

SB

55

<TARGET><BILL>SB 55</BILL><SUBJECT>SB
55</SUBJECT><COMM>SJUD30</COMM></TARGET>



ALASKA STATE LEGISLATURE

SENATE JUDICIARY COMMITTEE

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SENATE BILL 55

SPONSOR STATEMENT

Omnibus Crime/Corrections
Version D

Senate Bill 55 makes technical revisions to the criminal justice reform package passed by the legislature in 2016, pursuant to recommendations made by the Alaska Criminal Justice Commission. Technical revisions are necessary to provide clarity and improve implementation.



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SENATE BILL 55

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Version D

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SECTIONAL SUMMARY

Omnibus Crime/Corrections

Section 1

AS 11.46.280(d) – Issuing a bad check.

Removes inadvertent inflation-adjustment of \$25,000.

Section 2

AS 11.46.285(b) – Fraudulent use of an access device.

Removes inadvertent inflation-adjustment of \$25,000.

Section 3

AS 11.46.730(c) – Defrauding creditors.

Removes inadvertent inflation-adjustment of \$25,000.

Section 4

AS 11.71.050(a) – Misconduct involving controlled substances in the fourth degree

Eliminates penalty overlap for possession of less than an ounce of a VIA controlled substance.

Section 5

AS 12.55.011(b) – Victim and community involvement in sentencing.

Clarifies that the court shall only provide the form to the victim if practicable.

Section 6

AS 12.55.015(a) – Authorized sentences; forfeiture.

Provides explicit authority to the court to suspend an entry of judgement.

Section 7

AS 12.55.078(d) – Suspended entry of judgement.

Clarifies when the court shall discharge and dismiss proceedings in a suspended entry of judgement.

Section 8

AS 12.55.078(f) – Suspended entry of judgement.

Clarifies that the crimes for which SEJ may not be used are the crimes currently charged, not prior convictions.

Section 9

AS 12.55.090(c) – Granting of probation

Clarifies that the maximum probation term for a felony sex offense is 15 years, while all other unclassified felonies have a maximum probation term of 10 years.

Section 10

AS 28.15.165(e) – Administrative revocations and disqualifications resulting from chemical sobriety tests and refusals to submit to tests.

Clarifies that the dismissal of all charges, regardless of prejudice, serves to meet the requirement of this section.

Section 11

AS 44.19.645(g) – Powers and duties of the commission

Requires the Department of Corrections to report certain data to the Alaska Criminal Justice Commission regarding earned compliance credits for parolees.

Section 12

AS 47.37.040 – Duties of the department.

Authorizes the ASAP program to accept referrals from the court for minor consuming/possession.

Section 13

AS 33.16.120(h) – Rights of certain victims in connection with parole.

Resolves a drafting error that requires the Department of Corrections to provide notifications for hearings that will not occur.

Section 14

Uncodified law - applicability

This section contains applicability provisions.

Section 15

Uncodified law - applicability

This section contains applicability provisions clarifying that no decisions made by the Board of Parole prior to January 1, 2017 that extended the period of supervision beyond the maximum release date are to be construed as invalidated by the passage of SB 91 (2016).

There is further clarification that the earned compliance credit for parolees does not apply to time served prior to January 1, 2017.

Section 16

Uncodified law - effective date

This bill takes effect immediately.

RECOMMENDATIONS TO THE ALASKA STATE LEGISLATURE BY THE ALASKA CRIMINAL JUSTICE COMMISSION

**Recommendations 1-14 2017, Approved January 19 and January 27, 2017.
Submitted to the Legislature on January 30, 2017.**

The following recommendations from the Alaska Criminal Justice Commission are the result of discussions at the Commission's plenary meetings on January 19 and 27, 2017. At these meetings, the Commission solicited and considered information and views from a variety of constituencies to represent the broad spectrum of views that exist with respect to possible approaches to sentencing and administration of justice in the state.

When the Commission was created in 2014, the Legislature directed the Commission to make recommendations based on, among other things:

- The need to rehabilitate the offender;
- The sufficiency of state resources to administer the criminal justice system;
- The effect of state laws and practices on the rate of recidivism; and
- Peer-reviewed and data-driven research.¹

Since the Commission began operation, it agreed to forward only recommendations that were backed by data and were evidence-based. In 2015, the legislature further directed the Commission to forward recommendations that would either (1) avert all future prison growth, (2) avert all future prison growth and reduce the current prison population by 15%, or (3) avert all future prison growth and reduce the current prison population by 25%.

