

33-GH1482\T
C. Radford
5/10/24

SENATE CS FOR CS FOR HOUSE BILL NO. 66(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to homicide resulting from conduct involving controlled substances;**
2 **establishing the crime of assault in the presence of a child; relating to the crime of**
3 **stalking; changing the term 'child pornography' to 'child sexual abuse material';**
4 **relating to misconduct involving a controlled substance; relating to sentencing; relating**
5 **to competency to stand trial; relating to the duty to register as a sex offender; amending**
6 **the definition of 'sex offense'; relating to multidisciplinary child protection teams;**
7 **relating to involuntary civil commitments; relating to victims' rights during certain civil**
8 **commitment proceedings; amending Rule 6(s), Alaska Rules of Criminal Procedure;**
9 **and providing for an effective date."**

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

11 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
12 to read:

1 LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that, with the
 2 state's rates of sexual assault and sexual abuse being some of the highest in the United States,
 3 presenting evidence to a grand jury in state court should be similar to and not more difficult
 4 than presenting evidence to a grand jury in federal court in the state.

5 (b) The legislature further finds that the Rights of Crime Victims in art. I, sec. 24,
 6 Constitution of the State of Alaska, including the "right to be treated with dignity, respect, and
 7 fairness during all phases of the criminal and juvenile justice process," supports allowing the
 8 prosecution to present hearsay evidence to a grand jury, which is similar to the rules of federal
 9 court in which the hearsay rules do not apply to grand jury proceedings.

10 (c) The legislature further finds that Rule 6(s), Alaska Rules of Criminal Procedure,
 11 as amended by sec. 49 of this Act, is a response, in part, to the decision of the Alaska Court of
 12 Appeals in State v. Powell, 487 P.3d 609 (Alaska App. 2021).

13 * **Sec. 2.** AS 11.41.110 is amended to read:

14 **Sec. 11.41.110. Murder in the second degree.** (a) A person commits the
 15 crime of murder in the second degree if

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

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

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

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

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

(A) a felony violation of AS 11.41;

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

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

(6) the person knowingly manufactures or delivers a controlled substance in violation of AS 11.71.010 or 11.71.021, and another person dies as a direct result of ingestion of the controlled substance; the death is a result that does not require a culpable mental state.

(b) **Except as provided in (c) of this section, murder** [MURDER] in the second degree is an unclassified felony and is punishable as provided in AS 12.55.

* **Sec. 3.** AS 11.41.110 is amended by adding a new subsection to read:

(c) In a prosecution for murder in the second degree under (a)(6) of this section, it is an affirmative defense that reduces the crime to a class A felony that, at the time of the offense,

(1) the defendant sought, in good faith, medical or law enforcement assistance for the other person;

(2) the defendant remained at the scene with the other person until medical or law enforcement assistance arrived;

(3) the defendant cooperated with medical or law enforcement personnel, including by providing identification; and

(4) the offense involved small quantities of a controlled substance that were not delivered for a profit.

* **Sec. 4.** AS 11.41.120(a) is amended to read:

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(a) A person commits the crime of manslaughter if the person

(1) intentionally, knowingly, or recklessly causes the death of another person under circumstances not amounting to murder in the first or second degree;

(2) intentionally aids another person to commit suicide; or

(3) knowingly manufactures or delivers a controlled substance in violation of AS 11.71.030 [AS 11.71.010 - 11.71.030] or 11.71.040(a)(1) for schedule IVA controlled substances, and another [A] person dies as a direct result of ingestion of the controlled substance; the death is a result that does not require a culpable mental state [; IN THIS PARAGRAPH, "INGESTION" MEANS VOLUNTARILY OR INVOLUNTARILY TAKING A SUBSTANCE INTO THE BODY IN ANY MANNER].

* **Sec. 5.** AS 11.41.140 is amended to read:

Sec. 11.41.140. Definitions [DEFINITION]. In AS 11.41.100 - 11.41.140,

(1) "ingestion" means voluntarily or involuntarily taking a substance into the body in any manner;

(2) "person" means, when referring to the victim of a crime, [MEANS] a human being who has been born and was alive at the time of the criminal act; a [. A] person is "alive" if there is spontaneous respiratory or cardiac function or, when respiratory and cardiac functions are maintained by artificial means, there is spontaneous brain function.

* **Sec. 6.** AS 11.41 is amended by adding a new section to read:

Sec. 11.41.240. Assault in the presence of a child. (a) A person commits the crime of assault in the presence of a child if the person commits an assault under AS 11.41.200 - 11.41.230 and the assault is a crime involving domestic violence, as defined in AS 18.66.990, or commits a sexual assault under AS 11.41.410 - 11.41.427 with reckless disregard that, at the time of the assault, a child under 16 years of age is present in the dwelling, vehicle, or location where the assault occurs.

(b) In this section,

(1) "dwelling" does not include another unit in multi-unit housing;

(2) "present" means physically present or within hearing of the assault.

(c) Assault in the presence of a child is a class A misdemeanor.

1 * **Sec. 7.** AS 11.41.260(a) is amended to read:

2 (a) A person commits the crime of stalking in the first degree if the person
3 violates AS 11.41.270 and

4 (1) the actions constituting the offense are in violation of an order
5 issued or filed under AS 18.65.850 - 18.65.870 or AS 18.66.100 - 18.66.180 or issued
6 under former AS 25.35.010(b) or 25.35.020;

7 (2) the actions constituting the offense are in violation of a condition of
8 probation, release before trial, release after conviction, or parole;

9 (3) the victim is under 16 years of age;

10 (4) at any time during the course of conduct constituting the offense,
11 the defendant possessed a deadly weapon;

12 (5) the defendant has been previously convicted of a crime under this
13 section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another
14 jurisdiction with elements similar to a crime under this section, AS 11.41.270, or
15 AS 11.56.740; or

16 (6) the defendant has been previously convicted of a crime, or an
17 attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250,
18 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120, or (B) a
19 law or an ordinance of this or another jurisdiction with elements similar to a crime, or
20 an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250,
21 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, or 11.61.120,
22 involving the same victim as the present offense.

23 * **Sec. 8.** AS 11.61.125(a) is amended to read:

24 (a) A person commits the crime of distribution of child sexual abuse material
25 [PORNOGRAPHY] if the person distributes in this state or advertises, promotes,
26 solicits, or offers to distribute in this state any material that is proscribed under
27 AS 11.61.127.

28 * **Sec. 9.** AS 11.61.125(e) is amended to read:

29 (e) Distribution of child sexual abuse material [PORNOGRAPHY] is a
30 (1) class B felony; or
31 (2) class A felony if the person has been previously convicted of

1 distribution of child sexual abuse material [PORNOGRAPHY] in this jurisdiction or
2 a similar crime in this or another jurisdiction.

3 * **Sec. 10.** AS 11.61.127(a) is amended to read:

4 (a) A person commits the crime of possession of child sexual abuse material
5 [PORNOGRAPHY] if the person knowingly possesses or knowingly accesses on a
6 computer with intent to view any material that visually depicts conduct described in
7 AS 11.41.455(a) knowing that the production of the material involved the use of a
8 child under 18 years of age who engaged in the conduct or a depiction of a part of an
9 actual child under 18 years of age who, by manipulation, creation, or modification,
10 appears to be engaged in the conduct.

11 * **Sec. 11.** AS 11.61.127(g) is amended to read:

12 (g) Possession of child sexual abuse material [PORNOGRAPHY] is a class
13 C felony.

14 * **Sec. 12.** AS 11.66.100(c) is amended to read:

15 (c) A person may not be prosecuted under (a)(1) of this section if the
16 (1) person witnessed or was a victim of, and reported to law
17 enforcement in good faith, one or more of the following crimes:

- 18 (A) murder in the first degree under AS 11.41.100;
- 19 (B) murder in the second degree under AS 11.41.110;
- 20 (C) manslaughter under AS 11.41.120;
- 21 (D) criminally negligent homicide under AS 11.41.130;
- 22 (E) assault in the first degree under AS 11.41.200;
- 23 (F) assault in the second degree under AS 11.41.210;
- 24 (G) assault in the third degree under AS 11.41.220;
- 25 (H) assault in the fourth degree under AS 11.41.230;
- 26 (I) sexual assault in the first degree under AS 11.41.410;
- 27 (J) sexual assault in the second degree under AS 11.41.420;
- 28 (K) sexual assault in the third degree under AS 11.41.425;
- 29 (L) sexual assault in the fourth degree under AS 11.41.427;
- 30 (M) sexual abuse of a minor in the first degree under
31 AS 11.41.434;

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(N) sexual abuse of a minor in the second degree under AS 11.41.436;

(O) sexual abuse of a minor in the third degree under AS 11.41.438;

(P) sexual abuse of a minor in the fourth degree under AS 11.41.440;

(Q) robbery in the first degree under AS 11.41.500;

(R) robbery in the second degree under AS 11.41.510;

(S) extortion under AS 11.41.520;

(T) coercion under AS 11.41.530;

(U) distribution of child sexual abuse material [PORNOGRAPHY] under AS 11.61.125;

(V) possession of child sexual abuse material [PORNOGRAPHY] under AS 11.61.127;

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

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

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

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

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

(3) person cooperated with law enforcement personnel.

* **Sec. 13.** AS 11.71.010(a) is amended to read:

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

(1) delivers any amount of a schedule IA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance;

(2) delivers any amount of a schedule IIA or IIIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; [OR]

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(3) engages in a continuing criminal enterprise; **or**
(4) delivers any amount of a schedule IA, IIA, IIIA, or IVA

controlled substance to a person who is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a controlled substance is being delivered.

* **Sec. 14.** AS 11.71.010(b) is amended to read:

(b) For purposes of this section,

(1) a person is engaged in a "continuing criminal enterprise" if

(A) [(1)] the person commits a violation of this chapter which is punishable as a felony; and

(B) [(2)] that violation is a part of a continuing series of five or more violations of this chapter

(i) [(A)] which the person undertakes in concert with at least five other persons organized, supervised, or otherwise managed by the person; and

(ii) [(B)] from which the person obtains substantial income or resources;

(2) "incapacitated" has the meaning given in AS 11.41.470;

(3) "mentally incapable" has the meaning given in AS 11.41.470.

* **Sec. 15.** AS 11.71.021(a) is amended to read:

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

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

(2) manufactures **or delivers** any material, compound, mixture, or preparation that contains

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

or

(B) an immediate precursor of methamphetamine, or its salts,

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isomers, or salts of isomers;

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

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

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

or

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

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

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

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

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

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

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

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

* **Sec. 16.** AS 12.10.010(a) is amended to read:

(a) Prosecution for the following offenses may be commenced at any time:

- 1 (1) murder;
- 2 (2) attempt, solicitation, or conspiracy to commit murder or hindering
- 3 the prosecution of murder;
- 4 (3) felony sexual abuse of a minor;
- 5 (4) sexual assault that is an unclassified, class A, or class B felony or a
- 6 violation of AS 11.41.425(a)(2) - (4);
- 7 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,
- 8 AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person
- 9 who, at the time of the offense, was under 18 years of age;
- 10 (6) kidnapping;
- 11 (7) distribution of child sexual abuse material [PORNOGRAPHY] in
- 12 violation of AS 11.61.125;
- 13 (8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an
- 14 unclassified, class A, or class B felony or that is committed against a person who, at
- 15 the time of the offense, was under 20 years of age;
- 16 (9) human trafficking in violation of AS 11.41.360 or 11.41.365.

* Sec. 17. AS 12.47.070(a) is amended to read:

18 (a) If a defendant has filed a notice of intention to rely on the affirmative
 19 defense of insanity under AS 12.47.010 or has filed notice under AS 12.47.020(a), or
 20 there is reason to doubt the defendant's fitness to proceed, or there is reason to believe
 21 that a mental disease or defect of the defendant will otherwise become an issue in the
 22 case, the court shall appoint a qualified psychiatrist or psychologist [AT LEAST
 23 TWO QUALIFIED PSYCHIATRISTS OR TWO FORENSIC PSYCHOLOGISTS
 24 CERTIFIED BY THE AMERICAN BOARD OF FORENSIC PSYCHOLOGY] to
 25 examine and report on [UPON] the mental condition of the defendant. If the court
 26 appoints a psychiatrist [PSYCHIATRISTS], the psychiatrist [PSYCHIATRISTS]
 27 may select psychologists to provide assistance. If the defendant has filed notice under
 28 AS 12.47.090(a), the report shall consider whether the defendant can still be
 29 committed under AS 12.47.090(c). The court may order the defendant to be committed
 30 to a secure facility for the purpose of the examination for not more than 60 days or for
 31 a [SUCH] longer period as the court determines to be necessary for the purpose and

1 may direct that a qualified psychiatrist retained by the defendant be permitted to
2 witness and participate in the examination.

3 * **Sec. 18.** AS 12.47.100(b) is amended to read:

4 (b) If, before imposition of sentence, the prosecuting attorney or the attorney
5 for the defendant has reasonable cause to believe that the defendant is presently
6 suffering from a mental disease or defect that causes the defendant to be unable to
7 understand the proceedings or to assist in the person's own defense, the attorney may
8 file a motion for a judicial determination of the competency of the defendant. Upon
9 that motion, or upon its own motion, the court, **if justified by findings of fact and**
10 **conclusions of law,** shall have the defendant examined by at least one qualified
11 psychiatrist or psychologist, who shall report to the court concerning the competency
12 of the defendant. For the purpose of the examination, the court may order the
13 defendant committed for a reasonable period to a suitable hospital or other facility
14 designated by the court. If the report of the psychiatrist or psychologist indicates that
15 the defendant is incompetent, the court shall hold a hearing, upon due notice, at which
16 evidence as to the competency of the defendant may be submitted, including that of
17 the reporting psychiatrist or psychologist, and make appropriate findings. Before the
18 hearing, the court shall, upon request of the prosecuting attorney, order the defendant
19 to submit to an additional evaluation by a psychiatrist or psychologist designated by
20 the prosecuting attorney.

21 * **Sec. 19.** AS 12.47.100 is amended by adding new subsections to read:

22 (i) The court may order a defendant to be examined under this section at an
23 outpatient clinic or other facility as a condition of the defendant's release under
24 AS 12.30. In considering the conditions of a defendant's release under this subsection,
25 the court shall, in addition to any applicable requirement under AS 12.30, consider

26 (1) any medical information provided by the Department of Family
27 and Community Services;

28 (2) the defendant's mental condition;

29 (3) the defendant's level of need for evaluation and treatment under
30 this chapter;

31 (4) the defendant's ability to participate in outpatient treatment; and

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(5) the defendant's history of evaluation and treatment under this chapter.

(j) If the defendant is charged with a felony offense against a person under AS 11.41 or felony arson, a qualified psychiatrist or psychologist conducting an examination under (b) of this section may, at the same time, evaluate the defendant to determine whether the defendant meets the standards for involuntary commitment under AS 47.30.700 - 47.30.915.

(k) In making findings of fact and conclusions of law under (b) of this section, a court may rely on a defense attorney's representation.

* **Sec. 20.** AS 12.47.110 is amended by adding new subsections to read:

(f) The court may order a defendant to receive further evaluation and treatment under (a) or (b) of this section at an outpatient clinic or other facility as a condition of the defendant's release under AS 12.30. In considering the conditions of a defendant's release under this subsection, the court shall, in addition to any applicable requirement under AS 12.30, consider

(1) any medical information provided by the Department of Family and Community Services;

(2) the defendant's mental condition;

(3) the defendant's level of need for evaluation and treatment under this chapter;

(4) the defendant's ability to participate in outpatient treatment; and

(5) the defendant's history of evaluation and treatment under this chapter.

(g) Before criminal charges against a defendant charged with a felony offense against a person under AS 11.41 or felony arson are dismissed under (b) of this section, the prosecutor shall

(1) file a petition seeking involuntary commitment of the defendant under AS 47.30.706 before dismissal of the charges;

(2) notify the division of the Department of Law that has responsibility for civil cases of the petition within 24 hours after filing the petition; and

(3) provide the court's findings to the division of the Department of

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Law that has responsibility for civil cases within 24 hours after the court's ruling.

* **Sec. 21.** 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, four to seven years;

(2) if the offense is a first felony conviction

(A) and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury or death during the commission of the offense, or 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 of official duties at the time of the offense, seven to 11 years;

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

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

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

(C) and the conviction is for manufacturing or delivery under AS 11.71.021(a)(1) related to a schedule IA controlled substance set out in AS 11.71.140(c)(29) or under AS 11.71.021(a)(6) related to a schedule IIA controlled substance set out in AS 11.71.150(e)(2), four to 11 years;

(3) if the offense is a second felony conviction, 10 to 14 years;

1 (4) if the offense is a third felony conviction and the defendant is not
2 subject to sentencing under (I) of this section, 15 to 20 years.

3 * **Sec. 22.** AS 12.55.125(i) is amended to read:

4 (i) A defendant convicted of

5 (1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2),
6 (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor
7 under AS 11.41.455(c)(2), or sex trafficking in the first degree under
8 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
9 than 99 years and shall be sentenced to a definite term within the following
10 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

11 (A) if the offense is a first felony conviction, the offense does
12 not involve circumstances described in (B) of this paragraph, and the victim
13 was

14 (i) less than 13 years of age, 25 to 35 years;

15 (ii) 13 years of age or older, 20 to 30 years;

16 (B) if the offense is a first felony conviction and the defendant
17 possessed a firearm, used a dangerous instrument, or caused serious physical
18 injury during the commission of the offense, 25 to 35 years;

19 (C) if the offense is a second felony conviction and does not
20 involve circumstances described in (D) of this paragraph, 30 to 40 years;

21 (D) if the offense is a second felony conviction and the
22 defendant has a prior conviction for a sexual felony, 35 to 45 years;

23 (E) if the offense is a third felony conviction and the defendant
24 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
25 to 60 years;

26 (F) if the offense is a third felony conviction, the defendant is
27 not subject to sentencing under (I) of this section, and the defendant has two
28 prior convictions for sexual felonies, 99 years;

29 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B),
30 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor
31 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault

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in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree, or sex trafficking in the first degree under AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more than 99 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:

(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was

(i) under 13 years of age, 20 to 30 years;

(ii) 13 years of age or older, 15 to 30 years;

(B) if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not involve circumstances described in (D) of this paragraph, 25 to 35 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 30 to 40 years;

(E) if the offense is a third felony conviction, the offense does not involve circumstances described in (F) of this paragraph, and the defendant is not subject to sentencing under (I) of this section, 35 to 50 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (I) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(3) sexual assault in the second degree, sexual abuse of a minor in the second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the first degree under AS 11.41.458(b)(2), distribution of child sexual abuse material [PORNOGRAPHY] under AS 11.61.125(e)(2), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree under AS 11.41.410(a)(1)(B) may be sentenced to a definite term of imprisonment of not more than 99 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:

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- (A) if the offense is a first felony conviction, five to 15 years;
- (B) if the offense is a second felony conviction and does not involve circumstances described in (C) of this paragraph, 10 to 25 years;
- (C) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 15 to 30 years;
- (D) if the offense is a third felony conviction and does not involve circumstances described in (E) of this paragraph, 20 to 35 years;
- (E) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years;

(4) sexual assault in the third degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under AS 11.41.458(b)(1), indecent viewing or production of a picture under AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR (2)], possession of child sexual abuse material [PORNOGRAPHY], distribution of child sexual abuse material [PORNOGRAPHY] under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual assault in the second degree, sexual abuse of a minor in the second degree, unlawful exploitation of a minor, or distribution of child sexual abuse material [PORNOGRAPHY], may be sentenced to a definite term of imprisonment of not more than 99 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:

- (A) if the offense is a first felony conviction and does not involve the circumstances described in (B) or (C) of this paragraph, two to 12 years;
- (B) if the offense is a first felony conviction under AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this paragraph, four to 12 years;
- (C) if the offense is a first felony conviction under AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create a mechanism for multi-party sharing or distribution of child sexual abuse material [PORNOGRAPHY], or received a financial benefit or had a financial interest in a child sexual abuse material [PORNOGRAPHY] sharing or

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distribution mechanism, six to 14 years;

(D) if the offense is a second felony conviction and does not involve circumstances described in (E) of this paragraph, eight to 15 years;

(E) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 12 to 20 years;

(F) if the offense is a third felony conviction and does not involve circumstances described in (G) of this paragraph, 15 to 25 years;

(G) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years.

* Sec. 23. AS 12.55.127(c) is amended to read:

(c) If the defendant is being sentenced for

(1) escape, the term of imprisonment shall be consecutive to the term for the underlying crime;

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

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

(B) the mandatory minimum term for each additional crime that is an unclassified felony governed by AS 12.55.125(b);

(C) the presumptive term specified in AS 12.55.125(c) or the active term of imprisonment, whichever is less, for each additional crime that is

(i) manslaughter; or

(ii) kidnapping that is a class A felony;

(D) two years or the active term of imprisonment, whichever is less, for each additional crime that is criminally negligent homicide;

(E) one-fourth of the presumptive term under AS 12.55.125(c) or (i) for each additional crime that is sexual assault in the first degree under AS 11.41.410 or sexual abuse of a minor in the first degree under AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those offenses; and

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(F) some additional term of imprisonment for each additional crime, or each additional attempt or solicitation to commit the offense, under AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 - 11.41.458, or 11.41.500 - 11.41.520;

(3) two or more crimes of violation of condition of release under AS 11.56.757, a consecutive term of imprisonment shall be imposed for some additional term of imprisonment for the underlying crime and each additional crime under AS 11.56.757.

* Sec. 24. AS 12.55.127(d) is amended to read:

(d) If the defendant is being sentenced for two or more crimes of distribution of child **sexual abuse material** [PORNOGRAPHY] under AS 11.61.125, possession of child **sexual abuse material** [PORNOGRAPHY] under AS 11.61.127, or distribution of indecent material to minors under AS 11.61.128, a consecutive term of imprisonment shall be imposed for some additional term of imprisonment for each additional crime or each additional attempt or solicitation to commit the offense.

* Sec. 25. AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in the second degree, sexual abuse of a minor in the second degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor, indecent viewing or production of a picture under **AS 11.61.123(g)(1) or (2)** [AS 11.61.123(f)(1) OR (2)], distribution of child **sexual abuse material** [PORNOGRAPHY], sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child **sexual abuse material** [PORNOGRAPHY], enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes;

* Sec. 26. AS 12.63.010(b) is amended to read:

(b) A sex offender or child kidnapper required to register under (a) of this section shall register with the Department of Corrections if the sex offender or child kidnapper is incarcerated or in person at the Alaska state trooper post or municipal police department located nearest to where the sex offender or child kidnapper resides

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at the time of registration. To fulfill the registration requirement, the sex offender or child kidnapper shall

(1) complete a registration form that includes the following information, if applicable: [, AT A MINIMUM,]

(A) the sex offender's or child kidnapper's full name, mailing and physical addresses, school address, telephone numbers used by the sex offender or child kidnapper, social security number, passport information, citizenship status, physical address of employment, name of employer, job title [PLACE OF EMPLOYMENT], and date of birth;

(B) each conviction for a sex offense or child kidnapping for which the duty to register has not terminated under AS 12.63.020, the date of the sex offense or child kidnapping convictions, the place and court of the sex offense or child kidnapping convictions, and whether the sex offender or child kidnapper has been unconditionally discharged from the conviction for a sex offense or child kidnapping and the date of the unconditional discharge; if the sex offender or child kidnapper asserts that the offender or kidnapper has been unconditionally discharged, the offender or kidnapper shall supply proof of that discharge acceptable to the department;

(C) all aliases used;

(D) the sex offender's or child kidnapper's driver's license number;

(E) the description, license numbers, and vehicle identification numbers of motor vehicles, including watercraft, aircraft, motorcycles, and recreational vehicles, the sex offender or child kidnapper has access to, regardless of whether that access is regular or not;

(F) any identifying features of the sex offender or child kidnapper;

(G) anticipated changes of address and any temporary lodging used by the sex offender or child kidnapper for seven days or more;

(H) a statement concerning whether the offender or kidnapper

1 has had treatment for a mental abnormality or personality disorder since the
2 date of conviction for an offense requiring registration under this chapter;
3 [AND]

4 (I) each electronic mail address, instant messaging address, and
5 other Internet communication identifier used by the sex offender or child
6 kidnapper; **and**

7 **(J) professional licensing information;**

8 (2) allow the Alaska state troopers, Department of Corrections, [OR]
9 municipal police, **or any peace officer** to take a complete set of the sex offender's or
10 child kidnapper's fingerprints **and palm prints**, and to take the sex offender's or child
11 kidnapper's photograph.

