deserved by all. SB 91 has created a free for all for criminals.

Respectfully submitted,

***Bernie McClure***

REALTOR®

RE/MAX of Eagle River, Inc.

11525 Old Glenn Hwy.

Eagle River, AK 99577

907.854.4147 Phone

[bernie4homesak@gmail.com](mailto:bernie4homesak@gmail.com)





32° (weather)

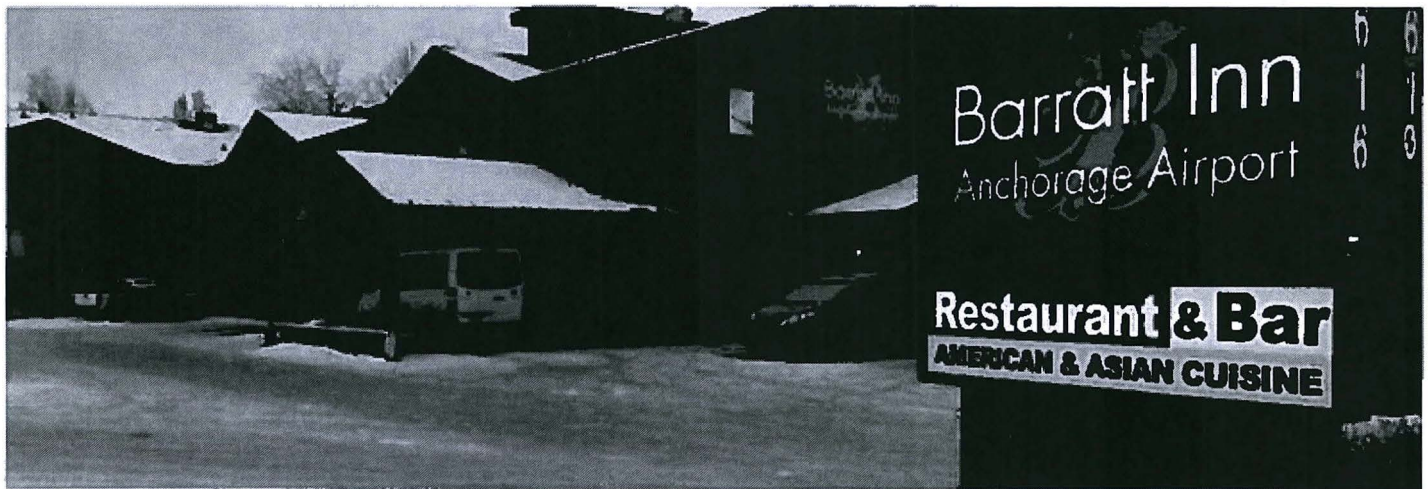
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## NEWS

## 2 arrested in million-dollar Anchorage drug bust

Thursday, January 18th 2018, 10:44 am AKST by Chris Klint

Updated: Thursday, January 18th 2018, 6:10 pm AKST



Federal authorities say two people taken into custody at an Anchorage hotel are charged with trying to bring a seven-figure sum of heroin and methamphetamine into Alaska.

Wilton Eugene Toney, 62, and Denita Ann Love, 58, have been indicted on a drug conspiracy charge, according to a statement from U.S. Attorney Bryan Schroder's office. The two were arrested Saturday at the Barratt Inn Anchorage Airport on Spenard Road.

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The case began Friday, with the seizure of two packages at an Anchorage shipping facility. Upon examination under a search warrant, the packages contained roughly 13 pounds of meth and three pounds of heroin.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA  
Plaintiff

) Case No. 3:18-mj-00013-DMS

VS.

)

WILTON EUGENE TONEY and  
DENITA ANN LOVI  
SOLITAIRE

) **FILED UNDER SEAL**

)

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Alaska State Troopers and Drug Enforcement Administration agents conducted a "controlled delivery" of the parcels Saturday to the Barratt Inn's lobby. After Toney was seen taking them to his room, a raid of the room found that he and Love were its only occupants.

"A search warrant executed on the hotel room resulted in the seizure of additional amounts of methamphetamine and heroin, digital scales, and three firearms," federal officials wrote. "The Alaska State Troopers estimate the approximate combined street value of the seized drugs is \$1.2 million."

Chloe Martin, a spokeswoman for Schroder's office, said the charging documents against Toney and Love remained sealed Thursday afternoon. Both defendants made initial court appearances Wednesday.

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16 pounds of meth smuggled to Alaska in stuffed animals  
(<http://www.ktva.com/story/36799617/16-lbs-of-meth-smuggled-to-alaska-in-stuffed-animals>)

Alaska-bound drug package leads to \$1M bust (<http://www.ktva.com/story/36683260/alaska-bound-drug-package-leads-to-1m-bust>)

'Superman' sentenced in meth-for-mail ring (<http://www.ktva.com/story/36040941/superman-sentenced-for-meth-for-mail-ring>)

## APD finds a "theft ring" in Eagle River, discovers numerous stolen vehicles



By Rebecca Palsha / KTUU | Posted: Fri 2:29 PM, Oct 06, 2017

**EAGLE RIVER, Alaska (KTUU)** - Anchorage police arrest an Eagle River "theft ring" last Tuesday, after neighbors place numerous phone calls about suspicious activity.

When officers arrived to the rental property, located on the 19900-block of Stonehill Drive, APD spokesperson MJ Thim says they found a white 2009 GMC truck, with no license plates, pulling a large, white trailer, also with no license plates. As a result, APD performed a traffic stop on the truck. Thim says that while officers were talking with the truck driver, a motorcyclist pulled up. After running background checks, Thim says police realized both the truck and motorcycle were reportedly stolen vehicles.

According to Thim, the man operating the motorcycle was 34 year-old Navy Tauinaola, and the driver of the truck was 29 year-old Stevenson Alo. Moreover, both men were arrested and face charges of vehicle theft in the first-degree.

"This was a huge find for us," said APD spokesperson MJ Thim. "We really thank the neighbors for calling us and letting us know. This really is the tip of the iceberg."

Thim says neighbors complained to APD numerous times about the suspicious activity around the rental property, which included weird noises and cars driving down the dead-end road at all hours of the night.

One neighbor, who does not want to be identified, told Channel 2 that he, alone, called police over eight times to report problems at the house.

"This latest was a chop shop," the neighbor said. "So we see cars coming back and fourth, banging late at night – just a lot of strangeness."

Thim says police found "many" stolen items inside the house, including trucks, cars, electronics and purses. ⓧ

"These suspects were using these items as currency for drugs," Thim said. "So whether they were trading it in to feed their drug habit, or they were using it for other means, this was a property where they stored many, many, stolen items, as a stash house. You can describe it how you want, but this was a big find for us, and a big thanks to the public."

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