As part of SB91, the Legislature tasked the Commission with monitoring the efficacy of the reforms using data collected from certain state agencies. Because SB 91 was enacted in July of 2016, and parts of the bill will not go into effect until January 2018, the Commission does not yet have enough data to assess whether SB 91 is achieving its intended outcomes. Thus, the recommendations below are not based on data-driven research and they are not based on the data that the Legislature instructed the Commission to collect and analyze. Moreover, they are not expected to reduce the prison population, reduce recidivism, or reduce the criminal justice system's usage of state resources.

Rather, the recommendations below are based on feedback from members of law enforcement, prosecutors, and the public. This feedback reflected other factors the Commission has been directed to consider in making recommendations, including:

- The need to confine offenders to prevent harm to the public;
- The effect of sentencing in deterring offenders; and
- The need to express community condemnation of crime.²

¹ See AS 44.19.646. This statute was enacted in 2014 as part of SB 64.

² *Id.*

The Commission recognizes that the factors it has been instructed to consider in formulating its recommendations often work in tension. Not all of the recommendations below received unanimous support from the Commission. If a recommendation did not receive unanimous support from the Commission, the recommendation includes an explanation of the concerns of the Commissioners who did not support that recommendation.

Recommendation 1-2017: Return VCOR to Misdemeanor Status

In 2015, the Commission recommended that the crime of Violation of Conditions of Release (VCOR) be downgraded to a non-criminal violation, punishable by a fine. This recommendation was enacted in SB 91.³ Implementation of this provision did not immediately occur as the Commission intended. The Commission's recommendation was that those who violate conditions of their release would be arrested and held in jail until the judge in their underlying case could review bail. While SB 91 included an arrest provision so that defendants who violated conditions of their release could be arrested,⁴ some of those arrested were not being held in jail—they were being released as soon as they were brought to jail.

The Alaska Court System has now altered its bail forms to order defendants held in jail if they violate the conditions of their release; however, the Commission has heard anecdotal reports that this solution is not working universally. The Commission therefore recommends that the legislature enact a statute that would return VCOR to a crime. Specifically, **the Commission recommends that Violation of Conditions of Release become a Class B Misdemeanor, punishable by up to 5 days in jail.**

This recommendation did not receive unanimous approval from the Commission. Those who were in favor of this recommendation noted that this will ensure that offenders will be held in jail until they get to a bail hearing in front of the judge in their underlying case. That judge will then be familiar with the case and will be able to re-set bail.

Those who opposed this recommendation voiced concern that it was an unnecessary criminalization of conduct to solve an administrative issue, that it would simply stack crimes for defendants and increase unnecessary use of costly jail beds, and that the solution from the Alaska Court System (the change to the bail form) should be given time to work. There was also a concern from victims that if VCOR were to become a separate crime once again, it may encourage the practice of allowing defendants to plead to VCOR in exchange for dismissal of the underlying charge. The Commission does not condone this practice and may revisit this topic if it finds that this practice is occurring.

Recommendation 2-2017: Increase penalties for repeat Theft 4 offenders.

Theft in the fourth degree (Theft 4) penalizes simple theft (theft that does not involve burglary or violence) of items or services valued at \$250 or less. Theft 4 is a Class B misdemeanor, and SB 91 limited the penalties for this offense: for a defendant's first and second convictions of this offense, no jail time may be imposed (though fines and restitution may be imposed). For a defendant's third or subsequent

³ 2016 SLA Ch. 36 ("SB 91") §§ 29-30.

⁴ SB 91 § 51.

conviction of this offense, the maximum terms is 5 days suspended with 6 months of probation.⁵ The Commission's original recommendation to limit jail time for this offense was based on information from the Department of Corrections showing that these low-level offenders stole mostly toiletries and alcohol, and they accounted for a significant number of prison beds in a year.⁶

The Commission has received a good deal of feedback about this provision of SB 91. Business owners, law enforcement officers, and prosecutors feel this provision has emboldened some offenders to commit more lower-value theft crimes. They believe some prospect of jail time provides deterrence and reflects community condemnation. **The Commission therefore recommends that for third-time Theft 4 offenders, this offense should be punishable by up to 10 days in jail.** (This third-time offense would remain a Class B Misdemeanor).