12 * **Sec. 27.** AS 12.63.010(d) is amended to read:

13 (d) A sex offender or child kidnapper required to register

14 (1) for 15 years under (a) of this section and AS 12.63.020 shall,
15 annually, during the term of a duty to register under AS 12.63.020, on a date set by the
16 department at the time of the sex offender's or child kidnapper's initial registration,
17 provide written verification to the department, in the manner required by the
18 department, of the **information provided under (b)(1) of this section** [SEX
19 OFFENDER'S OR CHILD KIDNAPPER'S ADDRESS] and notice of any changes to
20 the information previously provided under (b)(1) of this section;

21 (2) for life under (a) of this section and AS 12.63.020 shall, not less
22 than quarterly, on a date set by the department, provide written verification to the
23 department, in the manner required by the department, of the **information provided**
24 **under (b)(1) of this section** [SEX OFFENDER'S OR CHILD KIDNAPPER'S
25 ADDRESS] and **notice of** any changes to the information previously provided under
26 (b)(1) of this section.

27 * **Sec. 28.** AS 12.63.010 is amended by adding new subsections to read:

28 (g) If a sex offender or child kidnapper plans to leave the state for
29 international travel after having registered under (a) of this section, the sex offender or
30 child kidnapper shall provide to the department or a municipal police department in
31 the state written notice of the plan for any intended travel outside the United States at

1 least 21 days before leaving the state for international travel.

2 (h) If a sex offender or child kidnapper is away from the physical address
3 provided to the department under (b)(1)(A) of this section for a period of seven days
4 or more, the sex offender or child kidnapper shall notify the department in writing of
5 the address being used by the sex offender or child kidnapper while away from the
6 physical address provided under (b)(1)(A) of this section.

7 * Sec. 29. AS 12.63.020(a) is amended to read:

8 (a) The duty of a sex offender or child kidnapper to comply with the
9 requirements of AS 12.63.010 is as follows:

10 (1) for a sex offender or child kidnapper, as that term is defined in
11 AS 12.63.100(6)(A), for each sex offense or child kidnapping, the duty

12 (A) continues for the lifetime of a sex offender or child
13 kidnapper convicted of

14 (i) one aggravated sex offense; or

15 (ii) two or more sex offenses, two or more child
16 kidnappings, or one sex offense and one child kidnapping; for purposes
17 of this section, a person convicted of indecent exposure before a person
18 under 16 years of age under AS 11.41.460 more than two times has
19 been convicted of two or more sex offenses;

20 (B) ends 15 years following the sex offender's or child
21 kidnapper's unconditional discharge from a conviction for a single sex offense
22 that is not an aggravated sex offense or for a single child kidnapping if the sex
23 offender or child kidnapper has supplied proof that is acceptable to the
24 department of the unconditional discharge; the registration period under this
25 subparagraph

26 (i) is tolled for the period [EACH YEAR] that a sex
27 offender or child kidnapper fails to comply with the requirements of
28 this chapter or is incarcerated for the offense or kidnapping for which
29 the offender or kidnapper is required to register or for any other
30 offense;

31 (ii) may include the time a sex offender or child

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kidnapper was absent from this state if the sex offender or child kidnapper has complied with any sex offender or child kidnapper registration requirements of the jurisdiction in which the offender or kidnapper was located and if the sex offender or child kidnapper provides the department with proof of the compliance while the sex offender or child kidnapper was absent from this state; and

(iii) continues for a sex offender or child kidnapper who has not supplied proof acceptable to the department of the offender's or kidnapper's unconditional discharge for the sex offense or child kidnapping requiring registration;

(2) for a sex offender or child kidnapper, as that term is defined in AS 12.63.100(6)(B), the duty continues for the period determined by the department under (b) of this section.

* **Sec. 30.** AS 12.63.100(7) is amended to read:

(7) "sex offense" means

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

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

- (i) sexual assault in the first degree;
- (ii) sexual assault in the second degree;
- (iii) sexual abuse of a minor in the first degree; or
- (iv) sexual abuse of a minor in the second degree;

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

- (i) AS 11.41.410 - 11.41.438;
- (ii) AS 11.41.440(a)(2);

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- (iii) AS 11.41.450 - 11.41.458;
- (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent exposure is before a person under 16 years of age and the offender has previously been convicted under AS 11.41.460 or AS 26.05.900(c);
- (v) AS 11.61.125 - 11.61.128;
- (vi) [AS 11.66.110,] 11.66.130(a)(2)(B), or AS 26.05.900(b) if the person who was induced or caused to engage in prostitution was under 20 years of age at the time of the offense;
- (vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200;
- (viii) AS 11.61.118(a)(2) if the offender has a previous conviction for that offense;
- (ix) AS 11.66.100(a)(2) if the offender is subject to punishment under AS 11.66.100(e);
- (x) AS 26.05.890 if the person engaged in sexual penetration or sexual contact with the victim;
- (xi) AS 26.05.890 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command over the victim;
- (xii) AS 26.05.893 if the person engaged in sexual penetration or sexual contact with the victim;
- (xiii) AS 26.05.900(a) [AS 26.05.900(a)(1) - (4)] if the victim is under 18 years of age at the time of the offense;
- (xiv) AS 26.05.900 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command over the victim; [OR]
- (xv) AS 11.61.123 if the offender is subject to punishment under AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR

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(2)];

(xvi) AS 11.61.130(a)(2); or

(xvii) AS 11.66.110 and 11.66.120;

(D) an offense, or an attempt, solicitation, or conspiracy to commit an offense, under AS 26.05.935(b), or a similar law of another jurisdiction, if the member of the militia commits one of the following enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform Code of Military Justice):

(i) child sexual abuse material [PORNOGRAPHY]; or

(ii) pandering and prostitution if the person who is induced, enticed, caused, or procured to engage in a sexual act is under 20 years of age at the time of the offense; or

(E) an offense in which the person is required to register as a sex offender under the laws of another jurisdiction;

* **Sec. 31.** AS 15.80.010(10) is amended to read:

(10) "felony involving moral turpitude" includes those crimes that are immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault, sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion, coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery device, offering a false instrument for recording, scheme to defraud, falsifying business records, commercial bribe receiving, commercial bribery, bribery, receiving a bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor, escape, promoting contraband, interference with official proceedings, receiving a bribe by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical evidence, hindering prosecution, terroristic threatening, riot, criminal possession of explosives, unlawful furnishing of explosives, sex trafficking, criminal mischief, misconduct involving a controlled substance or an imitation controlled substance, permitting an escape, promoting gambling, possession of gambling records, distribution of child sexual abuse material [PORNOGRAPHY], and possession of child sexual abuse material [PORNOGRAPHY];

* **Sec. 32.** AS 18.66.990(3) is amended to read:

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(3) "domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

- (A) a crime against the person under AS 11.41;
- (B) burglary under AS 11.46.300 - 11.46.310;
- (C) criminal trespass under AS 11.46.320 - 11.46.330;
- (D) arson or criminally negligent burning under AS 11.46.400 -

11.46.430;

- (E) criminal mischief under AS 11.46.475 - 11.46.486;
- (F) terrorist threatening under AS 11.56.807 or 11.56.810;
- (G) violating a protective order under AS 11.56.740(a)(1);
- (H) harassment under AS 11.61.120(a)(2) - (4) or (6); [OR]
- (I) cruelty to animals under AS 11.61.140(a)(5) if the animal is

a pet;

(J) interfering with a report of a crime involving domestic violence under AS 11.56.745 if the person interfering with the report is the person who committed the underlying crime involving domestic violence;

or

(K) unlawful contact under AS 11.56.750 or 11.56.755;

* Sec. 33. AS 28.15.046(c) is amended to read:

- (c) The department may not issue a license under this section to an applicant
 - (1) who has been convicted of any of the following offenses:
 - (A) a violation, or an attempt, solicitation, or conspiracy to commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;
 - (B) a felony violation of endangering the welfare of a child in the first degree under AS 11.51.100;
 - (C) felony indecent viewing or production of a picture under AS 11.61.123;
 - (D) distribution of child **sexual abuse material**

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[PORNOGRAPHY] under AS 11.61.125;

(E) possession of child sexual abuse material

[PORNOGRAPHY] under AS 11.61.127;

(F) distribution of indecent material to minors under AS 11.61.128;

(G) felony prostitution under AS 11.66.100(e);

(H) sex trafficking in the first, second, or third degree under AS 11.66.110 - 11.66.130;

(I) a felony involving distribution of a controlled substance under AS 11.71 or imitation controlled substance under AS 11.73;

(J) a felony violation under AS 28.35.030(n) or 28.35.032(p);

or

(2) who has been convicted of any of the following offenses and less than two years have elapsed since the applicant's date of conviction for the offense:

(A) assault in the fourth degree under AS 11.41.230;

(B) reckless endangerment under AS 11.41.250;

(C) contributing to the delinquency of a minor under AS 11.51.130;

(D) misdemeanor prostitution under AS 11.66.100(a)(2);

(E) a misdemeanor violation of endangering the welfare of a child in the first degree under AS 11.51.100.

* Sec. 34. AS 47.12.110(d) is amended to read:

(d) Notwithstanding (a) of this section, a court hearing on a petition seeking the adjudication of a minor as a delinquent shall be open to the public, except as prohibited or limited by order of the court, if

(1) the department files with the court a motion asking the court to open the hearing to the public, and the petition seeking adjudication of the minor as a delinquent is based on

(A) the minor's alleged commission of an offense, and the minor has knowingly failed to comply with all the terms and conditions required of the minor by the department or imposed on the minor in a court

1 order entered under AS 47.12.040(a)(2) or 47.12.120;

2 (B) the minor's alleged commission of

3 (i) a crime against a person that is punishable as a
4 felony;

5 (ii) a crime in which the minor employed a deadly
6 weapon, as that term is defined in AS 11.81.900(b), in committing the
7 crime;

8 (iii) arson under AS 11.46.400 - 11.46.410;

9 (iv) burglary under AS 11.46.300;

10 (v) distribution of child sexual abuse material
11 [PORNOGRAPHY] under AS 11.61.125;

12 (vi) sex trafficking in the first degree under
13 AS 11.66.110; or

14 (vii) misconduct involving a controlled substance under
15 AS 11.71 involving the delivery of a controlled substance or the
16 possession of a controlled substance with intent to deliver, other than
17 an offense under AS 11.71.040 or 11.71.050; or

18 (C) the minor's alleged commission of a felony and the minor
19 was 16 years of age or older at the time of commission of the offense when the
20 minor has previously been convicted or adjudicated a delinquent minor based
21 on the minor's commission of an offense that is a felony; or

22 (2) the minor agrees to a public hearing on the petition seeking
23 adjudication of the minor as a delinquent.

24 * **Sec. 35.** AS 47.12.315(a) is amended to read:

25 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this
26 section, the department shall disclose information to the public, on request, concerning
27 a minor subject to this chapter who was at least 13 years of age at the time of
28 commission of

29 (1) a felony offense against a person under AS 11.41;

30 (2) arson in the first or second degree;

31 (3) burglary in the first degree;

(4) distribution of child sexual abuse material [PORNOGRAPHY];

(5) sex trafficking in the first degree;

(6) misconduct involving a controlled substance in the first, second, or third degrees involving distribution or possession with intent to deliver; or

(7) misconduct involving weapons in the first through fourth degrees.

* **Sec. 36.** AS 47.14.300(a) is amended to read:

(a) The department, a state or municipal agency with expertise in child abuse or neglect, or a tribe recognized by the United States Secretary of the Interior to exist as an Indian tribe under 25 U.S.C. 5131 (Federally Recognized Indian Tribe List Act of 1994) with expertise in child abuse or neglect, in partnership with the department, may facilitate the initial establishment of a multidisciplinary child protection team. The purpose of a team is to assist in the evaluation and investigation of reports of child abuse or neglect, as defined in AS 47.17.290, made under AS 47.17 or initiated by the department or a law enforcement agency; to assist in the evaluation and investigation of reports of sexual contact or sexual penetration, as defined in AS 11.81.900(b), occurring between children under 13 years of age; and to provide consultation and coordination for agencies involved in child-in-need-of-aid cases under AS 47.10. The multidisciplinary child protection teams shall

(1) ensure that investigations involving child abuse or neglect are coordinated and conducted by trained investigators;

(2) take and recommend steps to avoid duplicative interviews of children;

(3) assist in the reduction of trauma to a child and family involved in an investigation of child abuse or neglect; and

(4) review records, provide consultation, and make recommendations to the department pertaining to a child-in-need-of-aid case under AS 47.10 referred to the team by a team member.

* **Sec. 37.** AS 47.30 is amended by adding a new section to read:

Sec. 47.30.706. Detention for evaluation after finding of incompetence. (a)

If a person who has been charged with a felony offense against a person under AS 11.41 or felony arson has been found incompetent to proceed under AS 12.47,

1 before the charges are dismissed, an attorney with the Department of Law shall
2 petition a court to have the person delivered to the nearest evaluation facility for an
3 evaluation under AS 47.30.710.

4 (b) Upon receiving a petition under (a) of this section, a court shall, unless the
5 presumption in (d) of this section has been successfully rebutted, issue an ex parte
6 order orally or in writing stating that there is probable cause to believe the respondent
7 is mentally ill and that condition causes the respondent to present a likelihood of
8 serious harm to self or others. The court shall appoint an attorney to represent the
9 respondent and may direct that a peace officer take the respondent into custody and
10 deliver the respondent to the nearest appropriate facility for evaluation. The ex parte
11 order shall be provided to the respondent and made a part of the respondent's clinical
12 record. The court shall set a date, time, and place for a 30-day commitment hearing, to
13 be held within 72 hours after the respondent's arrival at the evaluation facility. The
14 court shall confirm an oral order in writing within 24 hours after it is issued.

15 (c) A respondent taken into custody for evaluation under this section may not
16 be placed in a jail or other correctional facility except for protective custody purposes
17 and only while awaiting transportation to an evaluation facility.

18 (d) A defendant charged with a felony offense against a person under
19 AS 11.41 or felony arson and found to be incompetent to proceed under AS 12.47.100
20 is rebuttably presumed to be mentally ill and to present a likelihood of serious harm to
21 self or others. In evaluating whether a defendant is likely to cause serious harm under
22 this section, the court may consider the conduct with which the defendant was
23 originally charged as evidence of recent behavior, regardless of any time spent in
24 custody.

25 * **Sec. 38.** AS 47.30.710(a) is amended to read:

26 (a) A respondent who is delivered under AS 47.30.700 - 47.30.706
27 [AS 47.30.700 - 47.30.705] to an evaluation facility for [EMERGENCY] examination
28 and treatment shall be examined and evaluated as to mental and physical condition by
29 a mental health professional and by a physician within 24 hours after arrival at the
30 facility.

31 * **Sec. 39.** AS 47.30.715 is repealed and reenacted to read:

1 **Sec. 47.30.715. Procedure after order.** (a) After the court grants an ex parte
2 order authorizing hospitalization for evaluation, the department shall immediately
3 transport a person who is detained at a medical or other facility, including a
4 correctional facility, to a crisis residential center or evaluation facility for an
5 evaluation.

6 (b) A person being detained while awaiting transportation to a crisis
7 residential center or evaluation facility may request a court hearing to review the
8 detention at any time. The hearing shall be held not later than 72 hours after the
9 request is filed. When the court rules on a request for review of the detention pending
10 transportation, the court shall consider the factors listed in (d) of this section.

11 (c) A person may not be detained for more than seven days while awaiting
12 transportation to a crisis residential center or evaluation facility; however, the
13 department or a facility detaining a person under AS 47.30.700 - 47.30.815 may file a
14 request to extend the detention based on the person continuing to meet the standards
15 for commitment under AS 47.30.700 and the need for a continued hold. The request
16 must be supported by the verified or certified statement of a mental health professional
17 and be served on the respondent, the respondent's attorney, and the division of the
18 Department of Law that has responsibility for civil cases. When the court decides a
19 request to extend the detention pending transportation, the court shall consider the
20 factors identified in (d) of this section.

21 (d) When ruling on a request to review or extend detention, the court shall
22 consider the totality of the circumstances, including

- 23 (1) the length of time the person has been detained;
24 (2) the reason the person has not yet been transported;
25 (3) the person's current medical and psychiatric condition;
26 (4) whether the person is gravely disabled or is likely to cause serious
27 harm to self or others; and
28 (5) whether the person is receiving treatment at the person's current
29 placement.

30 (e) The court shall schedule a hearing to decide a request for review under (b)
31 of this section or a request to extend detention under (c) of this section. The hearing

1 shall be held not later than 72 hours after the request for review or the request to
2 extend detention, as applicable. If a hearing is held after expiration of the seven-day
3 detention period, the detention shall be extended until the hearing.

4 (f) Regardless of whether a request to extend the respondent's detention has
5 been filed, if at any time in the course of the detention a mental health professional at
6 the detaining facility determines that the person does not meet the standards for
7 commitment under AS 47.30.700, the respondent shall be released and the facility
8 shall notify the petitioner, the respondent's attorney, the division of the Department of
9 Law that has responsibility for civil cases, and the court.

10 (g) When an evaluation facility receives a proper order for evaluation, it shall
11 accept the order and the respondent for an evaluation period not to exceed 72 hours.
12 The evaluation facility shall promptly notify the court of the date and time of the
13 respondent's arrival. The court shall set a date, time, and place for a 30-day
14 commitment hearing, to be held if needed within 72 hours after the respondent's
15 arrival, and the court shall notify the evaluation facility, the respondent, the
16 respondent's guardian, if any, the respondent's attorney, the petitioner's attorney, if
17 any, and the attorney general of the time and place of the hearing. Evaluation
18 personnel, when used, shall similarly notify the court of the date and time when they
19 first met with the respondent.

20 * **Sec. 40.** AS 47.30.725 is amended by adding new subsections to read:

21 (g) If a criminal charge of a felony offense against a person under AS 11.41 or
22 felony arson against a respondent has been dismissed under AS 12.47.110 and the
23 respondent is detained for evaluation or committed under AS 47.30.700 - 47.30.915,

24 (1) the Department of Law shall notify a victim in the dismissed
25 criminal case

26 (A) of the time and place of a hearing under AS 47.30.700 -
27 47.30.915;

28 (B) of the length of time for which the respondent is committed
29 and findings of fact made by the court; and

30 (C) when the respondent is discharged from commitment; and

31 (2) a victim in the dismissed criminal case may attend a hearing under

1 AS 47.30.700 - 47.30.915, but may not disclose confidential information from the
2 hearing.

3 (h) Subsection (g) of this section may not be construed to give a victim in a
4 dismissed criminal case the right to access a record that is confidential under
5 AS 47.30.845.

6 * **Sec. 41.** AS 47.30 is amended by adding a new section to read:

7 **Sec. 47.30.727. Provision of records and notice following a finding of**
8 **incompetency in a criminal case.** (a) Within 30 days after a respondent has been
9 found incompetent to proceed under AS 12.47.110 and committed under AS 47.30.700
10 - 47.30.915, and every 30 days thereafter until the civil commitment case has
11 concluded, the division of the Department of Law that has responsibility for civil cases
12 shall provide all information and records obtained during the civil commitment to the
13 division of the Department of Law that has responsibility for criminal cases.

14 (b) Records disclosed to the division of the Department of Law that has
15 responsibility for criminal cases under (a) of this section are confidential and may not
16 be disclosed to anyone unless disclosure is required by a court order or the respondent
17 provides written consent to the disclosure. If the records are used in the criminal
18 proceeding, the moving party shall file the records as confidential documents.

19 (c) A facility housing a respondent found incompetent to proceed under
20 AS 12.47.110 and committed under AS 47.30.700 - 47.30.915 shall provide notice to
21 the prosecutor in the criminal case of all hearings scheduled by the court in the civil
22 commitment case. The prosecutor, or a staff member of the prosecutor's office, may
23 attend a hearing in the civil commitment case but may not participate in the hearing as
24 a party.

25 * **Sec. 42.** AS 47.30.735(b) is amended to read:

26 (b) The hearing shall be conducted in a physical setting least likely to have a
27 harmful effect on the mental or physical health of the respondent, within practical
28 limits. At the hearing, in addition to other rights specified in AS 47.30.660 -
29 47.30.915, the respondent has the right

30 (1) to be present at the hearing; this right may be waived only with the
31 respondent's informed consent; if the respondent is incapable of giving informed

1 consent, the respondent may be excluded from the hearing only if the court, after
2 hearing, finds that the incapacity exists and that there is a substantial likelihood that
3 the respondent's presence at the hearing would be severely injurious to the
4 respondent's mental or physical health;

5 (2) to view and copy all petitions and reports in the court file of the
6 respondent's case;

7 (3) to have the hearing open or closed to the public as the respondent
8 elects, except that, if the respondent was charged with a felony offense against a
9 person under AS 11.41 or felony arson and the criminal case was dismissed under
10 AS 12.47.110, an alleged victim in the dismissed criminal case and the prosecutor,
11 or a staff member of the prosecutor's office, may attend the hearing, but may not
12 disclose confidential information from the hearing;

13 (4) to have the rules of evidence and civil procedure applied so as to
14 provide for the informal but efficient presentation of evidence;

15 (5) to have an interpreter if the respondent does not understand
16 English;

17 (6) to present evidence on the respondent's behalf;

18 (7) to cross-examine witnesses who testify against the respondent;

19 (8) to remain silent;

20 (9) to call experts and other witnesses to testify on the respondent's
21 behalf.

22 * **Sec. 43.** AS 47.30 is amended by adding a new section to read:

23 **Sec. 47.30.771. Additional two-year commitment.** (a) The respondent shall
24 be released from involuntary treatment at the expiration of 180 days unless the
25 professional person in charge or the attorney general's office files an additional 180-
26 day petition or a petition for a commitment of up to two years conforming to the
27 requirements of AS 47.30.740(a) except that all references to "30-day commitment"
28 shall be read as "the previous 180-day commitment" and all references to "90-day
29 commitment" shall be read as "two-year commitment."

30 (b) The procedures for service of the petition, notification of rights, and
31 judicial hearing shall be as set out in AS 47.30.740 - 47.30.750. Following a 180-day

1 commitment of a respondent, the court may order the respondent committed for an
2 additional treatment period not to exceed two years from the date on which the 180-
3 day treatment period would have expired if the court or jury finds by clear and
4 convincing evidence that

5 (1) the respondent is mentally ill and as a result is likely to cause
6 serious harm to self or others;

7 (2) the respondent has a criminal history that includes a felony offense
8 against a person under AS 11.41 or felony arson, including an offense for which the
9 respondent was found incompetent to stand trial under AS 12.47.100 and 12.47.110;

10 (3) the respondent has been found incompetent to stand trial under
11 AS 12.47.100 and 12.47.110 for a felony offense against a person under AS 11.41 or
12 felony arson and that finding of incompetence led directly to the respondent's current
13 period of commitment; and

14 (4) the period of commitment of the respondent, including a period of
15 commitment for more than 180 days but not more than two years, is necessary to
16 protect the public.