This recommendation did not receive unanimous approval from the Commission. Those who voted against the recommendation believed it did not go far enough and would have preferred a recommendation to re-enact a statute (which was repealed by SB 91⁷) that made an offender's third Theft 4 within five years a Class A misdemeanor rather than a Class B misdemeanor.

The Commissioners voting in favor of this provision thought it would be a way to address the community's concerns regarding theft crime. The Commission did not have any data that this recommendation would prevent these types of theft. Studies of Alaskan offenders sentenced prior to SB91 show that misdemeanor property offenders such as these have historically recidivated at very high rates. There is no evidence to support the notion that rates of petty theft are related to prison sentences. Rates of property crime in Alaska have been rising for the past two to three years—a trend that began before SB 91 was introduced in the Legislature.⁸

While debating this recommendation, some Commissioners noted that for offenders struggling with homelessness and behavioral health disorders, jail is not a deterrent, but rather a housing option: some offenders will commit crimes to be assured a warm place to sleep at night, particularly during the winter. It was also noted that some offenders who are addicts commit low-level thefts to obtain resources to pay for their drug of choice.

All Commissioners agreed that further solutions are needed to address the problem of persistent low-level offending, including more options to treat mental illness, addiction, and chronic homelessness. Robust and comprehensive solutions are needed to get at the root causes of theft crime.

⁵ SB 91 § 93. When a sentence is suspended, it means that the offender will not serve the term "up front"; the offender will be placed on probation and will serve this time only if the offender commits a major violation of the conditions of probation or commits a new crime.

⁶ In 2014, 324 offenders were admitted to prison for Theft 4, and these offenders spent an average of 23 days behind bars after being convicted.

⁷ SB 91 § 179. (Referring to former AS 11.46.140(a)(3).)

⁸ The 30-year trend lines for Part I property crimes in Alaska and in Anchorage are downward; however, the shorter-term trend for these property crimes - between 2011 and 2015 - is upward in Anchorage, and upward to a lesser degree statewide.

Recommendation 3-2017: Allow municipalities to set different non-incarceration punishments for non-criminal offenses that have state equivalents.

In order to ensure that state statutes and municipal code provisions were not working at cross purposes, SB 91 limited the amount of jail time a municipality could impose for a municipal offense that has a state equivalent to the amount of jail time called for in state statute.⁹ In other words, state and municipal crimes that are equivalent must have equivalent punishments.

The provision as currently enacted, however, has been interpreted to apply not just to prison terms but to all forms of punishment, including fines for non-criminal offenses such as speeding. Municipalities have expressed concern that fines for equivalent state offenses are much lower than fines for municipal offenses, and this has been a significant change for the municipalities. **The Commission therefore recommends that the “binding provision” of SB 91 be amended so that it does not apply to non-criminal offenses found in municipal codes and regulations.** This recommendation passed unanimously.

Recommendation 4-2017: Revise the sex trafficking statute.

The provisions of SB 91 that altered the sex trafficking statutes were not based on any recommendation from the Commission. The legislative history suggests these provisions were intended to ensure that sex workers simply working together—not exploiting one another—could not be prosecuted for trafficking each other or trafficking themselves.¹⁰ However, as passed, the provisions could be read so that a person who might otherwise be found guilty of sex trafficking (i.e., someone receiving money for the sex work performed by others) could avoid prosecution if that person engaged in sex work personally (i.e., they also received money for sex work performed themselves.) **The Commission therefore recommends repealing sections 39 and 40 of SB 91 and amending existing statutes as follows:**

- **AS 11.66.130(a):** After “a person” insert “receiving compensation for prostitution services rendered by another”
- **AS 11.66.130(a)(3):** Delete “as other than a prostitute receiving compensation for personally rendered prostitution services,”
- **AS 11.66.135(a):** After “a person” insert “receiving compensation for prostitution services rendered by another”

The Commission also recommends that the Legislature define the term “compensation” as used in these statutes. “Compensation” should be defined so that it applies only to compensation for services performed and does not include things like shared rent, shared gas money, or shared hotel fees in instances where sex workers are working together to split costs.