17 (c) Findings of fact relating to the respondent's behavior made at a 30-day
18 commitment hearing under AS 47.30.735, a 90-day commitment hearing under
19 AS 47.30.750, a 180-day commitment hearing under AS 47.30.770, or a two-year
20 commitment hearing under this section shall be admitted as evidence and may not be
21 rebutted except that newly discovered evidence may be used for the purpose of
22 rebutting the findings.

23 (d) Successive commitments are permissible on the same ground and under
24 the same procedures as the original commitment. An order of commitment may not
25 exceed two years.

26 (e) The department shall, by January 30 of each year, submit to the attorney
27 general, public defender, public advocate, Alaska Court System, and the attorney of
28 record for the respondent, if any, a report that details how many respondents are
29 committed under this section and how much time remains on each order of
30 commitment.

31 * **Sec. 44.** AS 47.30.780(a) is amended to read:

1 (a) Except as provided in (b) **and (c)** of this section, the professional person in
 2 charge shall at any time discharge a respondent on the ground that the respondent is no
 3 longer gravely disabled or likely to cause serious harm as a result of mental illness. A
 4 certificate to this effect shall be sent to the court, which shall enter an order officially
 5 terminating the involuntary commitment.

6 * **Sec. 45.** AS 47.30.780 is amended by adding new subsections to read:

7 (c) If a respondent committed under AS 47.30.770 or 47.30.771 has a criminal
 8 history that includes a felony offense against a person under AS 11.41 or felony arson,
 9 including an offense for which the respondent was found incompetent to stand trial
 10 under AS 12.47.100 and 12.47.110, the professional person in charge may not
 11 discharge the respondent under (a) of this section unless the court enters an order
 12 officially terminating the involuntary commitment. The court shall give the
 13 prosecuting authority 10 days' notice before the professional person in charge may
 14 discharge a respondent under this subsection.

15 (d) Except as provided in (e) of this section, a respondent committed under
 16 AS 47.30.771 may petition the court for early discharge at any time during the
 17 commitment if the respondent presents some evidence demonstrating that the
 18 respondent is no longer likely to cause serious harm to self or others. The court shall
 19 grant early discharge unless the state proves by clear and convincing evidence that the
 20 respondent remains likely to cause serious harm to self or others.

21 (e) A respondent may not file a petition for early discharge within 180 days
 22 after the date the court enters an initial commitment order or a final order ruling on a
 23 previous petition for early discharge.

24 * **Sec. 46.** AS 47.30.805(a) is amended to read:

25 (a) Except as provided in (b) of this section,
 26 (1) computations of a 72-hour [EVALUATION] period under
 27 AS 47.30.706, 47.30.708, [AS 47.30.708] or 47.30.715 or a 48-hour [DETENTION]
 28 period under AS 47.30.685 do not include Saturdays, Sundays, legal holidays, or any
 29 period of time necessary to transport the respondent to the treatment facility, except
 30 that if the exclusion of Saturdays, Sundays, and legal holidays from the computation
 31 of a 72-hour evaluation period or 48-hour detention period would result in the

1 respondent being held for longer than 72 hours or 48 hours, as applicable, the period
2 ends at 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday;

3 (2) a seven-day detention at a crisis residential center expires at the end
4 of the seventh day following the respondent's arrival at the crisis stabilization center or
5 the crisis residential center, whichever is earlier;

6 (3) a 30-day commitment period expires at the end of the 30th day
7 after the 72 hours following initial acceptance;

8 (4) a 90-day commitment period expires at the end of the 90th day
9 after the expiration of a 30-day period of treatment;

10 (5) a 180-day commitment period expires at the end of the 180th day,
11 after the expiration of a 90-day period of treatment or previous 180-day period,
12 whichever is applicable;

13 **(6) a two-year commitment period expires not later than two years**
14 **after the expiration of a 180-day period of treatment.**

15 * **Sec. 47.** AS 47.30.845 is amended to read:

16 **Sec. 47.30.845. Confidential records.** Information and records obtained in the
17 course of a screening investigation, evaluation, examination, or treatment are
18 confidential and are not public records, except as the requirements of a hearing under
19 AS 47.30.660 - 47.30.915 may necessitate a different procedure. Information and
20 records may be copied and disclosed under regulations established by the department
21 only to

22 (1) a physician or a provider of health, mental health, or social and
23 welfare services involved in caring for, treating, or rehabilitating the patient;

24 (2) the patient or an individual to whom the patient has given written
25 consent to have information disclosed;

26 (3) a person authorized by a court order;

27 (4) a person doing research or maintaining health statistics if the
28 anonymity of the patient is assured and the facility recognizes the project as a bona
29 fide research or statistical undertaking;

30 (5) the Department of Corrections in a case in which a prisoner
31 confined to the state prison is a patient in the state hospital on authorized transfer

1 either by voluntary admission or by court order;

2 (6) a governmental or law enforcement agency when necessary to
3 secure the return of a patient who is on unauthorized absence from a facility where the
4 patient was undergoing evaluation or treatment;

5 (7) a law enforcement agency when there is substantiated concern over
6 imminent danger to the community by a presumed mentally ill person;

7 (8) the department in a case in which services provided under
8 AS 47.30.660 - 47.30.915 are paid for, in whole or in part, by the department or in
9 which a person has applied for or has received assistance from the department for
10 those services;

11 (9) the Department of Public Safety as provided in AS 47.30.907;
12 information provided under this paragraph may not include diagnostic or clinical
13 information regarding a patient;

14 **(10) the Department of Law as provided in AS 47.30.727.**

15 * **Sec. 48.** The uncodified law of the State of Alaska enacted in sec. 142(c), ch. 4, FSSLA
16 2019, is amended to read:

17 (c) The following sections apply to the duty to register as a sex offender for
18 offenses committed

19 **(1) before, on, or after the effective date of those sections:**

20 **(A) [(1)] AS 12.63.010(d), as amended by sec. 82, ch. 4,**
21 **FSSLA 2019 [OF THIS ACT];**

22 **(B) AS 12.63.020(a)(2) and (b) [(2) AS 12.63.020], as**
23 **amended by sec. 83, ch. 4, FSSLA 2019 [OF THIS ACT];**

24 **(C) [(3)] AS 12.63.100(6), as amended by sec. 84, ch. 4,**
25 **FSSLA 2019 [OF THIS ACT];**

26 **(D) AS 12.63.100(7)(E) [(4) AS 12.63.100(7)], as amended by**
27 **sec. 85, ch. 4, FSSLA 2019;**

28 **(2) on or after the effective date of those sections:**

29 **(A) AS 12.63.020(a)(1), as amended by sec. 83, ch. 4, FSSLA**
30 **2019;**

31 **(B) AS 12.63.100(7)(C), as amended by sec. 85, ch. 4,**

FSSLA 2019 [OF THIS ACT].

* **Sec. 49.** The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 6(s), Alaska Rules of Criminal Procedure, is amended to read:

(s) Admissibility of Evidence.

(1) Evidence which would be legally admissible at trial shall be admissible before the grand jury. Witnesses [IN APPROPRIATE CASES, HOWEVER, WITNESSES] may be presented to summarize admissible evidence if the admissible evidence will be available at trial. [EXCEPT AS STATED IN SUBPARAGRAPHS (2), (3), AND (6), HEARSAY EVIDENCE SHALL NOT BE PRESENTED TO THE GRAND JURY ABSENT COMPELLING JUSTIFICATION FOR ITS INTRODUCTION. IF HEARSAY EVIDENCE IS PRESENTED TO THE GRAND JURY, THE REASONS FOR ITS USE SHALL BE STATED ON THE RECORD.]

(2) The rules regarding hearsay under Article VIII, Alaska Rules of Evidence, do not apply to grand jury proceedings.

(3) [IN A PROSECUTION FOR AN OFFENSE UNDER AS 11.41.410 - 11.41.458, HEARSAY EVIDENCE OF A STATEMENT RELATED TO THE OFFENSE, NOT OTHERWISE ADMISSIBLE, MADE BY A CHILD WHO IS THE VICTIM OF THE OFFENSE MAY BE ADMITTED INTO EVIDENCE BEFORE THE GRAND JURY IF

(i) THE CIRCUMSTANCES OF THE STATEMENT INDICATE ITS RELIABILITY;

(ii) THE CHILD IS UNDER 10 YEARS OF AGE WHEN THE HEARSAY EVIDENCE IS SOUGHT TO BE ADMITTED;

(iii) ADDITIONAL EVIDENCE IS INTRODUCED TO CORROBORATE THE STATEMENT; AND

(iv) THE CHILD TESTIFIES AT THE GRAND JURY PROCEEDING OR THE CHILD WILL BE AVAILABLE TO

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TESTIFY AT TRIAL.

(3) HEARSAY EVIDENCE RELATED TO THE OFFENSE, NOT OTHERWISE ADMISSIBLE, MAY BE ADMITTED INTO EVIDENCE BEFORE THE GRAND JURY IF

(i) THE INDIVIDUAL PRESENTING THE HEARSAY EVIDENCE IS A PEACE OFFICER INVOLVED IN THE INVESTIGATION; AND

(ii) THE HEARSAY EVIDENCE CONSISTS OF THE STATEMENT AND OBSERVATIONS MADE BY ANOTHER PEACE OFFICER IN THE COURSE OF AN INVESTIGATION; AND

(iii) ADDITIONAL EVIDENCE IS INTRODUCED TO CORROBORATE THE STATEMENT.

(4) If the testimony presented by a peace officer [UNDER PARAGRAPH (3) OF THIS SECTION] is inaccurate because of intentional, grossly negligent, or negligent misstatements or omissions, then the court shall dismiss an indictment resulting from the testimony if the defendant shows that the inaccuracy prejudices substantial rights of the defendant.

[(5) IN THIS SECTION "STATEMENT" MEANS AN ORAL OR WRITTEN ASSERTION OR NONVERBAL CONDUCT IF THE NONVERBAL CONDUCT IS INTENDED AS AN ASSERTION.

(6) WHEN A PRIOR CONVICTION IS AN ELEMENT OF AN OFFENSE, HEARSAY EVIDENCE RECEIVED THROUGH THE ALASKA PUBLIC SAFETY INFORMATION NETWORK OR FROM OTHER GOVERNMENT AGENCIES OF PRIOR CONVICTIONS MAY BE PRESENTED TO THE GRAND JURY.]

* Sec. 50. AS 12.40.110 is repealed.

* Sec. 51. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 11.41.110, as amended by sec. 2 of this Act, AS 11.41.110(c), enacted by sec. 3 of this Act, AS 11.41.120(a), as amended by sec. 4 of this

1 Act, AS 11.41.140, as amended by sec. 5 of this Act, AS 11.41.240, enacted by sec. 6 of this
2 Act, AS 11.41.260(a), as amended by sec. 7 of this Act, AS 11.71.010(a), as amended by sec.
3 13 of this Act, AS 11.71.010(b), as amended by sec. 14 of this Act, AS 11.71.021(a), as
4 amended by sec. 15 of this Act, AS 12.55.125(c), as amended by sec. 21 of this Act,
5 AS 12.55.127(c), as amended by sec. 23 of this Act, and AS 18.66.990(3), as amended by sec.
6 32 of this Act, apply to offenses committed on or after the effective date of secs. 2 - 7, 13 - 15,
7 21, 23, and 32 of this Act.

8 (b) Except as otherwise provided in this Act, the duty imposed by AS 12.63.010(b), as
9 amended by sec. 26 of this Act, AS 12.63.010(d), as amended by sec. 27 of this Act, and
10 AS 12.63.010(g) and (h), enacted by sec. 28 of this Act, applies to the duty to register as a sex
11 offender or child kidnapper for offenses committed before, on, or after the effective date of
12 secs. 26 - 28 of this Act.

13 (c) AS 12.63.020(a), as amended by sec. 29 of this Act, applies to the tolling of the
14 duty to register as a sex offender or child kidnapper on or after the effective date of sec. 29 of
15 this Act for determinations of noncompliance made by the Department of Public Safety on or
16 after the effective date of sec. 29 of this Act.

17 (d) Nothing in AS 12.63.020(a), as amended by sec. 29 of this Act, may be construed
18 as invalidating a decision by the Department of Public Safety to toll the period of registration
19 or continue the period of registration under AS 12.63 before the effective date of sec. 29 of
20 this Act.

21 (e) AS 12.63.100(7), as amended by sec. 30 of this Act, applies to the duty to register
22 as a sex offender for offenses committed on or after the effective date of sec. 30 of this Act.

23 (f) Rule 6(s), Alaska Rules of Criminal Procedure, as amended by sec. 49 of this Act,
24 applies to indictments occurring on or after the effective date of sec. 49 of this Act for
25 offenses committed before, on, or after the effective date of sec. 49 of this Act.

26 * **Sec. 52.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 **CONDITIONAL EFFECT.** Rule 6(s), Alaska Rules of Criminal Procedure, as
29 amended by sec. 49 of this Act, takes effect only if sec. 49 of this Act receives the two-thirds
30 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

31 * **Sec. 53.** Section 48 of this Act takes effect immediately under AS 01.10.070(c).

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* **Sec. 54.** Except as provided in sec. 53 of this Act, this Act takes effect January 1, 2025.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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MEMORANDUM

May 11, 2024

SUBJECT: Appropriation language
(SCS CSHB 66(FIN); Work Order No. 33-GH1482\T.4)

TO: Senator Donald Olson
Attn: Ken Alper

FROM: Claire Radford
Legislative Counsel 

You requested an amendment directing the Department of Corrections (department) to enlist the Alaska Federation of Natives to study and issue recommendations relating to the percentage of state inmates who are Alaska Natives. To that end, this amendment adds an uncodified provision requiring the department to enter into a contract with a statewide Alaska Native organization whose membership consists of villages, Alaska Native corporations, and tribal consortiums.

Please note that an appropriation bill or budget amendment is needed to effectuate the payments directed in your request.

These changes state that the department and its contractor present to the legislature and the governor findings and recommendations for specific actions that can be taken to reduce initial encounters with the prison system and recidivism rates following the release of Alaska Native prisoners. These recommendations may include ways that Alaska Native entities that are primarily federally funded can "provide Indian housing options to reduce the Alaska Native homeless population that are more likely to encounter law enforcement when living on the street[.]" It is unclear what you mean by "Indian housing." Should this term be expanded to reference a specific program?

Please let me know if you have any questions.

CER:boo
24-274.boo

Attachment

AMENDMENT #8

olson

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "T"

- 1 Page 1, line 1, following "Act":
- 2 Insert "**relating to criminal law and procedure;**"

AMENDMENT #9

OFFERED IN THE SENATE

BY SENATOR KIEHL

TO: SCS CSHB 66(FIN), Draft Version "T"

1 Page 38, line 2, through page 39, line 26:

2 Delete all material and insert:

3 **** Sec. 49.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 DIRECT COURT RULE AMENDMENT. Rule 6(s), Alaska Rules of Criminal
6 Procedure, is amended to read:

7 (s) **Admissibility of Evidence.**

8 (1) Evidence which would be legally admissible at trial shall be
9 admissible before the grand jury. Witnesses [IN APPROPRIATE CASES,
10 HOWEVER, WITNESSES] may be presented to summarize admissible evidence if
11 the admissible evidence will be available at trial. [EXCEPT AS STATED IN
12 SUBPARAGRAPHS (2), (3), AND (6), HEARSAY EVIDENCE SHALL NOT BE
13 PRESENTED TO THE GRAND JURY ABSENT COMPELLING JUSTIFICATION
14 FOR ITS INTRODUCTION. IF HEARSAY EVIDENCE IS PRESENTED TO THE
15 GRAND JURY, THE REASONS FOR ITS USE SHALL BE STATED ON THE
16 RECORD.]

17 (2) [IN A PROSECUTION FOR AN OFFENSE UNDER
18 AS 11.41.410 - 11.41.458, HEARSAY EVIDENCE OF A STATEMENT RELATED
19 TO THE OFFENSE, NOT OTHERWISE ADMISSIBLE, MADE BY A CHILD
20 WHO IS THE VICTIM OF THE OFFENSE MAY BE ADMITTED INTO
21 EVIDENCE BEFORE THE GRAND JURY IF

22 (i) THE CIRCUMSTANCES OF THE STATEMENT
23 INDICATE ITS RELIABILITY;

1 (ii) THE CHILD IS UNDER 10 YEARS OF AGE
2 WHEN THE HEARSAY EVIDENCE IS SOUGHT TO BE
3 ADMITTED;

4 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
5 TO CORROBORATE THE STATEMENT; AND

6 (iv) THE CHILD TESTIFIES AT THE GRAND JURY
7 PROCEEDING OR THE CHILD WILL BE AVAILABLE TO
8 TESTIFY AT TRIAL.

9 (3)] Hearsay evidence related to the offense, not otherwise admissible,
10 may be admitted into evidence before the grand jury if

11 [(i)] the individual presenting the hearsay evidence is a
12 peace officer involved in the investigation [; AND

13 (ii) THE HEARSAY EVIDENCE CONSISTS OF THE
14 STATEMENT AND OBSERVATIONS MADE BY ANOTHER
15 PEACE OFFICER IN THE COURSE OF AN INVESTIGATION;
16 AND

17 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
18 TO CORROBORATE THE STATEMENT].

19 (4) If the testimony presented by a peace officer under paragraph (2)
20 [(3)] of this section is inaccurate because of intentional, grossly negligent, or negligent
21 misstatements or omissions, then the court shall dismiss an indictment resulting from
22 the testimony if the defendant shows that the inaccuracy prejudices substantial rights
23 of the defendant.

24 (5) [IN THIS SECTION "STATEMENT" MEANS AN ORAL OR
25 WRITTEN ASSERTION OR NONVERBAL CONDUCT IF THE NONVERBAL
26 CONDUCT IS INTENDED AS AN ASSERTION.

27 (6)] When a prior conviction is an element of an offense, hearsay
28 evidence received through the Alaska Public Safety Information Network or from
29 other government agencies of prior convictions may be presented to the grand jury."

AMENDMENT #10

Hoffman

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "T"

1 Page 1, line 8, following "proceedings;":

2 Insert "relating to the duties of the Department of Corrections;"

3

4 Page 2, following line 12:

5 Insert a new subsection to read:

6 "(d) The legislature further finds that 14 percent of the state's general population is
7 Alaska Native, yet 40 percent of the Department of Corrections' inmate population is Alaska
8 Native. The Alaska Native prison population is triple its representation in the general
9 population, indicating a general failure in efforts to prevent first encounters with the criminal
10 justice system and the lack of support required to prevent recidivism."

11

12 Page 39, following line 27:

13 Insert a new bill section to read:

14 "* Sec. 51. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 INVESTIGATION AND RECOMMENDATIONS. (a) The Department of
17 Corrections shall contract with a statewide Alaska Native organization whose membership
18 consists of villages, Alaska Native corporations, and tribal consortiums to conduct a study on
19 the reasons Alaska Natives make up 40 percent of the state's prison population, yet make up
20 just 14 percent of the general population. The contract shall require outreach to federal, state,
21 local, and tribal governments, and private stakeholders to inform the study and make
22 recommendations.

23 (b) The Department of Corrections and the contractor shall present to the governor

1 and the legislature not later than the first day of the First Regular Session of the Thirty-Fourth
2 Alaska State Legislature findings and recommendations for specific actions that can be taken
3 to reduce initial encounters with the prison system and recidivism rates following the release
4 of Alaska Native prisoners. The recommendations may include ways that Alaska Native
5 entities that are primarily federally funded can

6 (1) establish restorative justice programs to address the unique cultural needs
7 of Alaska Native people;

8 (2) intervene earlier with at-risk Alaska Native youth and young adults to
9 ensure those at-risk youth and young adults have the life skills and support systems necessary
10 to prevent encounters with the criminal justice system;

11 (3) reduce the Alaska Native prison population by providing early mental
12 health diagnosis and better treatment;

13 (4) provide Indian housing options to reduce the Alaska Native homeless
14 population that are more likely to encounter law enforcement when living on the street;

15 (5) improve alcohol and drug misuse treatment options for Alaska Native
16 youth and young adults;

17 (6) provide job training and mentoring opportunities to earn a living and
18 provide food, housing, and other family necessities for Alaska Native residents and families;

19 (7) offer digital training to Alaska Native residents to access tribal, state, and
20 federal services, obtain digital employment, participate in remote counseling services to
21 address alcohol and drug abuse, and participate in job training and education; and

22 (8) identify federal grant programs at the Department of Justice, the
23 Department of Health and Human Services, including the Indian Health Service and
24 Substance Abuse and Mental Health Services Administration, the Department of the Interior,
25 the Department of Labor, and other federal agencies that could be used to fund
26 implementation of the recommendations, with a particular emphasis on juveniles and young
27 adults."

28

29 Renumber the following bill sections accordingly.

30

31 Page 41, line 1:

- 1 Delete "sec. 53"
- 2 Insert "sec. 54"

AMENDMENT

Amendment 11
Hoffman

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "T"

1 Page 1, line 8, following "proceedings;":

2 Insert "relating to the duties of the Department of Corrections;"

3

4 Page 2, following line 12:

5 Insert a new subsection to read:

6 "(d) The legislature further finds that 14 percent of the state's general population is
7 Alaska Native, yet 40 percent of the Department of Corrections' inmate population is Alaska
8 Native. The Alaska Native prison population is triple its representation in the general
9 population, indicating a general failure in efforts to prevent first encounters with the criminal
10 justice system and the lack of support required to prevent recidivism."

11

12 Page 39, following line 27:

13 Insert a new bill section to read:

14 "* Sec. 51. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 INVESTIGATION AND RECOMMENDATIONS. (a) The Department of
17 Corrections shall contract with a statewide Alaska Native organization whose membership
18 consists of villages, Alaska Native corporations, and tribal consortiums to conduct a study on
19 the reasons Alaska Natives make up 40 percent of the state's prison population, yet make up
20 just 14 percent of the general population. The contract shall require outreach to federal, state,
21 local, and tribal governments, and private stakeholders to inform the study and make
22 recommendations.

23 (b) The Department of Corrections and the contractor shall present to the governor

1 and the legislature not later than the first day of the First Regular Session of the Thirty-Fourth
2 Alaska State Legislature findings and recommendations for specific actions that can be taken
3 to reduce initial encounters with the prison system and recidivism rates following the release
4 of Alaska Native prisoners. The recommendations may include ways that Alaska Native
5 entities that are primarily federally funded can

6 (1) establish restorative justice programs to address the unique cultural needs
7 of Alaska Native people;

8 (2) intervene earlier with at-risk Alaska Native youth and young adults to
9 ensure those at-risk youth and young adults have the life skills and support systems necessary
10 to prevent encounters with the criminal justice system;

11 (3) reduce the Alaska Native prison population by providing early mental
12 health diagnosis and better treatment;

13 (4) provide low-income housing options to reduce the Alaska Native homeless
14 population that are more likely to encounter law enforcement when living on the street;

15 (5) improve alcohol and drug misuse treatment options for Alaska Native
16 youth and young adults;

17 (6) provide job training and mentoring opportunities to earn a living and
18 provide food, housing, and other family necessities for Alaska Native residents and families;

19 (7) offer digital training to Alaska Native residents to access tribal, state, and
20 federal services, obtain digital employment, participate in remote counseling services to
21 address alcohol and drug abuse, and participate in job training and education; and

22 (8) identify federal grant programs at the Department of Justice, the
23 Department of Health and Human Services, including the Indian Health Service and
24 Substance Abuse and Mental Health Services Administration, the Department of the Interior,
25 the Department of Labor, and other federal agencies that could be used to fund
26 implementation of the recommendations, with a particular emphasis on juveniles and young
27 adults."