⁹ SB 91 §113.

¹⁰ SB 91 §§ 39 and 40.

Recommendation 5-2017: Enact a 0-90 day presumptive sentencing range for first-time Class C Felonies.

SB 91 provides that Class C Felonies are punishable by a suspended term of 0-18 months for first-felony offenders.¹¹ This means that a first-time felony offender convicted of a Class C Felony is presumed to receive a probationary sentence that would include some amount of suspended time. A person receiving a probationary sentence with suspended time does not spend any time in jail up front, but is subject to jail time if they violate conditions of probation.

The purpose of this provision was to provide community supervision for first-time offenders to (1) allow the offender to maintain pro-social ties to the community and (2) ensure that the offender would comply with conditions of probation such as remaining sober, not committing new crimes, and paying fines and restitution to victims. If the offender did not succeed with these conditions, that offender could be made to serve part or all of the suspended time in jail.

The Commission heard numerous concerns about this provision in particular. Prosecutors felt that some violent Class C Felonies warranted jail time for a first-time offense, and were concerned that there was not enough of an incentive to encourage these offenders to get into treatment. Members of law enforcement were frustrated that this provision was overbroad and did not provide for an offender's immediate incarceration if the offender posed a danger to the community. Members of the community were offended by this provision and felt that it did not express community condemnation strongly enough.

Prosecutors and law enforcement preferred a provision that would allow a judge discretion in sentencing and would provide for immediate incarceration if necessary. They thought that while there were some cases where a probationary term was warranted for a first-time offender, the judge should be able to impose jail time in some instances, particularly cases involving violence.

The Commission therefore recommends that Class C Felonies carry a presumptive jail term of 0-90 days for first-felony offenders. The Commission also recommends retaining the provision allowing up to 18 months of suspended time.

This recommendation did not pass unanimously, and was the subject of considerable debate among the Commissioners. Those who voted against it would have preferred a much stronger provision; another proposal was to expand the sentencing range to 0-18 months for all class C felonies. The Attorney General was willing to compromise at 0-12 months for violent offenders and to 0-6 months for non-violent offenders.

This Commissioners debated the amount of time that might incentivize an offender to get treatment—some Commissioners thought that first-time felony offenders would not need long treatment programs (in the range of 60-90 days) while other Commissioners thought that some first-felony offenders would need longer treatment programs and a greater incentive to complete that treatment.

¹¹ SB 91 § 90. A second-time felony offender would receive a sentence of 1-3 years to serve if convicted of a Class C. A third-time (and subsequent) felony offender would receive a sentence of 2-5 years to serve if convicted of a Class C.

Commissioners in favor of this recommendation noted that this sentence could be enhanced (up to 5 years) if the judge or jury found certain aggravating factors.

Commissioners in favor of a shorter presumptive term were concerned that a longer term would constitute a more significant reversal of the intent behind SB 91, which was to supervise first time offenders in the community to encourage their rehabilitation and reduce the recidivism rate. The Commission relied on research showing that for first-time offenders, time in prison can actually make the offender more likely to recidivate after leaving prison. The Commission did not have any data or empirical evidence to show that a term of 0-90 days would reduce recidivism; this recommendation will almost certainly increase the prison population. However, Commissioners noted the strong public outcry around this provision and wanted to meet the community's standards for condemnation of crime.

Recommendation 6-2017: Enact an aggravator for Class A Misdemeanors for defendants who have a prior conviction for similar conduct.

SB 91 enacted a presumptive sentence range of 0-30 days for most Class A Misdemeanors.¹² This sentence can be increased up to 1 year (the previous limit) in some cases: for certain violent offenses and sex offenses, for cases where the conduct was among the most serious conduct included in the definition of the offense, and for cases where the defendant has two or more criminal convictions for similar conduct.

Prosecutors voiced concern over the provision allowing for a longer sentence for defendants who have past convictions for similar conduct, because it requires proof of at least *two* prior convictions. This proved to be a particular problem for second-time DUI (and Refusal) offenders. The minimum jail term for a second-time DUI/Refusal offender is 20 days; with a maximum of 30 days for a Class A Misdemeanor, that leaves only 10 days to suspend as a method of enforcing conditions of probation.

The Department of Law and the Department of Public Safety believe that judges should have the option for an increased penalty for defendants who have *one* prior conviction for similar conduct. This would allow a judge to impose more suspended time for second-time offenders and provide a greater incentive for defendants to get into treatment.

The Commission therefore recommends enacting an additional aggravating factor for Class A Misdemeanors for defendants who have one prior conviction for similar conduct. This aggravating factor would allow a judge to impose a sentence of up to **60 days**. This recommendation passed unanimously.

Recommendation 7-2017: Clarify that ASAP is available for Minor Consuming Alcohol.

The Alcohol Safety Action Program provides monitoring for misdemeanor DUI and Refusal cases to ensure that defendants are going to court-ordered treatment. In 2015 the Commission found that the ASAP program was overextended, and recommended that the program either be more robustly funded or be restricted only to DUI and Refusal offenders (rather than all offenders with alcohol-related

¹² SB 91 § 91.

convictions, as was the case). Accordingly, SB 91 limits ASAP to offenders who have been convicted of DUI and Refusal offenses.¹³

SB 165, also passed in 2016, made Minor Consuming Alcohol a violation (rather than a criminal offense). It also provided that the fine for this violation may be reduced if the defendant goes through ASAP. It therefore contemplates that ASAP will be available for these non-DUI offenders. This provision is in conflict with the above-referenced provisions in SB 91. **The Commission therefore recommends that ASAP be available for people cited for Minor Consuming Alcohol.**

Recommendation 8-2017: Enact a provision requiring mandatory probation for sex offenders.

In an apparent oversight, SB 91 eliminated the statutory provision requiring sex offenders to serve a period of probation. **The Commission therefore recommends that the Legislature enact a provision requiring sex offenders to serve a period of probation as part of their sentence.**

Recommendation 9-2017: Clarify the length of probation allowed for Theft 4.

SB 91 provides that an offender's third Theft 4 conviction be punishable by up to 5 days of suspended jail time and 6 months of probation.¹⁴ The law is silent, however on the allowable probationary term for a first or second Theft 4 conviction. (Theft 4 is a Class B Misdemeanor; misdemeanors generally carry a maximum probation term of 1 year.¹⁵) **The Commission therefore recommends that the Legislature clarify the allowable probationary period for first and second Theft 4 convictions.** The Commission believes that a probationary term is appropriate for these offenses.

Recommendation 10-2017: Require victim notification only if practical.

SB 91 requires the court, at the time of sentencing, to provide the victim with information on where to find information about the defendant's sentence or release, and the potential for a defendant's release.¹⁶ However, not all victims want to participate in sentencing, and the court will not always have current contact information for victims. Even if the victim has an address on file with the court, the victim may not want to automatically be sent information which would remind the victim of the crime. **The Commission therefore recommends that AS 12.55.011 be amended as follows:**

"(b) At the time of sentencing, the court shall, if practical, provide the victim with a form..."

Recommendation 11-2017: Felony DUI sentencing provisions should be in one statute.

Section 90 of SB 91 amends the provision in Title 12 that sets the presumptive sentencing ranges for Class C felonies. This section of SB 91 also includes sentencing ranges for Felony DUI and Refusal. In Title 28, where the statutes creating the offenses of Felony DUI and Refusal are found, those offenses are

¹³ SB 91 §§ 170-173.

¹⁴ SB 91 § 93.

¹⁵ SB 91 § 79.

¹⁶ SB 91 § 65.

given a mandatory minimum, not a presumptive range. Essentially there are two punishment provisions for the same offenses in two different statutes, which creates confusion. **The Commission therefore recommends that the Legislature place the penalty provision for Felony DUI and Refusal sentences in one statute only.**

Recommendation 12-2017: Clarify who will be assessed by Pre-Trial Services.

Section 117 of SB 91 states: “The commissioner shall establish and administer a pretrial services program that provides a pretrial risk assessment for *all* defendants, recommendations to the court concerning pretrial release decisions, and supervision of defendants released while awaiting trial as ordered by the court”(emphasis added).