28

29 Renumber the following bill sections accordingly.

30

31 Page 41, line 1:

- 1 Delete "sec. 53"
- 2 Insert "sec. 54"

ALASKA STATE LEGISLATURE

SENATE FINANCE COMMITTEE



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Official Business

Senate Finance CS for House Bill 66: Controlled Substances / Homicide / Sentencing

Summary of Changes, version "N" to "O" to "T" May 10, 2024

- Change #1** In removing and replacing the sections related to the grand jury process, required witnesses, child protection, and stalking, the amendment made a change to a requirement for when a sex offender must report their travel, which was flagged by the Department of Public Safety as inconsistent with federal law. This was Amendment #1.
- Change #2** In removing and replacing the section related to the crime of assault in the presence of a child, the amendment incorporated two changes clarifying that "present" meant physically present in the same housing unit, and limiting the crime to assaults involving domestic violence or sexual assault. This was Amendment #6.
- Change #3** Added new sections providing for additional consecutive terms of imprisonment if a defendant commits multiple violations of their condition of release. This was Amendment #7.
- Change #4** Removed section related to the requirements and coverage of crime victim restitution. This was section 21 of the Senate Judiciary version and originated in HB286.
- Change #5** Removed sections related to prohibiting the Department of Public Safety from releasing certain conviction records for possession of small amounts of marijuana. These were sections 26-27 and 53 of the Senate Judiciary version and originated in HB28.

AMENDMENT #2

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "O"

1 Page 1, line 2:

2 Following "substance;":

3 Insert "changing the term 'child pornography' to 'child sexual abuse
4 material';"

5 Following "sentencing;":

6 Insert "relating to the duty to register as a sex offender; amending the
7 definition of 'sex offense';"

8

9 Page 3, following line 29:

10 Insert new bill sections to read:

11 "* Sec. 5. AS 11.61.125(a) is amended to read:

12 (a) A person commits the crime of distribution of child sexual abuse material
13 [PORNOGRAPHY] if the person distributes in this state or advertises, promotes,
14 solicits, or offers to distribute in this state any material that is proscribed under
15 AS 11.61.127.

16 * Sec. 6. AS 11.61.125(e) is amended to read:

17 (e) Distribution of child sexual abuse material [PORNOGRAPHY] is a

18 (1) class B felony; or

19 (2) class A felony if the person has been previously convicted of
20 distribution of child sexual abuse material [PORNOGRAPHY] in this jurisdiction or
21 a similar crime in this or another jurisdiction.

22 * Sec. 7. AS 11.61.127(a) is amended to read:

23 (a) A person commits the crime of possession of child sexual abuse material

1 [PORNOGRAPHY] if the person knowingly possesses or knowingly accesses on a
2 computer with intent to view any material that visually depicts conduct described in
3 AS 11.41.455(a) knowing that the production of the material involved the use of a
4 child under 18 years of age who engaged in the conduct or a depiction of a part of an
5 actual child under 18 years of age who, by manipulation, creation, or modification,
6 appears to be engaged in the conduct.

7 * **Sec. 8.** AS 11.61.127(g) is amended to read:

8 (g) Possession of child sexual abuse material [PORNOGRAPHY] is a class
9 C felony.

10 * **Sec. 9.** AS 11.66.100(c) is amended to read:

11 (c) A person may not be prosecuted under (a)(1) of this section if the
12 (1) person witnessed or was a victim of, and reported to law
13 enforcement in good faith, one or more of the following crimes:

- 14 (A) murder in the first degree under AS 11.41.100;
- 15 (B) murder in the second degree under AS 11.41.110;
- 16 (C) manslaughter under AS 11.41.120;
- 17 (D) criminally negligent homicide under AS 11.41.130;
- 18 (E) assault in the first degree under AS 11.41.200;
- 19 (F) assault in the second degree under AS 11.41.210;
- 20 (G) assault in the third degree under AS 11.41.220;
- 21 (H) assault in the fourth degree under AS 11.41.230;
- 22 (I) sexual assault in the first degree under AS 11.41.410;
- 23 (J) sexual assault in the second degree under AS 11.41.420;
- 24 (K) sexual assault in the third degree under AS 11.41.425;
- 25 (L) sexual assault in the fourth degree under AS 11.41.427;
- 26 (M) sexual abuse of a minor in the first degree under
27 AS 11.41.434;
- 28 (N) sexual abuse of a minor in the second degree under
29 AS 11.41.436;
- 30 (O) sexual abuse of a minor in the third degree under
31 AS 11.41.438;

1 (P) sexual abuse of a minor in the fourth degree under
2 AS 11.41.440;

3 (Q) robbery in the first degree under AS 11.41.500;

4 (R) robbery in the second degree under AS 11.41.510;

5 (S) extortion under AS 11.41.520;

6 (T) coercion under AS 11.41.530;

7 (U) distribution of child sexual abuse material
8 [PORNOGRAPHY] under AS 11.61.125;

9 (V) possession of child sexual abuse material
10 [PORNOGRAPHY] under AS 11.61.127;

11 (W) sex trafficking in the first degree under AS 11.66.110;

12 (X) sex trafficking in the second degree under AS 11.66.120;

13 (Y) sex trafficking in the third degree under AS 11.66.130; or

14 (Z) sex trafficking in the fourth degree under AS 11.66.135;

15 (2) evidence supporting the prosecution under (a)(1) of this section
16 was obtained or discovered as a result of the person reporting the crime to law
17 enforcement; and

18 (3) person cooperated with law enforcement personnel."
19

20 Renumber the following bill sections accordingly.

21
22 Page 6, following line 5:

23 Insert a new bill section to read:

24 **"* Sec. 13.** AS 12.10.010(a) is amended to read:

25 (a) Prosecution for the following offenses may be commenced at any time:

26 (1) murder;

27 (2) attempt, solicitation, or conspiracy to commit murder or hindering
28 the prosecution of murder;

29 (3) felony sexual abuse of a minor;

30 (4) sexual assault that is an unclassified, class A, or class B felony or a
31 violation of AS 11.41.425(a)(2) - (4);

1 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,
2 AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person
3 who, at the time of the offense, was under 18 years of age;

4 (6) kidnapping;

5 (7) distribution of child sexual abuse material [PORNOGRAPHY] in
6 violation of AS 11.61.125;

7 (8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an
8 unclassified, class A, or class B felony or that is committed against a person who, at
9 the time of the offense, was under 20 years of age;

10 (9) human trafficking in violation of AS 11.41.360 or 11.41.365."

11
12 Renumber the following bill sections accordingly.

13
14 Page 7, following line 6:

15 Insert new bill sections to read:

16 **"* Sec. 15.** AS 12.55.125(i) is amended to read:

17 (i) A defendant convicted of

18 (1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2),
19 (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor
20 under AS 11.41.455(c)(2), or sex trafficking in the first degree under
21 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
22 than 99 years and shall be sentenced to a definite term within the following
23 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

24 (A) if the offense is a first felony conviction, the offense does
25 not involve circumstances described in (B) of this paragraph, and the victim
26 was

27 (i) less than 13 years of age, 25 to 35 years;

28 (ii) 13 years of age or older, 20 to 30 years;

29 (B) if the offense is a first felony conviction and the defendant
30 possessed a firearm, used a dangerous instrument, or caused serious physical
31 injury during the commission of the offense, 25 to 35 years;

1 (C) if the offense is a second felony conviction and does not
2 involve circumstances described in (D) of this paragraph, 30 to 40 years;

3 (D) if the offense is a second felony conviction and the
4 defendant has a prior conviction for a sexual felony, 35 to 45 years;

5 (E) if the offense is a third felony conviction and the defendant
6 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
7 to 60 years;

8 (F) if the offense is a third felony conviction, the defendant is
9 not subject to sentencing under (I) of this section, and the defendant has two
10 prior convictions for sexual felonies, 99 years;

11 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B),
12 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor
13 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault
14 in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a
15 minor in the first degree, or sex trafficking in the first degree under
16 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
17 than 99 years and shall be sentenced to a definite term within the following
18 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

19 (A) if the offense is a first felony conviction, the offense does
20 not involve circumstances described in (B) of this paragraph, and the victim
21 was

22 (i) under 13 years of age, 20 to 30 years;

23 (ii) 13 years of age or older, 15 to 30 years;

24 (B) if the offense is a first felony conviction and the defendant
25 possessed a firearm, used a dangerous instrument, or caused serious physical
26 injury during the commission of the offense, 25 to 35 years;

27 (C) if the offense is a second felony conviction and does not
28 involve circumstances described in (D) of this paragraph, 25 to 35 years;

29 (D) if the offense is a second felony conviction and the
30 defendant has a prior conviction for a sexual felony, 30 to 40 years;

31 (E) if the offense is a third felony conviction, the offense does

1 not involve circumstances described in (F) of this paragraph, and the defendant
2 is not subject to sentencing under (I) of this section, 35 to 50 years;

3 (F) if the offense is a third felony conviction, the defendant is
4 not subject to sentencing under (I) of this section, and the defendant has two
5 prior convictions for sexual felonies, 99 years;

6 (3) sexual assault in the second degree, sexual abuse of a minor in the
7 second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the
8 first degree under AS 11.41.458(b)(2), distribution of child sexual abuse material
9 [PORNOGRAPHY] under AS 11.61.125(e)(2), or attempt, conspiracy, or solicitation
10 to commit sexual assault in the first degree under AS 11.41.410(a)(1)(B) may be
11 sentenced to a definite term of imprisonment of not more than 99 years and shall be
12 sentenced to a definite term within the following presumptive ranges, subject to
13 adjustment as provided in AS 12.55.155 - 12.55.175:

14 (A) if the offense is a first felony conviction, five to 15 years;

15 (B) if the offense is a second felony conviction and does not
16 involve circumstances described in (C) of this paragraph, 10 to 25 years;

17 (C) if the offense is a second felony conviction and the
18 defendant has a prior conviction for a sexual felony, 15 to 30 years;

19 (D) if the offense is a third felony conviction and does not
20 involve circumstances described in (E) of this paragraph, 20 to 35 years;

21 (E) if the offense is a third felony conviction and the defendant
22 has two prior convictions for sexual felonies, 99 years;

23 (4) sexual assault in the third degree, sexual abuse of a minor in the
24 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under
25 AS 11.41.458(b)(1), indecent viewing or production of a picture under
26 AS 11.61.123(f)(1) or (2), possession of child sexual abuse material
27 [PORNOGRAPHY], distribution of child sexual abuse material [PORNOGRAPHY]
28 under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual
29 assault in the second degree, sexual abuse of a minor in the second degree, unlawful
30 exploitation of a minor, or distribution of child sexual abuse material
31 [PORNOGRAPHY], may be sentenced to a definite term of imprisonment of not more

1 than 99 years and shall be sentenced to a definite term within the following
2 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

3 (A) if the offense is a first felony conviction and does not
4 involve the circumstances described in (B) or (C) of this paragraph, two to 12
5 years;

6 (B) if the offense is a first felony conviction under
7 AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this
8 paragraph, four to 12 years;

9 (C) if the offense is a first felony conviction under
10 AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create
11 a mechanism for multi-party sharing or distribution of child sexual abuse
12 material [PORNOGRAPHY], or received a financial benefit or had a financial
13 interest in a child sexual abuse material [PORNOGRAPHY] sharing or
14 distribution mechanism, six to 14 years;

15 (D) if the offense is a second felony conviction and does not
16 involve circumstances described in (E) of this paragraph, eight to 15 years;

17 (E) if the offense is a second felony conviction and the
18 defendant has a prior conviction for a sexual felony, 12 to 20 years;

19 (F) if the offense is a third felony conviction and does not
20 involve circumstances described in (G) of this paragraph, 15 to 25 years;

21 (G) if the offense is a third felony conviction and the defendant
22 has two prior convictions for sexual felonies, 99 years.

23 * Sec. 16. AS 12.55.127(d) is amended to read:

24 (d) If the defendant is being sentenced for two or more crimes of distribution
25 of child sexual abuse material [PORNOGRAPHY] under AS 11.61.125, possession
26 of child sexual abuse material [PORNOGRAPHY] under AS 11.61.127, or
27 distribution of indecent material to minors under AS 11.61.128, a consecutive term of
28 imprisonment shall be imposed for some additional term of imprisonment for each
29 additional crime or each additional attempt or solicitation to commit the offense.

30 * Sec. 17. AS 12.55.185(16) is amended to read:

31 (16) "sexual felony" means sexual assault in the first degree, sexual

1 abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in
 2 the second degree, sexual abuse of a minor in the second degree, sexual abuse of a
 3 minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor,
 4 indecent viewing or production of a picture under AS 11.61.123(f)(1) or (2),
 5 distribution of child sexual abuse material [PORNOGRAPHY], sexual assault in the
 6 third degree, incest, indecent exposure in the first degree, possession of child sexual
 7 abuse material [PORNOGRAPHY], enticement of a minor, and felony attempt,
 8 conspiracy, or solicitation to commit those crimes;

9 * **Sec. 18.** AS 12.63.100(7) is amended to read:

10 (7) "sex offense" means

11 (A) a crime under AS 11.41.100(a)(3), or a similar law of
 12 another jurisdiction, in which the person committed or attempted to commit a
 13 sexual offense, or a similar offense under the laws of the other jurisdiction; in
 14 this subparagraph, "sexual offense" has the meaning given in
 15 AS 11.41.100(a)(3);

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

19 (i) sexual assault in the first degree;

20 (ii) sexual assault in the second degree;

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

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

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

25 (i) AS 11.41.410 - 11.41.438;

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

27 (iii) AS 11.41.450 - 11.41.458;

28 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent
 29 exposure is before a person under 16 years of age and the offender has
 30 previously been convicted under AS 11.41.460 or AS 26.05.900(c);

31 (v) AS 11.61.125 - 11.61.128;

1 (vi) [AS 11.66.110,] 11.66.130(a)(2)(B), or
 2 AS 26.05.900(b) if the person who was induced or caused to engage in
 3 prostitution was under 20 years of age at the time of the offense;

4 (vii) former AS 11.15.120, former 11.15.134, or assault
 5 with the intent to commit rape under former AS 11.15.160, former
 6 AS 11.40.110, or former 11.40.200;

7 (viii) AS 11.61.118(a)(2) if the offender has a previous
 8 conviction for that offense;

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

11 (x) AS 26.05.890 if the person engaged in sexual
 12 penetration or sexual contact with the victim;

13 (xi) AS 26.05.890 if, at the time of the offense, the
 14 victim is under a duty to obey the lawful orders of the offender,
 15 regardless of whether the offender is in the direct chain of command
 16 over the victim;

17 (xii) AS 26.05.893 if the person engaged in sexual
 18 penetration or sexual contact with the victim;

19 (xiii) AS 26.05.900(a) [AS 26.05.900(a)(1) - (4)] if the
 20 victim is under 18 years of age at the time of the offense;

21 (xiv) AS 26.05.900 if, at the time of the offense, the
 22 victim is under a duty to obey the lawful orders of the offender,
 23 regardless of whether the offender is in the direct chain of command
 24 over the victim; [OR]

25 (xv) AS 11.61.123 if the offender is subject to
 26 punishment under AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR
 27 (2)];

28 (xvi) AS 11.61.130(a)(2); or

29 (xvii) AS 11.66.110 and 11.66.120;

30 (D) an offense, or an attempt, solicitation, or conspiracy to
 31 commit an offense, under AS 26.05.935(b), or a similar law of another

1 jurisdiction, if the member of the militia commits one of the following
2 enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform
3 Code of Military Justice):

4 (i) child sexual abuse material [PORNOGRAPHY]; or

5 (ii) pandering and prostitution if the person who is
6 induced, enticed, caused, or procured to engage in a sexual act is under
7 20 years of age at the time of the offense; or

8 (E) an offense in which the person is required to register as a
9 sex offender under the laws of another jurisdiction;

10 * Sec. 19. AS 15.80.010(10) is amended to read:

11 (10) "felony involving moral turpitude" includes those crimes that are
12 immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault,
13 sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion,
14 coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a
15 forgery device, offering a false instrument for recording, scheme to defraud, falsifying
16 business records, commercial bribe receiving, commercial bribery, bribery, receiving a
17 bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor,
18 escape, promoting contraband, interference with official proceedings, receiving a bribe
19 by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical
20 evidence, hindering prosecution, terroristic threatening, riot, criminal possession of
21 explosives, unlawful furnishing of explosives, sex trafficking, criminal mischief,
22 misconduct involving a controlled substance or an imitation controlled substance,
23 permitting an escape, promoting gambling, possession of gambling records,
24 distribution of child sexual abuse material [PORNOGRAPHY], and possession of
25 child sexual abuse material [PORNOGRAPHY];

26 * Sec. 20. AS 28.15.046(c) is amended to read:

27 (c) The department may not issue a license under this section to an applicant

28 (1) who has been convicted of any of the following offenses:

29 (A) a violation, or an attempt, solicitation, or conspiracy to
30 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,
31 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

1 (B) a felony violation of endangering the welfare of a child in
2 the first degree under AS 11.51.100;

3 (C) felony indecent viewing or production of a picture under
4 AS 11.61.123;

5 (D) distribution of child sexual abuse material
6 [PORNOGRAPHY] under AS 11.61.125;

7 (E) possession of child sexual abuse material
8 [PORNOGRAPHY] under AS 11.61.127;

9 (F) distribution of indecent material to minors under
10 AS 11.61.128;

11 (G) felony prostitution under AS 11.66.100(e);

12 (H) sex trafficking in the first, second, or third degree under
13 AS 11.66.110 - 11.66.130;

14 (I) a felony involving distribution of a controlled substance
15 under AS 11.71 or imitation controlled substance under AS 11.73;

16 (J) a felony violation under AS 28.35.030(n) or 28.35.032(p);

17 or

18 (2) who has been convicted of any of the following offenses and less
19 than two years have elapsed since the applicant's date of conviction for the offense:

20 (A) assault in the fourth degree under AS 11.41.230;

21 (B) reckless endangerment under AS 11.41.250;

22 (C) contributing to the delinquency of a minor under
23 AS 11.51.130;

24 (D) misdemeanor prostitution under AS 11.66.100(a)(2);

25 (E) a misdemeanor violation of endangering the welfare of a
26 child in the first degree under AS 11.51.100.

27 * Sec. 21. AS 47.12.110(d) is amended to read:

28 (d) Notwithstanding (a) of this section, a court hearing on a petition seeking
29 the adjudication of a minor as a delinquent shall be open to the public, except as
30 prohibited or limited by order of the court, if

31 (1) the department files with the court a motion asking the court to

1 open the hearing to the public, and the petition seeking adjudication of the minor as a
2 delinquent is based on

3 (A) the minor's alleged commission of an offense, and the
4 minor has knowingly failed to comply with all the terms and conditions
5 required of the minor by the department or imposed on the minor in a court
6 order entered under AS 47.12.040(a)(2) or 47.12.120;

7 (B) the minor's alleged commission of

8 (i) a crime against a person that is punishable as a
9 felony;

10 (ii) a crime in which the minor employed a deadly
11 weapon, as that term is defined in AS 11.81.900(b), in committing the
12 crime;

13 (iii) arson under AS 11.46.400 - 11.46.410;

14 (iv) burglary under AS 11.46.300;

15 (v) distribution of child sexual abuse material
16 [PORNOGRAPHY] under AS 11.61.125;

17 (vi) sex trafficking in the first degree under
18 AS 11.66.110; or

19 (vii) misconduct involving a controlled substance under
20 AS 11.71 involving the delivery of a controlled substance or the
21 possession of a controlled substance with intent to deliver, other than
22 an offense under AS 11.71.040 or 11.71.050; or

23 (C) the minor's alleged commission of a felony and the minor
24 was 16 years of age or older at the time of commission of the offense when the
25 minor has previously been convicted or adjudicated a delinquent minor based
26 on the minor's commission of an offense that is a felony; or

27 (2) the minor agrees to a public hearing on the petition seeking
28 adjudication of the minor as a delinquent.

29 * Sec. 22. AS 47.12.315(a) is amended to read:

30 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this
31 section, the department shall disclose information to the public, on request, concerning

- 1 a minor subject to this chapter who was at least 13 years of age at the time of
2 commission of
- 3 (1) a felony offense against a person under AS 11.41;
 - 4 (2) arson in the first or second degree;
 - 5 (3) burglary in the first degree;
 - 6 (4) distribution of child sexual abuse material [PORNOGRAPHY];
 - 7 (5) sex trafficking in the first degree;
 - 8 (6) misconduct involving a controlled substance in the first, second, or
9 third degrees involving distribution or possession with intent to deliver; or
 - 10 (7) misconduct involving weapons in the first through fourth degrees."

11

12 Renumber the following bill sections accordingly.

13

14 Page 7, line 9:

15 Following "APPLICABILITY.":

16 Insert "(a)"

17

18 Page 7, line 11:

19 Delete "sec. 5"

20 Insert "sec. 10"

21

22 Page 7, line 12:

23 Delete "sec. 6"

24 Insert "sec. 11"

25

26 Page 7, line 13:

27 Delete "sec. 7"

28 Insert "sec. 12"

29 Delete "sec. 8"

30 Insert "sec. 14"

31

1 Page 7, line 14:

2 Delete "secs. 1 - 8"

3 Insert "secs. 1 - 4, 10 - 12, and 14"

4

5 Page 7, following line 14:

6 Insert a new subsection to read:

7 "(b) AS 12.63.100(7), as amended by sec. 18 of this Act, applies to the duty to
8 register as a sex offender for offenses committed on or after the effective date of sec. 18 of
9 this Act."

AMENDMENT #3

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "O"

1 Page 1, line 2:

2 Following "**substance**";:

3 Insert "**relating to competency to stand trial**";

4 Following "**sentencing**";:

5 Insert "**relating to involuntary civil commitments; relating to victims'**
6 **rights during certain civil commitment proceedings**";

7

8 Page 6, following line 5:

9 Insert new bill sections to read:

10 "* **Sec. 8.** AS 12.47.070(a) is amended to read:

11 (a) If a defendant has filed a notice of intention to rely on the affirmative
12 defense of insanity under AS 12.47.010 or has filed notice under AS 12.47.020(a), or
13 there is reason to doubt the defendant's fitness to proceed, or there is reason to believe
14 that a mental disease or defect of the defendant will otherwise become an issue in the
15 case, the court shall appoint a qualified psychiatrist or psychologist [AT LEAST
16 TWO QUALIFIED PSYCHIATRISTS OR TWO FORENSIC PSYCHOLOGISTS
17 CERTIFIED BY THE AMERICAN BOARD OF FORENSIC PSYCHOLOGY] to
18 examine and report on [UPON] the mental condition of the defendant. If the court
19 appoints a psychiatrist [PSYCHIATRISTS], the psychiatrist [PSYCHIATRISTS]
20 may select psychologists to provide assistance. If the defendant has filed notice under
21 AS 12.47.090(a), the report shall consider whether the defendant can still be
22 committed under AS 12.47.090(c). The court may order the defendant to be committed
23 to a secure facility for the purpose of the examination for not more than 60 days or for

1 a [SUCH] longer period as the court determines to be necessary for the purpose and
2 may direct that a qualified psychiatrist retained by the defendant be permitted to
3 witness and participate in the examination.