The bill therefore contemplates that “all” defendants should be assessed. However, the purpose of the Pretrial Assessment Tool is to assist judges and pretrial services officers with the decision to release a defendant before trial. Not all defendants will be in custody pretrial; some will be issued citations and a summons to appear before the court. Typically these defendants will be low risk (because the officer who issued them the citation likely believed the person to be low risk, and did not arrest the person). **The Commission therefore recommends that AS 33.05.080 be amended as follows:**

“The commissioner shall establish and administer a pretrial services program that provides a pretrial risk assessment for all defendants brought into custody or at the request of a prosecutor at the next hearing or arraignment. [,] The pretrial services program shall make recommendations to the court concerning pretrial release decisions, and provide supervision of defendants released while awaiting trial as ordered by the court.”

Recommendation 13-2017: Fix a drafting error regarding victim notification.

SB 91 currently contains the following provisions:

- Section 122: **33.16.089. Eligibility for administrative parole:** “A prisoner convicted of a misdemeanor or a class B or C felony that is not a sex offense as defined in AS12.63.100 or an offense under AS 11.41.”
- Section 132: **33.16.120(h)** “A victim who has a right to notice under (a) of this section may request a hearing before a prisoner is released on administrative parole under 33.16.089.”
- Section (a) of AS 33.16.120 provides that a victim of a crime against a person (found in 11.41) or a victims of Arson in the first degree (a Class A felony) has a right to request notice of a hearing for *discretionary* parole.

Therefore, prisoners convicted of a Class A felony or a crime against a person (found in 11.41) will *not* be eligible for administrative parole. Section 132 of SB 91, however, provides for a victim’s right to request a notice of a hearing for administrative parole in these cases—i.e. to request notice of a hearing that will never happen because this class of offender is not eligible for administrative parole. **The Commission therefore recommends that section 132 be repealed.**

Recommendation 14-2017: Enact the following technical corrections to SB 91.

The Commission considers the following recommendations purely technical; they are designed to fix drafting or oversight errors.

- For the crimes of issuing a bad check, fraudulent use of an access device, and defrauding creditors, SB 91 pegged the threshold amount for a B-level felony (\$25,000) to inflation.¹⁷ **The Commission recommends removing this inflation adjustment for the B-felony amounts.** This change would mean that the B-level amount would remain at \$25,000 absent further legislative action.
- SB 91 changed driving on a suspended license to an infraction in most cases. However, driving without a valid license (arguably, less serious conduct than driving on a suspended license) continues to be a misdemeanor. **The Commission recommends that the crime of driving without a valid license also be reduced to an infraction** to be consistent with the changes made for driving with a suspended/revoked license.
- SB 91 Section 47; page 25; line 13: **The Commission recommends deleting the reference to “(B)” in “11.71.060(a)(2)(B).”** This change limits charging MICS 4 for possession of a compound containing a schedule VIA drug (similar to marijuana) to an ounce or more.
- **The Commission recommends enacting the following changes regarding Suspended Entry of Judgment (SEJ),** which will clarify that the crimes for which SEJ may not be used are the current crimes charged, and will add SEJ to the list of authorized sentences.
 - SB 91 Sec. 77; page 44; line 19: Delete “is convicted of” and insert “is charged with”
 - SB 91 Sec. 77; page 44; line 23: Delete “is convicted” and insert “is charged”
 - SB 91 Sec. 77; page 44; line 29: Delete “is convicted of” and insert “is charged with”
 - SB 91 Sec. 77; page 45; line 8: Delete “has been convicted of” and insert “is charged with”
 - SB 91 Sec. 77; page 45; line 11: Delete second “of” and after “original probation,” and insert “was imposed,”
 - AS 12.55.015(a)(8): Insert “suspend entry of judgement under AS 12.55.078;”
- Sending an explicit image of a minor to another person (a B misdemeanor AS 11.61.116(c)(1)) has an enhanced penalty under SB 91 of up to 90 days.¹⁸ However, posting an explicit image of a minor to a publically available website is limited to 30 days (an A misdemeanor pursuant to AS 11.61.116(c)(2)). **The Commission therefore recommends adding AS 11.61.116(c)(2) to AS 12.55.135(a)(1)(F) to align penalties for posting and sending explicit images of a minor.**
- **The Commission recommends adding the following language to SB 91 Sec. 79; page 45; line 17:** After “AS 11” insert “not listed in (1) of this subsection;”. This will clarify that the maximum probation term for felony sex offenses is 15 years, while all other unclassified felonies have a maximum probation term of 10 years.

¹⁷ SB91 §§ 12, 13, 23.

¹⁸ SB 91 § 91.

- **The Commission recommends adding the following language to Sec. 164; page 105; line 7:** After “AS 33.05.020(h)” insert “or 33.16.270”. SB 91 requires DOC to provide the Commission with data on earned compliance credits for probationers; this change would extend that requirement to parolees as well.
- **The Commission recommends amending sections 148 and 151 of SB 91 for clarity as to their applicability.** Section 185 of SB 91 states that sections 148 and 151 apply to parole granted before, on, or after the effective date of those sections. Section 190 states that the effective date of sections 148 and 151 is January 1, 2017.
 - Section 148 adds a new tolling provision for parolees who abscond. It also provides that the board may not extend the period of supervision beyond the maximum release date calculated by the department on the parolee’s original sentence. It therefore creates a different scheme for calculating an offender’s parole, and it would be difficult to apply this section to parole calculated under the previous scheme.
 - The Department of Corrections would like this language added to section 148: “The provisions of this section shall not be construed as invalidating any decision of the Board, issued prior to 1/1/17, which extended the period of supervision beyond the maximum release date on the original sentence.”
 - The Department also would like similar language added to section 151, which provides for earned compliance credits for parolees. This also requires a new time accounting system that would not apply to parole calculated under the previous scheme.



ALASKA STATE LEGISLATURE

SENATE JUDICIARY COMMITTEE

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SENATE BILL 55

SUMMARY OF CHANGES

Version D to Version N

Omnibus Crime/Corrections

Section 4

AS 11.71.050(a) – Misconduct involving a controlled substance in the fourth degree.

Excludes two additional forms of felony possession of a controlled substance from misconduct involving a controlled substance in the fourth degree to conform to MICS 2 and 3.

Section 7

AS 12.55.045(l) – Restitution and compensation.

Ensures that a restitution order is not discharged and remains enforceable when a proceeding is dismissed under a Suspended Entry of Judgment.

Section 8

AS 12.55.078(a) – Suspending entry of judgment.

Clarifies that imprisonment may not be imposed in a Suspended Entry of Judgment.

Section 9

AS 12.55.078(d) – Suspending entry of judgment.

Clarifies that a person who has successfully completed probation and the requirements of a Suspended Entry of Judgment is not convicted of a crime.

Section 12

AS 18.65.865(b) – Service of process; forms for petitions and orders; fees; warnings; notification; and pending civil or criminal actions.

Updates the maximum fine amount that may be imposed under this section to conform with an increase in the maximum fine for a class A misdemeanor.

Section 13

AS 18.66.130(d) – Specific protective orders.

Updates the maximum fine amount that may be imposed under this section to conform with an increase in the maximum fine for a class A misdemeanor.

Section 16

AS 47.37.040 – Duties of department.

Includes the offense of Access of Persons Under the Age of 21 to Licensed Premises to the list of offenses that may be referred to and accepted by the Alcohol Safety Action Program.

Section 17

Repealed statutes

Deletes an inadvertently repealed statute.

CS FOR SENATE BILL NO. 55(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

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

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

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

9 (d) Issuing a bad check is

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

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

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

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

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

6 (b) Fraudulent use of an access device is

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

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

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

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

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

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

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

24 * **Sec. 4.** AS 11.71.050(a) is amended to read:

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

27 (1) 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 less than one ounce containing a schedule VIA controlled
30 substance;

31 (2) [REPEALED]

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

3 (4) under circumstances not proscribed under AS 11.71.030(a)(3),
4 11.71.040(a)(3), 11.71.040(a)(4), [AS 11.71.040(a)(3)] or 11.71.060(a)(2)
5 [11.71.060(a)(2)(B)], possesses any amount of a schedule IA, IIA, IIIA, IVA, VA, or
6 VIA controlled substance.