4 * **Sec. 9.** AS 12.47.100(b) is amended to read:

5 (b) If, before imposition of sentence, the prosecuting attorney or the attorney
6 for the defendant has reasonable cause to believe that the defendant is presently
7 suffering from a mental disease or defect that causes the defendant to be unable to
8 understand the proceedings or to assist in the person's own defense, the attorney may
9 file a motion for a judicial determination of the competency of the defendant. Upon
10 that motion, or upon its own motion, the court, if justified by findings of fact and
11 conclusions of law, shall have the defendant examined by at least one qualified
12 psychiatrist or psychologist, who shall report to the court concerning the competency
13 of the defendant. For the purpose of the examination, the court may order the
14 defendant committed for a reasonable period to a suitable hospital or other facility
15 designated by the court. If the report of the psychiatrist or psychologist indicates that
16 the defendant is incompetent, the court shall hold a hearing, upon due notice, at which
17 evidence as to the competency of the defendant may be submitted, including that of
18 the reporting psychiatrist or psychologist, and make appropriate findings. Before the
19 hearing, the court shall, upon request of the prosecuting attorney, order the defendant
20 to submit to an additional evaluation by a psychiatrist or psychologist designated by
21 the prosecuting attorney.

22 * **Sec. 10.** AS 12.47.100 is amended by adding new subsections to read:

23 (i) The court may order a defendant to be examined under this section at an
24 outpatient clinic or other facility as a condition of the defendant's release under
25 AS 12.30. In considering the conditions of a defendant's release under this subsection,
26 the court shall, in addition to any applicable requirement under AS 12.30, consider

27 (1) any medical information provided by the Department of Family
28 and Community Services;

29 (2) the defendant's mental condition;

30 (3) the defendant's level of need for evaluation and treatment under
31 this chapter;

1 (4) the defendant's ability to participate in outpatient treatment; and

2 (5) the defendant's history of evaluation and treatment under this

3 chapter.

4 (j) If the defendant is charged with a felony offense against a person under
5 AS 11.41 or felony arson, a qualified psychiatrist or psychologist conducting an
6 examination under (b) of this section may, at the same time, evaluate the defendant to
7 determine whether the defendant meets the standards for involuntary commitment
8 under AS 47.30.700 - 47.30.915.

9 (k) In making findings of fact and conclusions of law under (b) of this section,
10 a court may rely on a defense attorney's representation.

11 * Sec. 11. AS 12.47.110 is amended by adding new subsections to read:

12 (f) The court may order a defendant to receive further evaluation and
13 treatment under (a) or (b) of this section at an outpatient clinic or other facility as a
14 condition of the defendant's release under AS 12.30. In considering the conditions of a
15 defendant's release under this subsection, the court shall, in addition to any applicable
16 requirement under AS 12.30, consider

17 (1) any medical information provided by the Department of Family
18 and Community Services;

19 (2) the defendant's mental condition;

20 (3) the defendant's level of need for evaluation and treatment under
21 this chapter;

22 (4) the defendant's ability to participate in outpatient treatment; and

23 (5) the defendant's history of evaluation and treatment under this

24 chapter.

25 (g) Before criminal charges against a defendant charged with a felony offense
26 against a person under AS 11.41 or felony arson are dismissed under (b) of this
27 section, the prosecutor shall

28 (1) file a petition seeking involuntary commitment of the defendant
29 under AS 47.30.706 before dismissal of the charges;

30 (2) notify the division of the Department of Law that has responsibility
31 for civil cases of the petition within 24 hours after filing the petition; and

1 (3) provide the court's findings to the division of the Department of
2 Law that has responsibility for civil cases within 24 hours after the court's ruling."

3
4 Renumber the following bill sections accordingly.

5
6 Page 7, following line 6:

7 Insert new bill sections to read:

8 "* **Sec. 13.** AS 47.30 is amended by adding a new section to read:

9 **Sec. 47.30.706. Detention for evaluation after finding of incompetence. (a)**
10 If a person who has been charged with a felony offense against a person under
11 AS 11.41 or felony arson has been found incompetent to proceed under AS 12.47,
12 before the charges are dismissed, an attorney with the Department of Law shall
13 petition a court to have the person delivered to the nearest evaluation facility for an
14 evaluation under AS 47.30.710.

15 (b) Upon receiving a petition under (a) of this section, a court shall, unless the
16 presumption in (d) of this section has been successfully rebutted, issue an ex parte
17 order orally or in writing stating that there is probable cause to believe the respondent
18 is mentally ill and that condition causes the respondent to present a likelihood of
19 serious harm to self or others. The court shall appoint an attorney to represent the
20 respondent and may direct that a peace officer take the respondent into custody and
21 deliver the respondent to the nearest appropriate facility for evaluation. The ex parte
22 order shall be provided to the respondent and made a part of the respondent's clinical
23 record. The court shall set a date, time, and place for a 30-day commitment hearing, to
24 be held within 72 hours after the respondent's arrival at the evaluation facility. The
25 court shall confirm an oral order in writing within 24 hours after it is issued.

26 (c) A respondent taken into custody for evaluation under this section may not
27 be placed in a jail or other correctional facility except for protective custody purposes
28 and only while awaiting transportation to an evaluation facility.

29 (d) A defendant charged with a felony offense against a person under
30 AS 11.41 or felony arson and found to be incompetent to proceed under AS 12.47.100
31 is rebuttably presumed to be mentally ill and to present a likelihood of serious harm to

1 self or others. In evaluating whether a defendant is likely to cause serious harm under
2 this section, the court may consider the conduct with which the defendant was
3 originally charged as evidence of recent behavior, regardless of any time spent in
4 custody.

5 * **Sec. 14.** AS 47.30.710(a) is amended to read:

6 (a) A respondent who is delivered under AS 47.30.700 - 47.30.706
7 [AS 47.30.700 - 47.30.705] to an evaluation facility for [EMERGENCY] examination
8 and treatment shall be examined and evaluated as to mental and physical condition by
9 a mental health professional and by a physician within 24 hours after arrival at the
10 facility.

11 * **Sec. 15.** AS 47.30.715 is repealed and reenacted to read:

12 **Sec. 47.30.715. Procedure after order.** (a) After the court grants an ex parte
13 order authorizing hospitalization for evaluation, the department shall immediately
14 transport a person who is detained at a medical or other facility, including a
15 correctional facility, to a crisis residential center or evaluation facility for an
16 evaluation.

17 (b) A person being detained while awaiting transportation to a crisis
18 residential center or evaluation facility may request a court hearing to review the
19 detention at any time. The hearing shall be held not later than 72 hours after the
20 request is filed. When the court rules on a request for review of the detention pending
21 transportation, the court shall consider the factors listed in (d) of this section.

22 (c) A person may not be detained for more than seven days while awaiting
23 transportation to a crisis residential center or evaluation facility; however, the
24 department or a facility detaining a person under AS 47.30.700 - 47.30.815 may file a
25 request to extend the detention based on the person continuing to meet the standards
26 for commitment under AS 47.30.700 and the need for a continued hold. The request
27 must be supported by the verified or certified statement of a mental health professional
28 and be served on the respondent, the respondent's attorney, and the division of the
29 Department of Law that has responsibility for civil cases. When the court decides a
30 request to extend the detention pending transportation, the court shall consider the
31 factors identified in (d) of this section.

1 (d) When ruling on a request to review or extend detention, the court shall
2 consider the totality of the circumstances, including

3 (1) the length of time the person has been detained;

4 (2) the reason the person has not yet been transported;

5 (3) the person's current medical and psychiatric condition;

6 (4) whether the person is gravely disabled or is likely to cause serious
7 harm to self or others; and

8 (5) whether the person is receiving treatment at the person's current
9 placement.

10 (e) The court shall schedule a hearing to decide a request for review under (b)
11 of this section or a request to extend detention under (c) of this section. The hearing
12 shall be held not later than 72 hours after the request for review or the request to
13 extend detention, as applicable. If a hearing is held after expiration of the seven-day
14 detention period, the detention shall be extended until the hearing.

15 (f) Regardless of whether a request to extend the respondent's detention has
16 been filed, if at any time in the course of the detention a mental health professional at
17 the detaining facility determines that the person does not meet the standards for
18 commitment under AS 47.30.700, the respondent shall be released and the facility
19 shall notify the petitioner, the respondent's attorney, the division of the Department of
20 Law that has responsibility for civil cases, and the court.

21 (g) When an evaluation facility receives a proper order for evaluation, it shall
22 accept the order and the respondent for an evaluation period not to exceed 72 hours.
23 The evaluation facility shall promptly notify the court of the date and time of the
24 respondent's arrival. The court shall set a date, time, and place for a 30-day
25 commitment hearing, to be held if needed within 72 hours after the respondent's
26 arrival, and the court shall notify the evaluation facility, the respondent, the
27 respondent's guardian, if any, the respondent's attorney, the petitioner's attorney, if
28 any, and the attorney general of the time and place of the hearing. Evaluation
29 personnel, when used, shall similarly notify the court of the date and time when they
30 first met with the respondent.

31 * Sec. 16. AS 47.30.725 is amended by adding new subsections to read:

1 (g) If a criminal charge of a felony offense against a person under AS 11.41 or
 2 felony arson against a respondent has been dismissed under AS 12.47.110 and the
 3 respondent is detained for evaluation or committed under AS 47.30.700 - 47.30.915,

4 (1) the Department of Law shall notify a victim in the dismissed
 5 criminal case

6 (A) of the time and place of a hearing under AS 47.30.700 -
 7 47.30.915;

8 (B) of the length of time for which the respondent is committed
 9 and findings of fact made by the court; and

10 (C) when the respondent is discharged from commitment; and

11 (2) a victim in the dismissed criminal case may attend a hearing under
 12 AS 47.30.700 - 47.30.915, but may not disclose confidential information from the
 13 hearing.

14 (h) Subsection (g) of this section may not be construed to give a victim in a
 15 dismissed criminal case the right to access a record that is confidential under
 16 AS 47.30.845.

17 * Sec. 17. AS 47.30 is amended by adding a new section to read:

18 **Sec. 47.30.727. Provision of records and notice following a finding of**
 19 **incompetency in a criminal case.** (a) Within 30 days after a respondent has been
 20 found incompetent to proceed under AS 12.47.110 and committed under AS 47.30.700
 21 - 47.30.915, and every 30 days thereafter until the civil commitment case has
 22 concluded, the division of the Department of Law that has responsibility for civil cases
 23 shall provide all information and records obtained during the civil commitment to the
 24 division of the Department of Law that has responsibility for criminal cases.

25 (b) Records disclosed to the division of the Department of Law that has
 26 responsibility for criminal cases under (a) of this section are confidential and may not
 27 be disclosed to anyone unless disclosure is required by a court order or the respondent
 28 provides written consent to the disclosure. If the records are used in the criminal
 29 proceeding, the moving party shall file the records as confidential documents.

30 (c) A facility housing a respondent found incompetent to proceed under
 31 AS 12.47.110 and committed under AS 47.30.700 - 47.30.915 shall provide notice to

1 the prosecutor in the criminal case of all hearings scheduled by the court in the civil
2 commitment case. The prosecutor, or a staff member of the prosecutor's office, may
3 attend a hearing in the civil commitment case but may not participate in the hearing as
4 a party.

5 * Sec. 18. AS 47.30.735(b) is amended to read:

6 (b) The hearing shall be conducted in a physical setting least likely to have a
7 harmful effect on the mental or physical health of the respondent, within practical
8 limits. At the hearing, in addition to other rights specified in AS 47.30.660 -
9 47.30.915, the respondent has the right

10 (1) to be present at the hearing; this right may be waived only with the
11 respondent's informed consent; if the respondent is incapable of giving informed
12 consent, the respondent may be excluded from the hearing only if the court, after
13 hearing, finds that the incapacity exists and that there is a substantial likelihood that
14 the respondent's presence at the hearing would be severely injurious to the
15 respondent's mental or physical health;

16 (2) to view and copy all petitions and reports in the court file of the
17 respondent's case;

18 (3) to have the hearing open or closed to the public as the respondent
19 elects, except that, if the respondent was charged with a felony offense against a
20 person under AS 11.41 or felony arson and the criminal case was dismissed under
21 AS 12.47.110, an alleged victim in the dismissed criminal case and the prosecutor,
22 or a staff member of the prosecutor's office, may attend the hearing, but may not
23 disclose confidential information from the hearing;

24 (4) to have the rules of evidence and civil procedure applied so as to
25 provide for the informal but efficient presentation of evidence;

26 (5) to have an interpreter if the respondent does not understand
27 English;

28 (6) to present evidence on the respondent's behalf;

29 (7) to cross-examine witnesses who testify against the respondent;

30 (8) to remain silent;

31 (9) to call experts and other witnesses to testify on the respondent's

1 behalf.

2 * **Sec. 19.** AS 47.30 is amended by adding a new section to read:

3 **Sec. 47.30.771. Additional two-year commitment.** (a) The respondent shall
4 be released from involuntary treatment at the expiration of 180 days unless the
5 professional person in charge or the attorney general's office files an additional 180-
6 day petition or a petition for a commitment of up to two years conforming to the
7 requirements of AS 47.30.740(a) except that all references to "30-day commitment"
8 shall be read as "the previous 180-day commitment" and all references to "90-day
9 commitment" shall be read as "two-year commitment."

10 (b) The procedures for service of the petition, notification of rights, and
11 judicial hearing shall be as set out in AS 47.30.740 - 47.30.750. Following a 180-day
12 commitment of a respondent, the court may order the respondent committed for an
13 additional treatment period not to exceed two years from the date on which the 180-
14 day treatment period would have expired if the court or jury finds by clear and
15 convincing evidence that

16 (1) the respondent is mentally ill and as a result is likely to cause
17 serious harm to self or others;

18 (2) the respondent has a criminal history that includes a felony offense
19 against a person under AS 11.41 or felony arson, including an offense for which the
20 respondent was found incompetent to stand trial under AS 12.47.100 and 12.47.110;

21 (3) the respondent has been found incompetent to stand trial under
22 AS 12.47.100 and 12.47.110 for a felony offense against a person under AS 11.41 or
23 felony arson and that finding of incompetence led directly to the respondent's current
24 period of commitment; and

25 (4) the period of commitment of the respondent, including a period of
26 commitment for more than 180 days but not more than two years, is necessary to
27 protect the public.

28 (c) Findings of fact relating to the respondent's behavior made at a 30-day
29 commitment hearing under AS 47.30.735, a 90-day commitment hearing under
30 AS 47.30.750, a 180-day commitment hearing under AS 47.30.770, or a two-year
31 commitment hearing under this section shall be admitted as evidence and may not be

1 rebutted except that newly discovered evidence may be used for the purpose of
2 rebutting the findings.

3 (d) Successive commitments are permissible on the same ground and under
4 the same procedures as the original commitment. An order of commitment may not
5 exceed two years.

6 (e) The department shall, by January 30 of each year, submit to the attorney
7 general, public defender, public advocate, Alaska Court System, and the attorney of
8 record for the respondent, if any, a report that details how many respondents are
9 committed under this section and how much time remains on each order of
10 commitment.

11 * **Sec. 20.** AS 47.30.780(a) is amended to read:

12 (a) Except as provided in (b) **and (c)** of this section, the professional person in
13 charge shall at any time discharge a respondent on the ground that the respondent is no
14 longer gravely disabled or likely to cause serious harm as a result of mental illness. A
15 certificate to this effect shall be sent to the court, which shall enter an order officially
16 terminating the involuntary commitment.

17 * **Sec. 21.** AS 47.30.780 is amended by adding new subsections to read:

18 (c) If a respondent committed under AS 47.30.770 or 47.30.771 has a criminal
19 history that includes a felony offense against a person under AS 11.41 or felony arson,
20 including an offense for which the respondent was found incompetent to stand trial
21 under AS 12.47.100 and 12.47.110, the professional person in charge may not
22 discharge the respondent under (a) of this section unless the court enters an order
23 officially terminating the involuntary commitment. The court shall give the
24 prosecuting authority 10 days' notice before the professional person in charge may
25 discharge a respondent under this subsection.

26 (d) Except as provided in (e) of this section, a respondent committed under
27 AS 47.30.771 may petition the court for early discharge at any time during the
28 commitment if the respondent presents some evidence demonstrating that the
29 respondent is no longer likely to cause serious harm to self or others. The court shall
30 grant early discharge unless the state proves by clear and convincing evidence that the
31 respondent remains likely to cause serious harm to self or others.

1 (e) A respondent may not file a petition for early discharge within 180 days
 2 after the date the court enters an initial commitment order or a final order ruling on a
 3 previous petition for early discharge.

4 * Sec. 22. AS 47.30.805(a) is amended to read:

5 (a) Except as provided in (b) of this section,

6 (1) computations of a 72-hour [EVALUATION] period under
 7 AS 47.30.706, 47.30.708, [AS 47.30.708] or 47.30.715 or a 48-hour [DETENTION]
 8 period under AS 47.30.685 do not include Saturdays, Sundays, legal holidays, or any
 9 period of time necessary to transport the respondent to the treatment facility, except
 10 that if the exclusion of Saturdays, Sundays, and legal holidays from the computation
 11 of a 72-hour evaluation period or 48-hour detention period would result in the
 12 respondent being held for longer than 72 hours or 48 hours, as applicable, the period
 13 ends at 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday;

14 (2) a seven-day detention at a crisis residential center expires at the end
 15 of the seventh day following the respondent's arrival at the crisis stabilization center or
 16 the crisis residential center, whichever is earlier;

17 (3) a 30-day commitment period expires at the end of the 30th day
 18 after the 72 hours following initial acceptance;

19 (4) a 90-day commitment period expires at the end of the 90th day
 20 after the expiration of a 30-day period of treatment;

21 (5) a 180-day commitment period expires at the end of the 180th day,
 22 after the expiration of a 90-day period of treatment or previous 180-day period,
 23 whichever is applicable;

24 (6) a two-year commitment period expires not later than two years
 25 after the expiration of a 180-day period of treatment.

26 * Sec. 23. AS 47.30.845 is amended to read:

27 **Sec. 47.30.845. Confidential records.** Information and records obtained in the
 28 course of a screening investigation, evaluation, examination, or treatment are
 29 confidential and are not public records, except as the requirements of a hearing under
 30 AS 47.30.660 - 47.30.915 may necessitate a different procedure. Information and
 31 records may be copied and disclosed under regulations established by the department

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only to

(1) a physician or a provider of health, mental health, or social and welfare services involved in caring for, treating, or rehabilitating the patient;

(2) the patient or an individual to whom the patient has given written consent to have information disclosed;

(3) a person authorized by a court order;

(4) a person doing research or maintaining health statistics if the anonymity of the patient is assured and the facility recognizes the project as a bona fide research or statistical undertaking;

(5) the Department of Corrections in a case in which a prisoner confined to the state prison is a patient in the state hospital on authorized transfer either by voluntary admission or by court order;

(6) a governmental or law enforcement agency when necessary to secure the return of a patient who is on unauthorized absence from a facility where the patient was undergoing evaluation or treatment;

(7) a law enforcement agency when there is substantiated concern over imminent danger to the community by a presumed mentally ill person;

(8) the department in a case in which services provided under AS 47.30.660 - 47.30.915 are paid for, in whole or in part, by the department or in which a person has applied for or has received assistance from the department for those services;

(9) the Department of Public Safety as provided in AS 47.30.907; information provided under this paragraph may not include diagnostic or clinical information regarding a patient;

(10) the Department of Law as provided in AS 47.30.727."

Renumber the following bill sections accordingly.

Page 7, line 13:

Delete "sec. 8"

Insert "sec. 12"

1

2 Page 7, line 14:

3 Delete "secs. 1 - 8"

4 Insert "secs. 1 - 7 and 12"

AMENDMENT #4

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "O"

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

2 Insert "relating to victim restitution and compensation;"

3

4 Page 6, following line 5:

5 Insert a new bill section to read:

6 "* Sec. 8. AS 12.55.045(a) is amended to read:

7 (a) The court shall, when presented with credible evidence, unless the victim
8 or other person expressly declines restitution, order a defendant convicted of an
9 offense to make restitution as provided in this section, including restitution to the
10 victim or other person injured by the offense, to a public, private, or private nonprofit
11 organization that has provided or is or will be providing counseling, medical, or
12 shelter services to the victim or other person injured by the offense, or as otherwise
13 authorized by law. Restitution to a victim or other person injured by the offense
14 includes compensation for the value of lost income, child care, elder care,
15 transportation, and other expenses incurred during the victim's or other person's
16 participation in the investigation or prosecution of the offense or attendance at
17 court proceedings related to the offense. The court shall, when presented with
18 credible evidence, unless the victim expressly declines restitution, also order a
19 defendant convicted of an offense to compensate a victim that is a nonprofit
20 organization for the value of labor or goods provided by volunteers if the labor or
21 goods were necessary to alleviate or mitigate the effects of the defendant's crime. In
22 determining the amount and method of payment of restitution or compensation, the
23 court shall take into account the

1 (1) public policy that favors requiring criminals to compensate for
2 damages and injury, including loss of income, to their victims; and

3 (2) financial burden placed on the victim and those who provide
4 services to the victim and other persons injured by the offense as a result of the
5 criminal conduct of the defendant."
6

7 Renumber the following bill sections accordingly.

8
9 Page 7, line 9, following "APPLICABILITY.":

10 Insert "(a)"

11
12 Page 7, line 13:

13 Delete "sec. 8"

14 Insert "sec. 9"

15
16 Page 7, line 14:

17 Delete "secs. 1 - 8"

18 Insert "secs. 1 - 7 and 9"

19
20 Page 7, following line 14:

21 Insert a new subsection to read:

22 "(b) AS 12.55.045(a), as amended by sec. 8 of this Act, applies to an order of
23 restitution for an offense committed on or after the effective date of sec. 8 of this Act."

AMENDMENT #5

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "O"

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

2 Insert "restricting the release of certain records of convictions;"

3

4 Page 1, following line 4:

5 Insert a new bill section to read:

6 "* Section 1. The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 LEGISLATIVE INTENT. It is the intent of the legislature to reduce barriers to
9 employment for people who have been convicted of low-level marijuana possession crimes
10 that would be legal on January 1, 2025."

11

12 Page 1, line 5:

13 Delete "Section 1"

14 Insert "Sec. 2"

15

16 Renumber the following bill sections accordingly.

17

18 Page 7, following line 6:

19 Insert new bill sections to read:

20 "* Sec. 10. AS 12.62.160(b) is amended to read:

21 (b) Subject to the requirements of this section, and except as otherwise limited
22 or prohibited by other provision of law or court rule, criminal justice information

23 (1) may be provided to a person when, and only to the extent,

1 necessary to avoid imminent danger to life or extensive damage to property;

2 (2) may be provided to a person to the extent required by applicable
3 court rules or under an order of a court of this state, another state, or the United States;

4 (3) may be provided to a person if the information is commonly or
5 traditionally provided by criminal justice agencies in order to identify, locate, or
6 apprehend fugitives or wanted persons or to recover stolen property, or for public
7 reporting of recent arrests, charges, and other criminal justice activity;

8 (4) may be provided to a criminal justice agency for a criminal justice
9 activity;

10 (5) may be provided to a government agency when necessary for
11 enforcement of or for a purpose specifically authorized by state or federal law;

12 (6) may be provided to a person specifically authorized by a state or
13 federal law to receive that information;

14 (7) in aggregate form may be released to a qualified person, as
15 determined by the agency, for criminal justice research, subject to written conditions
16 that assure the security of the information and the privacy of individuals to whom the
17 information relates;

18 (8) may be provided to a person for any purpose, except that
19 information may not be released if the information is nonconviction information, [OR]
20 correctional treatment information, or criminal justice information as described in
21 (f) of this section;

22 (9) including information relating to a serious offense, may be
23 provided to an interested person if the information is requested for the purpose of
24 determining whether to grant a person supervisory or disciplinary power over a minor
25 or dependent adult; and

26 (10) may be provided to the person who is the subject of the
27 information.