7 * **Sec. 5.** AS 12.55.011(b) is amended to read:

8 (b) At the time of sentencing, the court shall, if practicable, provide the
9 victim with a form that

10 (1) provides information on

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

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

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

18 * **Sec. 6.** AS 12.55.015(a) is amended to read:

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

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

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

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

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

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

30 (6) order the defendant to carry out a continuous or periodic program
31 of community work under AS 12.55.055;

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

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

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

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

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

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

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

22 * **Sec. 7.** AS 12.55.045(*l*) is amended to read:

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

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

6 * **Sec. 8.** AS 12.55.078(a) is amended to read:

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

13 * **Sec. 9.** AS 12.55.078(d) is amended to read:

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

19 * **Sec. 10.** AS 12.55.078(f) is amended to read:

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

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

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

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

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

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

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

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

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

13 * **Sec. 11.** AS 12.55.090(c) is amended to read:

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

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

16 (2) 10 years for an unclassified felony under AS 11 **not listed in (1) of**
17 **this subsection;**

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

20 (4) three years for a misdemeanor offense

21 (A) under AS 11.41;

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

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

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

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

30 * **Sec. 12.** AS 18.65.865(b) is amended to read:

31 (b) The Alaska Court System shall prepare forms for petitions and protective

1 orders and instructions for their use by a person seeking a protective order under
2 AS 18.65.850 - 18.65.860. The forms must conform to the Alaska Rules of Civil
3 Procedure, except that information on the forms may be filled in by legible
4 handwriting. Filing fees may not be charged in any action seeking only the relief
5 provided in AS 18.65.850 - 18.65.870. Each protective order form must contain the
6 following warning in boldface type: "Violation of this order may be a misdemeanor,
7 punishable by up to one year of incarceration and a fine of up to \$25,000 [\$10,000]."

8 * **Sec. 13.** AS 18.66.130(d) is amended to read:

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

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

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

18 * **Sec. 14.** AS 28.15.165(e) is amended to read:

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

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

30 (2) all criminal charges against the person for driving while under the
31 influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit

1 to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to
2 the incident on which the revocation is based have been dismissed [WITHOUT
3 PREJUDICE].

4 * **Sec. 15.** AS 44.19.645(g) is amended to read:

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

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

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

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

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

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

1 convictions for a new felony offense, and any sentences to a term of imprisonment
2 while on parole;

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

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

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

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

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

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

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

29 (4) cooperate with the Department of Education and Early
30 Development, school boards, schools, police departments, courts, and other public and
31 private agencies, organizations, and individuals in establishing programs for the

1 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
2 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
3 materials for use at all levels of school education;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 * **Sec. 17.** AS 33.16.120(h) is repealed.

22 * **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

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

- 26 (1) AS 11.46.280(d), as amended by sec. 1 of this Act;
27 (2) AS 11.46.285(b), as amended by sec. 2 of this Act;
28 (3) AS 11.46.730(c), as amended by sec. 3 of this Act; and
29 (4) AS 11.71.050(a), as amended by sec. 4 of this Act.

30 (b) AS 12.55.078(a), as amended by sec. 8 of this Act, AS 12.55.078(d), as amended
31 by sec. 9 of this Act, and AS 12.55.078(f), as amended by sec. 10 of this Act, apply to

1 prosecutions occurring on or after the effective date of secs. 8 - 10 of this Act, for offenses
2 committed before, on, or after the effective date of secs. 8 - 10 of this Act.

3 (c) AS 12.55.090(c), as amended by sec. 11 of this Act, applies to probation ordered
4 on or after the effective date of sec. 11 of this Act for offenses committed before, on, or after
5 the effective date of sec. 11 of this Act.

6 (d) AS 28.15.165(e), as amended by sec. 14 of this Act, applies to a revocation of a
7 driver's license, privilege to drive, or privilege to obtain a license, or to an identification card
8 or driver's license issued to a parolee, occurring before, on, or after the effective date of sec.
9 14 of this Act for conduct occurring before, on, or after the effective date of sec. 14 of this
10 Act.

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

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

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

19 * **Sec. 20.** This Act takes effect immediately under AS 01.10.070(c).