28 * Sec. 11. AS 12.62.160 is amended by adding a new subsection to read:

29 (f) An agency may not release criminal justice information of a criminal case
30 in which the defendant

31 (1) was convicted under AS 11.71.060, or a municipal ordinance with

1 similar elements, for possession of less than one ounce of a schedule VIA controlled
2 substance;

3 (2) was 21 years of age or older at the time of commission of the
4 offense;

5 (3) was not convicted of any other criminal charges in that case; and

6 (4) requests that the agency not release the records.

7 * Sec. 12. AS 12.62.160(f)(4) is repealed January 1, 2028."

8

9 Renumber the following bill sections accordingly.

10

11 Page 7, line 9:

12 Delete "sec. 1"

13 Insert "sec. 2"

14

15 Page 7, line 10:

16 Delete "sec. 2"

17 Insert "sec. 3"

18 Delete "sec. 3"

19 Insert "sec. 4"

20

21 Page 7, line 11:

22 Delete "sec. 4"

23 Insert "sec. 5"

24 Delete "sec. 5"

25 Insert "sec. 6"

26

27 Page 7, line 12:

28 Delete "sec. 6"

29 Insert "sec. 7"

30

31 Page 7, line 13:

- 1 Delete "sec. 7"
- 2 Insert "sec. 8"
- 3 Delete "sec. 8"
- 4 Insert "sec. 9"
- 5
- 6 Page 7, line 14:
- 7 Delete "secs. 1 - 8"
- 8 Insert "secs. 2 - 9"

AMENDMENT # 6

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "O"

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

2 Insert "**establishing the crime of assault in the presence of a child;**"

3

4 Page 3, following line 29:

5 Insert a new bill section to read:

6 "* **Sec. 5.** AS 11.41 is amended by adding a new section to read:

7 **Sec. 11.41.240. Assault in the presence of a child.** (a) A person commits the
8 crime of assault in the presence of a child if the person commits an assault under
9 AS 11.41.200 - 11.41.230 and the assault is a crime involving domestic violence, as
10 defined in AS 18.66.990, or commits a sexual assault under AS 11.41.410 - 11.41.427
11 with reckless disregard that, at the time of the assault, a child under 16 years of age is
12 present in the dwelling, vehicle, or location where the assault occurs.

13 (b) In this section,

14 (1) "dwelling" does not include another unit in multi-unit housing;

15 (2) "present" means physically present or within hearing of the assault.

16 (c) Assault in the presence of a child is a class A misdemeanor."

17

18 Renumber the following bill sections accordingly.

19

20 Page 7, line 11:

21 Following "Act,"

22 Insert "AS 11.41.240, enacted by sec. 5 of this Act,"

23 Delete "sec. 5"

1 Insert "sec. 6"

2

3 Page 7, line 12:

4 Delete "sec. 6"

5 Insert "sec. 7"

6

7 Page 7, line 13:

8 Delete "sec. 7"

9 Insert "sec. 8"

10 Delete "sec. 8"

11 Insert "sec. 9"

12

13 Page 7, line 14:

14 Delete "secs. 1 - 8"

15 Insert "secs. 1 - 9"

AMENDMENT #7

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "O"

1 Page 7, following line 6:

2 Insert a new bill section to read:

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

4 (c) If the defendant is being sentenced for

5 (1) escape, the term of imprisonment shall be consecutive to the term
6 for the underlying crime;

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

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

11 (B) the mandatory minimum term for each additional crime
12 that is an unclassified felony governed by AS 12.55.125(b);

13 (C) the presumptive term specified in AS 12.55.125(c) or the
14 active term of imprisonment, whichever is less, for each additional crime that
15 is

16 (i) manslaughter; or

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

18 (D) two years or the active term of imprisonment, whichever is
19 less, for each additional crime that is criminally negligent homicide;

20 (E) one-fourth of the presumptive term under AS 12.55.125(c)
21 or (i) for each additional crime that is sexual assault in the first degree under
22 AS 11.41.410 or sexual abuse of a minor in the first degree under
23 AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those

1 offenses; and
2 (F) some additional term of imprisonment for each additional
3 crime, or each additional attempt or solicitation to commit the offense, under
4 AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 - 11.41.458, or
5 11.41.500 - 11.41.520;

6 **(3) two or more crimes of violation of condition of release under**
7 **AS 11.56.757, a consecutive term of imprisonment shall be imposed for some**
8 **additional term of imprisonment for the underlying crime and each additional**
9 **crime under AS 11.56.757."**

10
11 Renumber the following bill sections accordingly.

12
13 Page 7, line 13:

14 Delete "and"

15 Following the second occurrence of "Act,":

16 Insert "and AS 12.55.127(c), as amended by sec. 9 of this Act,"

17
18 Page 7, line 14:

19 Delete "secs. 1 - 8"

20 Insert "secs. 1 - 9"

AMENDMENT #1

OFFERED IN THE SENATE

TO: SCS CSHB 66(FIN), Draft Version "O"

1 Page 1, line 1, following "substances;":

2 Insert "relating to the crime of stalking;"

3

4 Page 1, line 2, following "sentencing;":

5 Insert "relating to the duty to register as a sex offender; relating to
6 multidisciplinary child protection teams; amending Rule 6(s), Alaska Rules of Criminal
7 Procedure;"

8

9 Page 1, following line 4: .

10 Insert a new bill section to read:

11 **** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
12 to read:

13 **LEGISLATIVE FINDINGS AND INTENT.** (a) The legislature finds that, with the
14 state's rates of sexual assault and sexual abuse being some of the highest in the United States,
15 presenting evidence to a grand jury in state court should be similar to and not more difficult
16 than presenting evidence to a grand jury in federal court in the state.

17 (b) The legislature further finds that the Rights of Crime Victims in art. I, sec. 24,
18 Constitution of the State of Alaska, including the "right to be treated with dignity, respect, and
19 fairness during all phases of the criminal and juvenile justice process," supports allowing the
20 prosecution to present hearsay evidence to a grand jury, which is similar to the rules of federal
21 court in which the hearsay rules do not apply to grand jury proceedings.

22 (c) The legislature further finds that Rule 6(s), Alaska Rules of Criminal Procedure,
23 as amended by sec. 18 of this Act, is a response, in part, to the decision of the Alaska Court of

1 Appeals in State v. Powell, 487 P.3d 609 (Alaska App. 2021)."

2

3 Page 1, line 5:

4 Delete "Section 1"

5 Insert "Sec. 2"

6

7 Renumber the following bill sections accordingly.

8

9 Page 3, following line 29:

10 Insert a new bill section to read:

11 **"* Sec. 6.** AS 11.41.260(a) is amended to read:

12 (a) A person commits the crime of stalking in the first degree if the person
13 violates AS 11.41.270 and

14 (1) the actions constituting the offense are in violation of an order
15 issued or filed under AS 18.65.850 - 18.65.870 or AS 18.66.100 - 18.66.180 or issued
16 under former AS 25.35.010(b) or 25.35.020;

17 (2) the actions constituting the offense are in violation of a condition of
18 probation, release before trial, release after conviction, or parole;

19 (3) the victim is under 16 years of age;

20 (4) at any time during the course of conduct constituting the offense,
21 the defendant possessed a deadly weapon;

22 (5) the defendant has been previously convicted of a crime under this
23 section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another
24 jurisdiction with elements similar to a crime under this section, AS 11.41.270, or
25 AS 11.56.740; or

26 (6) the defendant has been previously convicted of a crime, or an
27 attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250,
28 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120, or (B) a
29 law or an ordinance of this or another jurisdiction with elements similar to a crime, or
30 an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250,
31 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, or 11.61.120,

1 involving the same victim as the present offense."

2

3 Renumber the following bill sections accordingly.

4

5 Page 7, following line 6:

6

Insert new bill sections to read:

7

** Sec. 11. AS 12.63.010(b) is amended to read:

8

(b) A sex offender or child kidnapper required to register under (a) of this section shall register with the Department of Corrections if the sex offender or child kidnapper is incarcerated or in person at the Alaska state trooper post or municipal police department located nearest to where the sex offender or child kidnapper resides at the time of registration. To fulfill the registration requirement, the sex offender or child kidnapper shall

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(1) complete a registration form that includes the following information, if applicable: [, AT A MINIMUM,]

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16

(A) the sex offender's or child kidnapper's full name, mailing and physical addresses, school address, telephone numbers used by the sex offender or child kidnapper, social security number, passport information, citizenship status, physical address of employment, name of employer, job title [PLACE OF EMPLOYMENT], and date of birth;

17

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21

(B) each conviction for a sex offense or child kidnapping for which the duty to register has not terminated under AS 12.63.020, the date of the sex offense or child kidnapping convictions, the place and court of the sex offense or child kidnapping convictions, and whether the sex offender or child kidnapper has been unconditionally discharged from the conviction for a sex offense or child kidnapping and the date of the unconditional discharge; if the sex offender or child kidnapper asserts that the offender or kidnapper has been unconditionally discharged, the offender or kidnapper shall supply proof of that discharge acceptable to the department;

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(C) all aliases used;

31

(D) the sex offender's or child kidnapper's driver's license

1 number;

2 (E) the description, license numbers, and vehicle identification
3 numbers of motor vehicles, including watercraft, aircraft, motorcycles, and
4 recreational vehicles, the sex offender or child kidnapper has access to,
5 regardless of whether that access is regular or not;

6 (F) any identifying features of the sex offender or child
7 kidnapper;

8 (G) anticipated changes of address and any temporary
9 lodging used by the sex offender or child kidnapper for seven days or
10 more;

11 (H) a statement concerning whether the offender or kidnapper
12 has had treatment for a mental abnormality or personality disorder since the
13 date of conviction for an offense requiring registration under this chapter;
14 [AND]

15 (I) each electronic mail address, instant messaging address, and
16 other Internet communication identifier used by the sex offender or child
17 kidnapper; and

18 (J) professional licensing information;

19 (2) allow the Alaska state troopers, Department of Corrections, [OR]
20 municipal police, or any peace officer to take a complete set of the sex offender's or
21 child kidnapper's fingerprints and palm prints, and to take the sex offender's or child
22 kidnapper's photograph.

23 * Sec. 12. AS 12.63.010(d) is amended to read:

24 (d) A sex offender or child kidnapper required to register

25 (1) for 15 years under (a) of this section and AS 12.63.020 shall,
26 annually, during the term of a duty to register under AS 12.63.020, on a date set by the
27 department at the time of the sex offender's or child kidnapper's initial registration,
28 provide written verification to the department, in the manner required by the
29 department, of the information provided under (b)(1) of this section [SEX
30 OFFENDER'S OR CHILD KIDNAPPER'S ADDRESS] and notice of any changes to
31 the information previously provided under (b)(1) of this section;

1 (2) for life under (a) of this section and AS 12.63.020 shall, not less
 2 than quarterly, on a date set by the department, provide written verification to the
 3 department, in the manner required by the department, of the information provided
 4 under (b)(1) of this section [SEX OFFENDER'S OR CHILD KIDNAPPER'S
 5 ADDRESS] and notice of any changes to the information previously provided under
 6 (b)(1) of this section.

7 * Sec. 13. AS 12.63.010 is amended by adding new subsections to read:

8 (g) If a sex offender or child kidnapper plans to leave the state for
 9 international travel after having registered under (a) of this section, the sex offender or
 10 child kidnapper shall provide to the department or a municipal police department in
 11 the state written notice of the plan for any intended travel outside the United States at
 12 least 21 days before leaving the state for international travel.

13 (h) If a sex offender or child kidnapper is away from the physical address
 14 provided to the department under (b)(1)(A) of this section for a period of seven days
 15 or more, the sex offender or child kidnapper shall notify the department in writing of
 16 the address being used by the sex offender or child kidnapper while away from the
 17 physical address provided under (b)(1)(A) of this section.

18 * Sec. 14. AS 12.63.020(a) is amended to read:

19 (a) The duty of a sex offender or child kidnapper to comply with the
 20 requirements of AS 12.63.010 is as follows:

21 (1) for a sex offender or child kidnapper, as that term is defined in
 22 AS 12.63.100(6)(A), for each sex offense or child kidnapping, the duty

23 (A) continues for the lifetime of a sex offender or child
 24 kidnapper convicted of

25 (i) one aggravated sex offense; or

26 (ii) two or more sex offenses, two or more child
 27 kidnappings, or one sex offense and one child kidnapping; for purposes
 28 of this section, a person convicted of indecent exposure before a person
 29 under 16 years of age under AS 11.41.460 more than two times has
 30 been convicted of two or more sex offenses;

31 (B) ends 15 years following the sex offender's or child

1 kidnapper's unconditional discharge from a conviction for a single sex offense
2 that is not an aggravated sex offense or for a single child kidnapping if the sex
3 offender or child kidnapper has supplied proof that is acceptable to the
4 department of the unconditional discharge; the registration period under this
5 subparagraph

6 (i) is tolled for the period [EACH YEAR] that a sex
7 offender or child kidnapper fails to comply with the requirements of
8 this chapter or is incarcerated for the offense or kidnapping for which
9 the offender or kidnapper is required to register or for any other
10 offense;

11 (ii) may include the time a sex offender or child
12 kidnapper was absent from this state if the sex offender or child
13 kidnapper has complied with any sex offender or child kidnapper
14 registration requirements of the jurisdiction in which the offender or
15 kidnapper was located and if the sex offender or child kidnapper
16 provides the department with proof of the compliance while the sex
17 offender or child kidnapper was absent from this state; and

18 (iii) continues for a sex offender or child kidnapper who
19 has not supplied proof acceptable to the department of the offender's or
20 kidnapper's unconditional discharge for the sex offense or child
21 kidnapping requiring registration;

22 (2) for a sex offender or child kidnapper, as that term is defined in
23 AS 12.63.100(6)(B), the duty continues for the period determined by the department
24 under (b) of this section.

25 * Sec. 15 AS 18.66.990(3) is amended to read:

26 (3) "domestic violence" and "crime involving domestic violence" mean
27 one or more of the following offenses or an offense under a law or ordinance of
28 another jurisdiction having elements similar to these offenses, or an attempt to commit
29 the offense, by a household member against another household member:

30 (A) a crime against the person under AS 11.41;

31 (B) burglary under AS 11.46.300 - 11.46.310;

- (C) criminal trespass under AS 11.46.320 - 11.46.330;
- (D) arson or criminally negligent burning under AS 11.46.400 - 11.46.430;
- (E) criminal mischief under AS 11.46.475 - 11.46.486;
- (F) terrorist threatening under AS 11.56.807 or 11.56.810;
- (G) violating a protective order under AS 11.56.740(a)(1);
- (H) harassment under AS 11.61.120(a)(2) - (4) or (6); [OR]
- (I) cruelty to animals under AS 11.61.140(a)(5) if the animal is

a pet;

(J) interfering with a report of a crime involving domestic violence under AS 11.56.745 if the person interfering with the report is the person who committed the underlying crime involving domestic violence;
or

(K) unlawful contact under AS 11.56.750 or 11.56.755;

* Sec. 16. AS 47.14.300(a) is amended to read:

(a) The department, a state or municipal agency with expertise in child abuse or neglect, or a tribe recognized by the United States Secretary of the Interior to exist as an Indian tribe under 25 U.S.C. 5131 (Federally Recognized Indian Tribe List Act of 1994) with expertise in child abuse or neglect, in partnership with the department, may facilitate the initial establishment of a multidisciplinary child protection team. The purpose of a team is to assist in the evaluation and investigation of reports of child abuse or neglect, as defined in AS 47.17.290, made under AS 47.17 or initiated by the department or a law enforcement agency; **to assist in the evaluation and investigation of reports of sexual contact or sexual penetration, as defined in AS 11.81.900(b), occurring between children under 13 years of age;** and to provide consultation and coordination for agencies involved in child-in-need-of-aid cases under AS 47.10. The multidisciplinary child protection teams shall

- (1) ensure that investigations involving child abuse or neglect are coordinated and conducted by trained investigators;
- (2) take and recommend steps to avoid duplicative interviews of children;

1 (3) assist in the reduction of trauma to a child and family involved in
2 an investigation of child abuse or neglect; and

3 (4) review records, provide consultation, and make recommendations
4 to the department pertaining to a child-in-need-of-aid case under AS 47.10 referred to
5 the team by a team member.

6 * Sec. 17. The uncodified law of the State of Alaska enacted in sec. 142(c), ch. 4, FSSLA
7 2019, is amended to read:

8 (c) The following sections apply to the duty to register as a sex offender for offenses
9 committed

10 **(1) before, on, or after the effective date of those sections:**

11 **(A) [(1)] AS 12.63.010(d), as amended by sec. 82, ch. 4, FSSLA 2019**
12 **[OF THIS ACT];**

13 **(B) AS 12.63.020(a)(2) and (b) [(2) AS 12.63.020], as amended by**
14 **sec. 83, ch. 4, FSSLA 2019 [OF THIS ACT];**

15 **(C) [(3)] AS 12.63.100(6), as amended by sec. 84, ch. 4, FSSLA 2019**
16 **[OF THIS ACT];**

17 **(D) AS 12.63.100(7)(E) [(4) AS 12.63.100(7)], as amended by sec. 85,**
18 **ch. 4, FSSLA 2019;**

19 **(2) on or after the effective date of those sections:**

20 **(A) AS 12.63.020(a)(1), as amended by sec. 83, ch. 4, FSSLA 2019;**

21 **(B) AS 12.63.100(7)(C), as amended by sec. 85, ch. 4, FSSLA 2019**

22 **[OF THIS ACT].**

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

25 **DIRECT COURT RULE AMENDMENT. Rule 6(s), Alaska Rules of Criminal**
26 **Procedure, is amended to read:**

27 **(s) Admissibility of Evidence.**

28 (1) Evidence which would be legally admissible at trial shall be
29 admissible before the grand jury. **Witnesses** [IN APPROPRIATE CASES,
30 HOWEVER, WITNESSES] may be presented to summarize admissible evidence if
31 the admissible evidence will be available at trial. [EXCEPT AS STATED IN

1 SUBPARAGRAPHS (2), (3), AND (6), HEARSAY EVIDENCE SHALL NOT BE
2 PRESENTED TO THE GRAND JURY ABSENT COMPELLING JUSTIFICATION
3 FOR ITS INTRODUCTION. IF HEARSAY EVIDENCE IS PRESENTED TO THE
4 GRAND JURY, THE REASONS FOR ITS USE SHALL BE STATED ON THE
5 RECORD.]

6 (2) The rules regarding hearsay under Article VIII, Alaska Rules
7 of Evidence, do not apply to grand jury proceedings.

8 (3) [IN A PROSECUTION FOR AN OFFENSE UNDER
9 AS 11.41.410 - 11.41.458, HEARSAY EVIDENCE OF A STATEMENT RELATED
10 TO THE OFFENSE, NOT OTHERWISE ADMISSIBLE, MADE BY A CHILD
11 WHO IS THE VICTIM OF THE OFFENSE MAY BE ADMITTED INTO
12 EVIDENCE BEFORE THE GRAND JURY IF

13 (i) THE CIRCUMSTANCES OF THE STATEMENT
14 INDICATE ITS RELIABILITY;

15 (ii) THE CHILD IS UNDER 10 YEARS OF AGE
16 WHEN THE HEARSAY EVIDENCE IS SOUGHT TO BE
17 ADMITTED;

18 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
19 TO CORROBORATE THE STATEMENT; AND

20 (iv) THE CHILD TESTIFIES AT THE GRAND JURY
21 PROCEEDING OR THE CHILD WILL BE AVAILABLE TO
22 TESTIFY AT TRIAL.

23 (3) HEARSAY EVIDENCE RELATED TO THE OFFENSE, NOT
24 OTHERWISE ADMISSIBLE, MAY BE ADMITTED INTO EVIDENCE BEFORE
25 THE GRAND JURY IF

26 (i) THE INDIVIDUAL PRESENTING THE
27 HEARSAY EVIDENCE IS A PEACE OFFICER INVOLVED IN THE
28 INVESTIGATION; AND

29 (ii) THE HEARSAY EVIDENCE CONSISTS OF THE
30 STATEMENT AND OBSERVATIONS MADE BY ANOTHER
31 PEACE OFFICER IN THE COURSE OF AN INVESTIGATION;

1 AND

2 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
3 TO CORROBORATE THE STATEMENT.

4 (4) If the testimony presented by a peace officer [UNDER
5 PARAGRAPH (3) OF THIS SECTION] is inaccurate because of intentional, grossly
6 negligent, or negligent misstatements or omissions, then the court shall dismiss an
7 indictment resulting from the testimony if the defendant shows that the inaccuracy
8 prejudices substantial rights of the defendant.

9 [(5) IN THIS SECTION "STATEMENT" MEANS AN ORAL OR
10 WRITTEN ASSERTION OR NONVERBAL CONDUCT IF THE NONVERBAL
11 CONDUCT IS INTENDED AS AN ASSERTION.

12 (6) WHEN A PRIOR CONVICTION IS AN ELEMENT OF AN
13 OFFENSE, HEARSAY EVIDENCE RECEIVED THROUGH THE ALASKA
14 PUBLIC SAFETY INFORMATION NETWORK OR FROM OTHER
15 GOVERNMENT AGENCIES OF PRIOR CONVICTIONS MAY BE PRESENTED
16 TO THE GRAND JURY.]

17 * Sec. 19. AS 12.40.110 is repealed."

18

19 Renumber the following bill sections accordingly.

20

21 Page 7, line 9:

22 Following "APPLICABILITY.":

23 Insert "(a)"

24 Delete "sec. 1"

25 Insert "sec. 2"

26

27 Page 7, line 10:

28 Delete "sec. 2"

29 Insert "sec. 3"

30 Delete "sec. 3"

31 Insert "sec. 4"

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Page 7, line 11:

Delete "sec. 4"

Insert "sec. 5"

Following "Act,":

Insert "AS 11.41.260(a), as amended by sec. 6 of this Act,"

Delete "sec. 5"

Insert "sec. 7"

Page 7, line 12:

Delete "sec. 6"

Insert "sec. 8"

Page 7, line 13:

Delete "sec. 7"

Insert "sec. 9"

Delete "and"

Delete "sec. 8"

Insert "sec. 10"

Following the second occurrence of "Act,":

Insert "and AS 18.66.990(3), as amended by sec. 15 of this Act,"

Page 7, line 14:

Delete "secs. 1 - 8"

Insert "secs. 2 - 10 and 15"

Page 7, following line 14:

Insert new material to read:

"(b) Except as otherwise provided in this Act, the duty imposed by AS 12.63.010(b), as amended by sec. 11 of this Act, AS 12.63.010(d), as amended by sec. 12 of this Act, and AS 12.63.010(g) and (h), enacted by sec. 13 of this Act, applies to the duty to register as a sex

1 offender or child kidnapper for offenses committed before, on, or after the effective date of
2 secs. 11 - 13 of this Act.

3 (c) AS 12.63.020(a), as amended by sec. 14 of this Act, applies to the tolling of the
4 duty to register as a sex offender or child kidnapper on or after the effective date of sec. 14 of
5 this Act for determinations of noncompliance made by the Department of Public Safety on or
6 after the effective date of sec. 14 of this Act.

7 (d) Nothing in AS 12.63.020(a), as amended by sec. 14 of this Act, may be construed
8 as invalidating a decision by the Department of Public Safety to toll the period of registration
9 or continue the period of registration under AS 12.63 before the effective date of sec. 14 of
10 this Act.

11 (e) Rule 6(s), Alaska Rules of Criminal Procedure, as amended by sec. 18 of this Act,
12 applies to indictments occurring on or after the effective date of sec. 18 of this Act for
13 offenses committed before, on, or after the effective date of sec. 18 of this Act.

14 * Sec. 21. The uncoded law of the State of Alaska is amended by adding a new section to
15 read:

16 **CONDITIONAL EFFECT.** Rule 6(s), Alaska Rules of Criminal Procedure, as
17 amended by sec. 18 of this Act, takes effect only if sec. 18 of this Act receives the two-thirds
18 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

19 * Sec. 22. Section 17 of this Act takes effect immediately under AS 01.10.070(c)."
20

21 Renumber the following bill section accordingly.
22

23 Page 7, line 15:

24 Delete "This"

25 Insert "Except as provided in sec. 22 of this Act, this"

33-GH1482\O
C. Radford
5/8/24

SENATE CS FOR CS FOR HOUSE BILL NO. 66(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to homicide resulting from conduct involving controlled substances;**
2 **relating to misconduct involving a controlled substance; relating to sentencing; and**
3 **providing for an effective date."**

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

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

6 **Sec. 11.41.110. Murder in the second degree.** (a) A person commits the
7 crime of murder in the second degree if

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

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

14 (3) under circumstances not amounting to murder in the first degree

1 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
2 person commits or attempts to commit arson in the first degree, kidnapping, sexual
3 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
4 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
5 degree, escape in the first or second degree, robbery in any degree, or misconduct
6 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)
7 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
8 in immediate flight from that crime, any person causes the death of a person other than
9 one of the participants;

10 (4) acting with a criminal street gang, the person commits or attempts
11 to commit a crime that is a felony and, in the course of or in furtherance of that crime
12 or in immediate flight from that crime, any person causes the death of a person other
13 than one of the participants; [OR]

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

17 (A) a felony violation of AS 11.41;

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

20 (C) an attempt, a solicitation, or a conspiracy to commit a
21 crime listed in (A) or (B) of this paragraph; or

22 **(6) the person knowingly manufactures or delivers a controlled**
23 **substance in violation of AS 11.71.010 or 11.71.021, and another person dies as a**
24 **direct result of ingestion of the controlled substance; the death is a result that**
25 **does not require a culpable mental state.**

26 (b) **Except as provided in (c) of this section, murder** [MURDER] in the
27 second degree is an unclassified felony and is punishable as provided in AS 12.55.

28 * **Sec. 2.** AS 11.41.110 is amended by adding a new subsection to read:

29 (c) In a prosecution for murder in the second degree under (a)(6) of this
30 section, it is an affirmative defense that reduces the crime to a class A felony that, at
31 the time of the offense,

- 1 (1) the defendant sought, in good faith, medical or law enforcement
- 2 assistance for the other person;
- 3 (2) the defendant remained at the scene with the other person until
- 4 medical or law enforcement assistance arrived;
- 5 (3) the defendant cooperated with medical or law enforcement
- 6 personnel, including by providing identification; and
- 7 (4) the offense involved small quantities of a controlled substance that
- 8 were not delivered for a profit.

9 * **Sec. 3.** AS 11.41.120(a) is amended to read:

10 (a) A person commits the crime of manslaughter if the person

- 11 (1) intentionally, knowingly, or recklessly causes the death of another
- 12 person under circumstances not amounting to murder in the first or second degree;
- 13 (2) intentionally aids another person to commit suicide; or
- 14 (3) knowingly manufactures or delivers a controlled substance in
- 15 violation of AS 11.71.030 [AS 11.71.010 - 11.71.030] or 11.71.040(a)(1) for schedule
- 16 IVA controlled substances, and another [A] person dies as a direct result of ingestion
- 17 of the controlled substance; the death is a result that does not require a culpable mental
- 18 state [; IN THIS PARAGRAPH, "INGESTION" MEANS VOLUNTARILY OR
- 19 INVOLUNTARILY TAKING A SUBSTANCE INTO THE BODY IN ANY
- 20 MANNER].

21 * **Sec. 4.** AS 11.41.140 is amended to read:

22 **Sec. 11.41.140. Definitions [DEFINITION].** In AS 11.41.100 - 11.41.140,

- 23 (1) "ingestion" means voluntarily or involuntarily taking a
- 24 substance into the body in any manner;
- 25 (2) "person" means, when referring to the victim of a crime,
- 26 [MEANS] a human being who has been born and was alive at the time of the criminal
- 27 act; a [. A] person is "alive" if there is spontaneous respiratory or cardiac function or,
- 28 when respiratory and cardiac functions are maintained by artificial means, there is
- 29 spontaneous brain function.

30 * **Sec. 5.** AS 11.71.010(a) is amended to read:

- 31 (a) Except as authorized in AS 17.30, a person commits the crime of

1 misconduct involving a controlled substance in the first degree if the person

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

5 (2) delivers any amount of a schedule IIA or IIIA controlled substance
6 to a person under 19 years of age who is at least three years younger than the person
7 delivering the substance; [OR]

8 (3) engages in a continuing criminal enterprise; or

9 (4) delivers any amount of a schedule IA, IIA, IIIA, or IVA
10 controlled substance to a person who is

11 (A) mentally incapable;

12 (B) incapacitated; or

13 (C) unaware that a controlled substance is being delivered.

14 * **Sec. 6.** AS 11.71.010(b) is amended to read:

15 (b) For purposes of this section,

16 (1) a person is engaged in a "continuing criminal enterprise" if

17 (A) [(1)] the person commits a violation of this chapter which
18 is punishable as a felony; and

19 (B) [(2)] that violation is a part of a continuing series of five or
20 more violations of this chapter

21 (i) [(A)] which the person undertakes in concert with at
22 least five other persons organized, supervised, or otherwise managed by
23 the person; and

24 (ii) [(B)] from which the person obtains substantial
25 income or resources;

26 (2) "incapacitated" has the meaning given in AS 11.41.470;

27 (3) "mentally incapable" has the meaning given in AS 11.41.470.

28 * **Sec. 7.** AS 11.71.021(a) is amended to read:

29 (a) Except as authorized in AS 17.30, a person commits the crime of
30 misconduct involving a controlled substance in the second degree if the person

31 (1) manufactures or delivers any amount of a schedule IA controlled

1 substance or possesses any amount of a schedule IA controlled substance with intent
2 to manufacture or deliver;

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

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

6 or

7 (B) an immediate precursor of methamphetamine, or its salts,
8 isomers, or salts of isomers;

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

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

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

16 or

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

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

21 (6) under circumstances not proscribed under AS 11.71.010(a)(2),
22 delivers

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

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

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

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isomers;

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

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

* **Sec. 8.** 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, four to seven years;

(2) if the offense is a first felony conviction

(A) and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury or death during the commission of the offense, or 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 of official duties at the time of the offense, seven to 11 years;

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

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

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

(C) and the conviction is for manufacturing or delivery under AS 11.71.021(a)(1) related to a schedule IA controlled substance set

1 out in AS 11.71.140(c)(29) or under AS 11.71.021(a)(6) related to a
 2 schedule IIA controlled substance set out in AS 11.71.150(e)(2), four to 11
 3 years;

- 4 (3) if the offense is a second felony conviction, 10 to 14 years;
- 5 (4) if the offense is a third felony conviction and the defendant is not
- 6 subject to sentencing under (l) of this section, 15 to 20 years.

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

9 APPLICABILITY. AS 11.41.110, as amended by sec. 1 of this Act, AS 11.41.110(c),
 10 enacted by sec. 2 of this Act, AS 11.41.120(a), as amended by sec. 3 of this Act,
 11 AS 11.41.140, as amended by sec. 4 of this Act, AS 11.71.010(a), as amended by sec. 5 of
 12 this Act, AS 11.71.010(b), as amended by sec. 6 of this Act, AS 11.71.021(a), as amended by
 13 sec. 7 of this Act, and AS 12.55.125(c), as amended by sec. 8 of this Act, apply to offenses
 14 committed on or after the effective date of secs. 1 - 8 of this Act.

15 * **Sec. 10.** This Act takes effect January 1, 2025.

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May 8, 2024

The Honorable Donny Olson, Co-Chair
Senate Finance Committee
Alaska Capitol Building
Juneau, AK 99801

Re: House Bill 66 (Version N)

Dear Co-Chair Olson and Members of the Committee,

The ACLU of Alaska writes to express our concerns about Version N of House Bill (HB) 66, which was advanced by the Senate Judiciary Committee and packages together HB 66 with SB 53, HB 67, and other legislation.

We appreciate the legislature's desire to address the state's overdose death crisis, gaps in Alaska's civil commitment system that have led to harm, and ways to reduce the trauma of criminal prosecutions on victims.

However, we are opposed to HB 66 because it represents a serious and broad erosion of Alaskans' constitutional rights, and relies on ineffective strategies to address a public health overdose crisis.

Instead of further criminalizing drug use through a "drug-induced homicide" law, we urge you strengthen Alaska's Good Samaritan statutes to reduce overdose deaths. AS 11.71.311 provides immunity from prosecution for certain charges of possession of a controlled substance, when a person seeks assistance for someone experiencing a drug overdose. This type of protection can help save lives, especially when backed by strong public and law enforcement awareness, by reducing hesitancy to call first responders. HB 66 should:

- Amend AS 11.71.311(a) to state that "a person may not be **arrested or** prosecuted" for the cited crimes in circumstances described in the statute. This would explicitly provide immunity from arrest, as 41 other states have done.¹
- Add 11.71.030 (a)(2) and (3) (in "Misconduct involving a controlled substance in the third degree" crime) to list of offenses in AS 11.71.311 that may not be arrested or prosecuted in circumstances described in the statute.
- Add language to AS 12.55.110(a) ("Notice and grounds for revocation and suspension") stating that probation may not be revoked for conducted covered by AS 11.71.311.
- Add language to AS 33.16.220(a) ("Revocation of parole") stating that parole may not be revoked for conduct covered by AS 11.71.311.

Such steps will be more effective than the purely punitive approach of "drug-induced homicide" legislation, which has been shown to deter people from seeking help rather than deterring

¹ U.S. Government Accountability Office, GAO-21-248, *Drug Misuse: Most States Have Good Samaritan Laws and Research Indicates They May Have Positive Effects*, Page 14, available at <https://www.gao.gov/assets/gao-21-248.pdf>.

distribution of dangerous drugs. Alaska cannot overcome its overdose epidemic by relying on Alaska's prison system, where 80 percent of people have a substance use disorder. Prison is not an appropriate place to confine people while they detox or go through withdrawal, which often occurs in isolation. Access to appropriate care, and continuity of care, is challenging, and the risk of overdose death during and after incarceration is high.

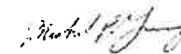
Additionally, we remain opposed to provisions allowing a person to be involuntarily committed for up to two years; and Section 51, which would vastly increase the amount of hearsay allowed at grand juries. The impetus for both changes is understandable. But these provisions represent a disregard for the constitutional rights of Alaskans, and we urge you to delete them.

Regarding involuntary commitment, Sections 45 and 47 establish a framework that would allow a person to be subject to an involuntary commitment period of two years, prohibit petitions for early discharge prior to 180 days of an initial commitment order, and require court approval of a doctor's discharge decision. Committing someone to a psychiatric facility against their will in this manner impermissibly curtails their liberty and violates constitutional rights to due process under both the United States and Alaska Constitutions. HB 66 can address a legitimate public safety concern without these provisions, which will effectively warehouse mentally ill Alaskans. Moreover, long-term commitments will exacerbate Alaska's psychiatric facility capacity crisis. The changes proposed by Sections 45 and 47 will lead to an increased reliance on prisons to manage involuntary commitments.

Section 51 would fundamentally change the grand jury process in this state. Grand juries function to ensure the state has sufficient evidence to require a person to stand trial for a felony. Grand jurors cannot fulfill one of their key duties – to evaluate the truthfulness of testimony – if they do not hear the firsthand witnesses, but instead receive only hearsay. This change would increase the chance that cases advance on questionable evidence. While it is important that Alaska take steps to reduce the trauma that people experience within the criminal legal system, this sweeping change would erode an important safeguard against misguided prosecution.

Thank you for your consideration of our views. If you have any questions, please do not hesitate to contact me at mgarvey@acluak.org.

Sincerely,



Michael P. Garvey
Advocacy Director

Doniece Gott

From: rozlyn_grady@everyactioncustom.com on behalf of Rozlyn Grady-Wyche
<rozlyn_grady@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 2:12 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Rozlyn Grady-Wyche
Anchorage, AK

Doniece Gott

From: deirdree06@everyactioncustom.com on behalf of Deirdre Downey <deirdree06@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 2:19 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,
Deirdre Downey
Juneau, AK

Doniece Gott

From: jordyn.chabotte@everyactioncustom.com on behalf of Jordyn Chabotte
Sent: Wednesday, May 08, 2024 10:09 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,
Jordyn Chabotte
Wasilla, AK

Doniece Gott

From: theresalyons907@everyactioncustom.com on behalf of Theresa Lyons <theresalyons907@everyactioncustom.com>
Sent: Thursday, May 09, 2024 12:27 AM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,
Theresa Lyons
Anchorage, AK

Doniece Gott

From: cowanrosalee@everyactioncustom.com on behalf of Rosalee Cowan
<cowanrosalee@everyactioncustom.com>
Sent: Thursday, May 09, 2024 1:13 AM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,
Rosalee Cowan
Wasilla, AK

Doniece Gott

From: tln4dwild@everyactioncustom.com on behalf of Thomas Nieland
<tln4dwild@everyactioncustom.com>
Sent: Thursday, May 09, 2024 3:10 AM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,
Thomas Nieland
Alamo, TX

Doniece Gott

From: deirdree06@everyactioncustom.com on behalf of Deirdre Downey <deirdree06@everyactioncustom.com>
Sent: Thursday, May 09, 2024 3:31 AM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

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Sincerely,
Deirdre Downey
Juneau, AK

Doniece Gott

From: Othberlin@everyactioncustom.com on behalf of Sven Sorge
<Othberlin@everyactioncustom.com>
Sent: Thursday, May 09, 2024 4:37 AM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,
Sven Sorge
Berlin, AA

Doniece Gott

From: eycewolf@everyactioncustom.com on behalf of Fenra Bondarenko
<eycewolf@everyactioncustom.com>
Sent: Thursday, May 09, 2024 7:56 AM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Fenra Bondarenko
Anchorage, AK

Doniece Gott

From: alison_anne13@everyactioncustom.com on behalf of Allison Chavis <alison_anne13@everyactioncustom.com>
Sent: Thursday, May 09, 2024 8:03 AM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,
Allison Chavis
Anchorage, AK

Doniece Gott

From: alexissheeder@everyactioncustom.com on behalf of Alexis Cisneros
<alexissheeder@everyactioncustom.com>
Sent: Thursday, May 09, 2024 8:47 AM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Alexis Cisneros
Anchorage, AK

Doniece Gott

From: bjdunham@everyactioncustom.com on behalf of Barbara Dunham
<bjdunham@everyactioncustom.com>
Sent: Thursday, May 09, 2024 8:53 AM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm.

There is no evidence the measures increasing penalties for drug dealers will do anything to prevent the harms they purport to address. But they are guaranteed to increase costs related to incarceration.

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow. We must first address our chronic shortage of psychiatric treatment options before these provisions can have their intended effect.

Finally, the erosion of grand jury protections will harm any Alaskan wrongfully accused of a crime. It will make it harder for innocent Alaskans to get wrongful charges dropped or prove their innocence at trial. There are other ways to improve the experience of victims without eroding these longstanding protections of our fundamental rights.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Barbara Dunham
Anchorage, AK

Doniece Gott

From: princesslucaj@everyactioncustom.com on behalf of Princess Johnson
<princesslucaj@everyactioncustom.com>
Sent: Thursday, May 09, 2024 9:16 AM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Princess Johnson
Fairbanks, AK

Doniece Gott

From: ericschneider77@everyactioncustom.com on behalf of Eric Schneider <ericschneider77@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 9:40 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

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Sincerely,
Eric Schneider
Fairbanks, AK

Doniece Gott

From: amenoartemis@everyactioncustom.com on behalf of AJ Cho
<amenoartemis@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 8:26 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

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Sincerely,
AJ Cho
San Leandro, CA

Doniece Gott

From: shanahrstone@everyactioncustom.com on behalf of Shoshanah Stone
<shanahrstone@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 7:54 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Shoshanah Stone
Anchorage, AK

Doniece Gott

From: kathrynedufresne@everyactioncustom.com on behalf of Kathryn DuFresne
<kathrynedufresne@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 9:25 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Kathryn DuFresne
Anchorage, AK

Doniece Gott

From: nash.carrie@everyactioncustom.com on behalf of Carrie Nash
<nash.carrie@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 8:59 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I am a resident of Fairbanks and am begging you NOT to pass HB66 as it currently stands. I applaud you for trying to address the needs of mentally ill Alaskans, but this current effort takes money away from preventative measures and punishes people who are sick and need help. I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Carrie Nash
Fairbanks, AK

Doniece Gott

From: sbright40@everyactioncustom.com on behalf of Susan bright <sbright40@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 8:53 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Susan bright
Anchorage, AK

Doniece Gott

From: kyra.sherwood@everyactioncustom.com on behalf of Kyra Sherwood
<kyra.sherwood@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 8:50 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. The issues in the bill need attention, but HB 66 addresses them in all the wrong ways. Far from solving these problems, it will actually make things worse for vulnerable Alaskans. HB 66 will erode constitutional protections in the state's criminal legal system, misspend state money, and fail to prevent serious harm.

The drug-induced homicide provisions of the bill rely on a purely punitive strategy that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision would require more complex prosecutions and longer sentences while actually reducing resources the state can use to prevent overdoses and save lives. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space and lead to a further reliance on prisons to handle overflow. This is a truly alarming overreach of the state's power, representing a serious threat to Alaskans' freedoms.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars in ways that prevent tragedies from occurring, rather than ineffectively punishing people who are already hurting after someone has been harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Kyra Sherwood
Anchorage, AK

Doniece Gott

From: medischner@everyactioncustom.com on behalf of Molly Dischner
<medischner@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 8:34 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I am one of countless Alaskans who has lost friends and family to addiction and mental health issues. I desperately want to see our state address the intertwined issues that result in drug overdose deaths, drug related crimes, and other drug and mental health related issues. As such, I urge you NOT to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. The issues the bill attempts to address, including the state's overdose crisis, require attention, but HB 66 is not the right remedy. This bill relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm.

I am asking that the Senate Finance Committee does not advance the bill, and that our legislators work on a better solution to the challenges our state and neighbors are facing.

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. It also appears the bill would reduce the resources available to the state to prevent Alaskans from dying. This is NOT what Alaskans need after record numbers of overdoses in recent years.

Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Molly Dischner
Sterling, AK



May 5, 2024

Dear Alaska State Senate Finance Members,

We are writing in opposition to HB66, and with suggestions to remove some unintended consequences.

In this letter we will discuss our objections to how sections 30 and 32 of HB 66 will harm sex workers and sex trafficking survivors: the sex offender registration for sex trafficking in the first and second degrees and the length of time required for domestic travel notification for sex offenders and we will provide fixes.

We also recognize the danger and harm in this bill to drug users, those with intellectual disabilities, and the integrity of our grand jury process.

Sex Offender Registry

Currently Section 32 expands the definition of registerable sex offenses to include sex trafficking in the first and second degrees (page 25, line 12), but many things that sex workers do for safety are included in the sex trafficking in the second degree statute, which includes sex workers working together (a "prostitution enterprise"), sharing safe clients ("procures or solicits a patron for a prostitute"), and traveling together which is a standard safety practice especially when traveling to work in remote areas of the state with little to no law enforcement. CUSP's board member Amber Nickerson was convicted under this statute for travel. Please view this [video](#)¹ of Mr. Skidmore of the Department of Law at the March 20, 2023 House Judiciary hearing insisting that they absolutely would charge sex workers who do a single duo with having a prostitution enterprise. Unfortunately, sex trafficking survivors are even more likely to be charged under this statute than sex workers, because they often work together and traffickers know they can limit their criminal liability by making their victims responsible for travel and other arrangements.

¹ <https://fb.watch/rSpSZxIFK/>

Making sex offenders out of sex workers and sex trafficking survivors who work together to increase our safety does not make Alaskans safer. Forcing sex workers and sex trafficking victims who are not accused of victimizing anyone to register as sex offenders is a misuse of the registry and misinforms the public. The public expects that the registry is a list of people who harmed others, not common prostitutes who worked together for safety. It keeps sex trafficking survivors and sex workers trapped in the underground economies, makes housing inaccessible, and makes trafficking victims' addresses public so that traffickers can continue to victimize them.

These unintended consequences in HB 66 can be rectified by adopting a definition of sex trafficking that makes more sense which is currently proposed in HB 68 Section 32:

* **Sec. 32.** AS 11.41 is amended by adding new sections to read:

20 **Sec. 11.41.340. Sex trafficking in the first degree.** (a) A person commits the

21 crime of sex trafficking in the first degree if the person

22 (1) **as** other than a patron of a victim of sex trafficking, induces or

23 causes another person to engage in a commercial sexual act through the use of force or

24 threat of force against any person; or

25 (2) violates AS 11.41.345 and the person induced or caused to engage

26 in the commercial sexual act is

27 (A) under 21 years of age; or

28 (B) in that person's legal custody.

29 (b) Sex trafficking in the first degree is an unclassified felony.

30 **Sec. 11.41.345. Sex trafficking in the second degree.** (a) A person commits

31 the crime of sex trafficking in the second degree if, **as** other than a patron of a victim

01 of sex trafficking and with the intent to promote sex trafficking, the person induces or

02 causes another person to engage in a commercial sexual act.

03 (b) Sex trafficking in the second degree is a class A felony.

04 **Sec. 11.41.350. Sex trafficking in the third degree.** (a) A person commits the

05 crime of sex trafficking in the third degree if, **as** other than a patron of a victim of sex

06 trafficking, the person provides services, resources, or other assistance in furtherance

07 of a violation of AS 11.41.340 or 11.41.345.

08 (b) Sex trafficking in the third degree is a

09 (1) class B felony if the value of the services, resources, or other

10 assistance provided is \$200 or more; or

11 (2) class C felony if the value of the services, resources, or other

12 assistance provided is less than \$200.

Intent language should be added to the third degree sex trafficking. Section 32 also includes this important definition:

Sec. 11.41.357. Inducing or causing a person to engage in a commercial

28 **sexual act.** For purposes of AS 11.41.340 - 11.41.355, a person induces or causes

29 another person to engage in a commercial sexual act including by

30 (1) exposing or threatening to expose confidential information or a

31 secret, whether true or false, that would subject a person to hatred, contempt, or

- 01 ridicule;
- 02 (2) destroying, concealing, or threatening to destroy or conceal an
- 03 actual or purported passport or immigration document or another actual or purported
- 04 identification document of any person;
- 05 (3) threatening to report a person to a government agency for the
- 06 purpose of arrest or deportation;
- 07 (4) threatening to collect a debt;
- 08 (5) instilling in a person a fear that lodging, food, clothing, or
- 09 medication will be withheld from any person;
- 10 (6) providing a controlled substance to or withholding a controlled
- 11 substance from the other person; or
- 12 (7) engaging in deception as defined in AS 11.81.900(b).

To which we would suggest just a slight tweak to (6) to indicate that this does not refer to, for example, an alcoholic drink or marijuana.

Removing the current sex trafficking statutes (11.66.110-135) and adding this proposed definition instead in 11.41 would correct current issues with the sex trafficking statute and make it make sense as a sex offense requiring registry.

Seven Day Notification For Leaving the State in Section 30

Alaska's federal prosecutors are not alone² in charging sex trafficking survivors with conspiracy to commit sex trafficking under federal law, making them registered sex offenders³. However they have been quite heavy handed in this regard, resulting in Alaskan sex trafficking survivors addresses made public for the traffickers they testified against and their associates to see, even during ongoing criminal proceedings against the traffickers. At last week's hearing in House Finance, a sex trafficking victim of color, who was only 18 when she was charged with conspiracy to sex traffick, testified in opposition to HB 68.

One local sex trafficking survivor who is mandated to register as sex offender as a result of being charged federally with conspiracy to traffic is set to testify against her trafficker in an upcoming state trial for when he shot her three times and left her for dead while she was pregnant with his child. He also has other open state cases for murder and escape. Currently her sister has been missing since September of 2023 and she has received text messages saying that he had her sister killed and will have her killed if she doesn't comply with his demands regarding her testimony in his upcoming trials. As a result of his threats, it has been necessary on two occasions for her to leave the state immediately to stay in safe houses for her safety. HB66 as written would cause additional barriers for sex trafficking victims like her to gain access to safety by preventing them from fleeing to safety in a timely manner which could have resulted, in her case, in her murder. Please remove Section 30's unnecessary burden of

² <https://antitraffickingreview.org/index.php/atjournal/article/view/450/368>

³ <https://polarisproject.org/survivor-story-keyana-marshall/>

mandating seven day travel notification for domestic travel that will endanger Alaskan sex trafficking survivors.

Thank you for your consideration to improve HB66 as it moves forward to reduce the harm to Alaska's most vulnerable. We hope that you will also consider its harm to drug users, those with intellectual disability, and the integrity of our grand jury process by just voting No on this bill outright.

Sincerely,
Maxine Doogan
Terra Burns
Amber Nickerson
Kat McElroy

Doniece Gott

From: Susan A <susanallmeroth@gmail.com>
Sent: Tuesday, May 07, 2024 10:46 AM
To: Senate Finance Committee; Sen. Scott Kawasaki; Rep. Frank Tomaszewski; Sen. Robert Myers
Subject: HB 66

I am writing to express my opposition regarding House Bill 66 (HB 66), which aims to increase penalties for drug-induced homicide in Alaska.

While I understand the urgency of addressing the overdose crisis, I believe that HB 66's approach may have unintended consequences and fall short of achieving our goals. Here are some key points to consider:

Punitive Measures Alone Are Insufficient:

HB 66 focuses primarily on punitive measures, such as charging drug dealers with second-degree murder. While accountability is essential, we must recognize that addiction is a complex issue. I disagree with this level of charge being applied without the evidence of deaths. It is borderline unconstitutional.

Rather than solely punishing drug dealers, we should invest in comprehensive strategies that address prevention, treatment, and recovery.

Balancing Public Safety and Individual Rights:

HB 66's aggressive approach risks discouraging individuals from seeking help during emergencies. Fear of legal repercussions may prevent people from calling for assistance when someone overdoses.

We need a balanced approach that protects public safety while respecting individual rights and encouraging community members to seek help without hesitation.

Evidence-Based Solutions:

Instead of relying solely on punitive measures, let's prioritize evidence-based solutions:

Harm Reduction Programs: Implement and expand harm reduction initiatives, including needle exchange programs, supervised injection sites, and naloxone distribution. These programs save lives and connect individuals to resources.

Treatment Access: Invest in accessible and affordable addiction treatment services. Remove barriers to treatment, such as waiting lists and insurance limitations.

Education and Awareness: Educate the public about the risks of fentanyl and other opioids. Prevention starts with awareness.

Community Support: Strengthen community-based organizations that provide support, counseling, and rehabilitation services.

Collaboration and Resources:

Let's work collaboratively with law enforcement, healthcare providers, community leaders, and affected individuals. A multi-sector approach is crucial.

Allocate resources to prevention, treatment, and harm reduction rather than focusing solely on punitive measures.

In summary, HB 66, while well-intentioned, may not be the most effective solution. Let's prioritize evidence-based approaches that save lives, protect individual rights, and build stronger communities. Together, we can combat the overdose crisis and create a safer Alaska.

Thank you for your attention to this critical matter.

Susan Allmeroth

Two Rivers

Doniece Gott

From: lizzzdean@everyactioncustom.com on behalf of Liz Dean
<lizzzdean@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 1:16 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

The drug-induced homicide provisions of the bill rely on a purely punitive strategy, that will not prevent overdose deaths, serve as a deterrent, or reduce substance use. This provision is a response after life has already been lost and would require more complex prosecutions and longer sentences while also reducing resources the state can use to prevent overdoses. Strengthening the state's Good Samaritan laws, focusing on substance misuse prevention, and ensuring that all Alaskans have access to high-quality treatment and recovery support are more effective strategies that recognize this crisis for what it is — a crisis of public health. Every dollar we spend on incarceration is a dollar taken away from solutions that make us safer and healthier, while Alaskans are alive.

Additionally, the involuntary commitment provisions would allow Alaska to subject a person to a commitment of up to two years. Not only will this effectively warehouse mentally ill Alaskans, it will exacerbate the state's shortage of psychiatric bed space, and lead to a further reliance on prisons to handle overflow.

Alaska is in the throes of a fiscal crisis and a drug and mental health crisis. We must spend the state's limited dollars on addressing systemic issues that prevent tragedies from occurring, rather than waiting for someone to be harmed. Please invest in solutions that prevent harm, invest in Alaskans, and opt not to advance HB 66.

Sincerely,
Liz Dean
Anchorage, AK

Doniece Gott

From: alaskanmom64@everyactioncustom.com on behalf of Rosalyn Wyche <alaskanmom64@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 1:21 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,
Rosalyn Wyche
Anchorage, AK

Doniece Gott

From: alaskanwhitman@everyactioncustom.com on behalf of Monica Whitman
<alaskanwhitman@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 1:33 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,
Monica Whitman
Eagle River, AK

Doniece Gott

From: jimloveland52@everyactioncustom.com on behalf of Jim Loveland <jimloveland52@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 1:39 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,
Jim Loveland
Saint Petersburg, FL

Doniece Gott

From: 4fjord4@everyactioncustom.com on behalf of Richard Anderson <4fjord4@everyactioncustom.com>
Sent: Wednesday, May 08, 2024 1:44 PM
To: Senate Finance Committee
Subject: HB 66 is a bad investment for keeping Alaskans safe

Dear Senate Finance Committee,

I urge you not to consider HB 66, the crime omnibus bill recently advanced by the Senate Judiciary Committee. While the issues the bill attempts to address, including the state's overdose crisis, require attention, HB 66 relies on ineffective tactics that erode constitutional protections in the state's criminal legal system, will misspend state money, and fail to prevent harm

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Sincerely,
Richard Anderson
Anchorage, AK



Amendment to SB 37: Addressing the Crime of Human Trafficking and Generated Child Sexual Abuse Material

This Amendment proposes to make the Alaska Council on Human and Sex Trafficking permanent by establishing it in State Statute.

It is imperative that the work of the Alaska Council on Human and Sex Trafficking continue and that it be established as a permanent entity by enacting it into statute. The Council, created through Administrative Order 328, plays a pivotal role in combating the exploitation of Alaskans. By formalizing its existence in statute, we strengthen the commitment to addressing the multifaceted challenges posed by human trafficking.

This amendment removes the concerns of some regarding sharing an executive director with CDVSA by giving the new council its own director and one employee.

Ensuring the permanence of the Council in statute signifies a long-term commitment to eradicating human trafficking in Alaska. The Council's continuous presence will enhance coordination, resources, and strategies necessary for an effective response to this complex problem. By acknowledging the ever-present threat of human trafficking and its impact on our communities, we reaffirm our dedication to safeguarding the well-being and rights of all Alaskans.

ALASKA STATE LEGISLATURE

SENATE FINANCE COMMITTEE



Sen. Bert Stedman
State Capitol, Room 518
(907) 465-3873
Sen.Bert.Stedman@akleg.gov

Sen. Lyman Hoffman
State Capitol, Room 516
(907) 465-4453
Sen.Lyman.Hoffman@akleg.gov

Sen. Donald Olson
State Capitol, Room 508
(907) 465-3707
Sen.Donny.Olson@akleg.gov

Official Business

Senate Finance CS for House Bill 66: Controlled Substances / Homicide / Sentencing

Summary of Changes, version "N" to "O" May 8, 2024

- Change #1** Removed sections related to the grand jury process, required witnesses, child protection, and stalking. These were sections 1, 7, 28-32, 38, and 50-52 of the Senate Judiciary version and originated in HB67.
- Change #2** Removed section related to the crime of assault in the presence of a child. This was section 6 of the Senate Judiciary version and originated in HB11.
- Change #3** Removed sections related to changing the term "child pornography" to "child sexual abuse material. These were sections 8-12, 16, 23-25, 32-33, and 35-37 of the Senate Judiciary version and originated in HB265.
- Change #4** Removed sections related to involuntary commitment for certain dangerous individuals. These were sections 17-20 and 39-49 of the Senate Judiciary version and originated in SB53.
- Change #5** Removed section related to the requirements and coverage of crime victim restitution. This was section 21 of the Senate Judiciary version and originated in HB286.
- Change #6** Removed sections related to prohibiting the Department of Public Safety from releasing certain conviction records for possession of small amounts of marijuana. These were sections 26-27 and 53 of the Senate Judiciary version and originated in HB28.

Doniece Gott

From: Mari Mukai <[REDACTED]>
Sent: Wednesday, May 08, 2024 9:54 PM
To: Senate Finance Committee; Sen. Click Bishop; Sen. Bert Stedman
Subject: HB66 (testimony in grand jury)
Attachments: ACA Letter_HB67-SB65.pdf

Dear Senate Finance Committee,

My name is Mari Mukai and I am the executive director of the Alaska Children's Alliance, the statewide membership organization of Child Advocacy Centers (CACs). CACs coordinate the multi-disciplinary response to child abuse, an essential service given that Alaska consistently suffers from some of the nation's highest rates of child abuse.

I am writing regarding the HB66 crime bill created by the Senate Judiciary committee, which included the HB67 grand jury change to allow hearsay testimony. The bill would allow for the CAC video recorded interview to be summarized or played at a grand jury proceeding, eliminating the need for children to testify. We are in support of this component of the bill, as it would provide an option to protect child victims of abuse from potential re-victimization.

Please see the attached for a letter we previously submitted on this matter.

Thank you for your time and consideration and please do not hesitate to reach out if you need additional information.

Mari



Mari Mukai
Alaska Children's Alliance
907-688-0163
P.O. Box 91054
Anchorage, AK 99509
www.alaskachildrensalliance.org
<https://www.facebook.com/akchildrensalliance>

Doniece Gott

From: [REDACTED]
Sent: Thursday, May 09, 2024 7:37 AM
To: Senate Finance Committee
Subject: In support of the SCS HB 66 JUD

Good morning, Committee Members,

Helping Ourselves Prevent Emergencies (HOPE) supports the SCS HB 66 JUD version of the bill. We appreciate the work the Judiciary Committee did to emphasize how important it is to help victims and to have accountability for offenders with the addition to HB 66. It is imperative that several Senate Judiciary components added to the bill are kept. We especially appreciate the opportunity to change the Court Rule regarding grand jury-allowing a law enforcement officer to testify to the statements made by victims/survivors instead of requiring the victim/survivor to have to testify in front of the 18-member grand jury. Such a change goes a long way to reducing the additional trauma crime victims undergo as they journey through the criminal justice process. Clarifying the restitution statute is helpful to restore some of the things that victims/survivors have lost as they navigate through the offender accountability process. Exchanging the term "child pornography" for "child sexual abuse material" sends a strong message that sexual crimes against children will not be tolerated in Alaska. Please support the swift passage of the Senate Judiciary version of HB 66.

Respectfully,
Tiffany

Tiffany Mills
HOPE- Executive Director

hopeprevention@aptalaska.net
Ph. 907-826-2581

Doniece Gott

From: Cheri Smith <[REDACTED]>
Sent: Thursday, May 09, 2024 9:16 AM
To: Senate Finance Committee
Subject: SCS HB 66

The LeeShore Center supports SCS HB 66 JUD version of the bill, which emphasizes the importance of help for victims/survivors and accountability for offenders that were added to HB 66. It is important to us to ensure several components of the bill that were added in Senate Judiciary stay in the bill. For example, changing the Court Rule regarding grand jury, allowing a law enforcement officer to testify to the statements made by victims instead of requiring the victim to have to testify in front of the grand jury. Also, clarifying the restitution statute to help restore some of the things victims have lost as they navigate through holding offenders accountable. Exchanging the term "child pornography" for "child sexual abuse material" – which sends a strong message that sexual crimes against children will not be tolerated in Alaska. Please support passage of the Senate Judiciary version of HB 66.

*Cheri Smith
Executive Director
The LeeShore Center
325 S. Spruce St.
Kenai AK 99611
(907) 283-9479*

Doniece Gott

From: Josh Louwerse <jlouwerse@covenanthouseak.org>
Sent: Thursday, May 09, 2024 9:57 AM
To: Senate Finance Committee
Subject: HB 66

Good Morning Senators,

I am writing as the current chair of the Alaska Children's Justice Act Task force in regard to HB 66.

As a group of professionals we have worked with many victims of crime and I advocate for the repeal the Court Rule that requires victims to testify in person at grand jury proceedings, often only days after being victimized, to re-tell their story and re-live their trauma in front of a group of strangers – even though the victim has already provided the information (often audio recorded and/or videotaped testimony) to public officials, medical professionals, law enforcement, and/or a judge.

Thank you,

Josh Louwerse | pronouns: he/him/his
Senior Director of Legislative Affairs and Youth Systems Improvement



jlouwerse@covenanthouseak.org

t. (907) 272-1255 | d. (907) 339-4438 |
PO Box 100620, Anchorage, AK 99510-0620

Dena'inaq e'nen'aq' gheshtnu ch'q'u yeshdu.
I live and work on the land of the Dena'ina.

CONFIDENTIALITY NOTICE: The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual(s) or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination, forwarding or copying of the email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system. Thank you.

May 6, 2024

Alaska State Legislature
Alaska State Capitol
120 4th Street
Juneau, AK 99801



RE: Support for Senate Judiciary CS for House Bill 66

Dear Senate Finance Committee Members,

Alaska Children's Trust offers our support for provisions in the Senate Judiciary Committee Substitute for House Bill 66. Specifically, we support the provisions which would allow the prosecution to present hearsay evidence to grand juries and the updating of statutory language related to child sexual abuse materials. As the statewide lead organization focused on the prevention of child abuse and neglect, we support policies that reduce the negative impacts of trauma for victims of abuse. These provisions in the Senate Judiciary CS for House Bill 66 accomplish this by removing the requirement for victims to be present for testimony, thereby limiting the risk of re-traumatization during legal proceedings. Additionally, the bill includes terminology changes to Alaska's statutes that underscore the abusive nature of child sexual abuse materials. Both of these provisions facilitate justice and healing for victims, and ACT supports these victim-centered policies.

According to KIDS Count, 13.7% of Alaskan adults have reported experiencing sexual abuse as a child. While child sexual abuse (CSA) happens to children of all ages, the median age of abuse is nine. 91% of CSA is perpetrated by someone the child or the child's family knows. Additionally, research from the Adverse Childhood Experiences study documents the lifelong impacts of CSA, increasing victims' risk of future health and developmental problems.

The Senate Judiciary CS for House Bill 66 acknowledges the importance of policies that consider the victim and their well-being within Alaska's legal landscape. Policies such as these center the victim, promote healing, and reduce the risk of further trauma. We encourage your support for these important provisions within this piece of legislation.

Sincerely,

Trevor J. Storrs
President & CEO
Alaska Children's Trust

Alaska Children's Trust

alaskachildrenstrust.org • (907) 248-7676 • kidsfirst@alaskachildrenstrust.org

Doniece Gott

From: Suki Miller <Suki@victimsforjustice.org>
Sent: Tuesday, May 07, 2024 1:08 PM
To: Senate Judiciary; Sen. Matt Claman; Sen. Jesse Kiehl; Sen. James Kaufman; Sen. Cathy Giessel; Sen. Löki Tobin
Cc: Senate Finance Committee; Sen. Lyman Hoffman; Sen. Donny Olson; Sen. Bert Stedman; Sen. Click Bishop; Sen. Kelly Merrick; Sen. Jesse Kiehl; Sen. David Wilson
Subject: RE: Victims For Justice - HB66

Good afternoon,

As we head toward the end of this legislative session, I wanted to follow up on my email below with two videos of surviving family members of homicide victims. Victims aren't simply "somebody else" but Alaskans, friends, family members that you know and love. Please consider what you can do *now* to positively impact the experience of crime victims in this State.

Ralph Samuels: <https://vimeo.com/913540814/1d830a0aeb?share=copy>
Long Live Leroy Documentary: <https://victimsforjustice.org/victim-voices/long-live-leroy-2/>

Thank you,

Suki Miller | Executive Director
Office: 907-278-0977 | Email: suki@victimsforjustice.org

1057 W. Fireweed Ln. Suite 101 Anchorage, AK 99503
victimsforjustice.org



From: Suki Miller
Sent: Thursday, May 2, 2024 11:41 AM
To: Senate.Judiciary@akleg.gov; Sen.Matt.Claman@akleg.gov; Senator.Jesse.Kiehl@akleg.gov; Senator.James.Kaufman@akleg.gov; Senator.Cathy.Giessel@akleg.gov; Senator.Loki.Tobin@akleg.gov
Cc: Senate.Finance.Committee@akleg.gov; Senator.Lyman.Hoffman@akleg.gov; Senator.Donald.Olson@akleg.gov; Senator.Bert.Stedman@akleg.gov; Senator.Click.Bishop@akleg.gov; Senator.Kelly.Merrick@akleg.gov; Senator.Jesse.Kiehl@akleg.gov; Senator.David.Wilson@akleg.gov
Subject: Victims For Justice - Senate CS for HB66 (JUD)

Good morning,

I would like to thank Chairman Claman and the members of the Senate Judiciary Committee for introducing draft Senate Committee Substitute (CS) for HB66 (JUD).

Victims for Justice (VFJ) strongly supports removing the unnecessary burden for innocent victims of violent crime to appear at grand jury proceedings. Not allowing hearsay and requiring the victim to come to court to relive one of their worst days, hurts victims, contributes to the court's backlog, delays the process, and increases the cost to the state.

Many states do not have grand jury proceedings at all; the prosecutor simply presents the evidence to a judge, and the judge determines if there is enough evidence to proceed to trial. For states that do have grand jury proceedings, most, including the federal government, do not require victims to be at grand jury proceedings.

VFJ is also in favor of the legislation that strengthens victims' rights in dismissed criminal cases where the defendant is under evaluation or commitment, allowing them to attend court hearings and receive notifications on certain developments.

Although VFJ specializes in providing victim services to victims of "other crimes" (non dv/sa related assault, robbery, arson, drunk driving, and surviving family members of homicide victims) we do agree with ANDVSA and support changing the language in statute from child pornography to child sexual abuse material and the proposed fixes to gaps in the sex offender registration process.

It is our Mission at VFJ is to care for Alaskans affected by violent crime and it is so encouraging to see you all working together to protect and help Alaska crime victims and survivors. THANK YOU!

Suki Miller | Executive Director
Office: 907-278-0977 | Email: suki@victimsforjustice.org

1057 W. Fireweed Ln. Suite 101 Anchorage, AK 99503
victimsforjustice.org





ALASKA STATE LEGISLATURE

Senate Judiciary Committee

SEN. MATT CLAMAN

Chairman

State Capitol, Room 429

Juneau, AK 99801

907.465.4919

Senator Jesse Kiehl, Vice Chair

Senator Cathy Giessel

Senator James Kaufman

Senator Löki Tobin

House Bill 66 Summary of Changes

Senate Judiciary Committee: Version Y to Version N

In the Committee Substitute to HB 66 version N we included the following changes:

- **Add “affirmative defense in to murder in the second degree” provisions:**
 - Sec. 2 11.31.110, page 2, line 19
 - Delete "11.41.110(a)"
 - Insert: “Sec. 11.41.110. Murder in the second degree. (a)”
 - Sec. 2 11.31.110, page 2, line 21
 - Delete the first occurrence of “a”
 - Insert “another”
 - Add new materials on page 3, lines 22-31 and page 4, lines 1-3
 - Sec. 2 11.31.110, page 3, line 19
 - Delete the first occurrence of “a”
 - Insert “another”
 - Update applicability to include murder in the second degree provisions
- **Sec. 30 AS 12.63.010, page 22**
 - Delete “appear in person at and” in two instances.
- **Sec. 47.30.706(b), page 30, line 22**
 - Delete “after entry of the ex parte order.”
 - Insert “after the respondent’s arrival at the evaluation facility”
- **Sec. 47.30.715, page 31, line 11**
 - Delete “under AS 47.30.705(a) or 47.30.706
- **Sec. 47.30.715, page 31, line 22**
 - Delete “section, AS 47.30.705(a), or 47.30.706”
 - Insert “AS 47.30.700 – 47.30.815”
- **Adding new legislation**
 - HB 11: CRIME: ASSAULT IN THE PRESENCE OF A CHILD
 - HB 28: ACCESS TO MARIJUANA CONVICTION RECORDS

- HB 286: CRIME VICTIM RESTITUTION
- **Conforming changes:**
 - Title change
 - Renumbering

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB066SCSCS(FIN)-DPS-AST-5-12-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: (S) Finance

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska Bureau of Investigation
OMB Component Number: 2744

Expenditures/Revenues

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

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
			FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version/comments:

Updated to reflect the changes made in the Senate Finance committee substitute.

Prepared By: Lisa Purinton, Director
Division: Statewide Services
Approved By: Pam Halloran, Administrative Services Director
Agency: Department of Public Safety

Phone: (907)351-8088
Date: 05/12/2024
Date: 05/12/24

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. SCS CS HB66

Analysis

This bill amends state law by increasing the penalty for individuals who manufacture or deliver a controlled substance in violation of certain controlled substance laws, and a person dies as a direct result of ingesting the substance. The bill also amends the crime of stalking to include violations of a stalking or sexual assault protective orders and creates a new crime of assault in the presence of a child.

Within the Department of Public Safety (DPS), Division of Alaska State Troopers (AST) are required to enforce state law and investigate criminal activity. The DPS does not anticipate a fiscal impact from the state laws amended in this bill and is therefore submitting a zero-fiscal note.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-2450
LAA.Legal@akleg.gov
120 4th Street, Room 3


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

May 11, 2024

SUBJECT: Appropriation language
(SCS CSHB 66(FIN); Work Order No. 33-GH1482\T.4)

TO: Senator Donald Olson
Attn: Ken Alper

FROM: Claire Radford
Legislative Counsel 

You requested an amendment directing the Department of Corrections (department) to enlist the Alaska Federation of Natives to study and issue recommendations relating to the percentage of state inmates who are Alaska Natives. To that end, this amendment adds an uncodified provision requiring the department to enter into a contract with a statewide Alaska Native organization whose membership consists of villages, Alaska Native corporations, and tribal consortiums.

Please note that an appropriation bill or budget amendment is needed to effectuate the payments directed in your request.

These changes state that the department and its contractor present to the legislature and the governor findings and recommendations for specific actions that can be taken to reduce initial encounters with the prison system and recidivism rates following the release of Alaska Native prisoners. These recommendations may include ways that Alaska Native entities that are primarily federally funded can "provide Indian housing options to reduce the Alaska Native homeless population that are more likely to encounter law enforcement when living on the street[.]" It is unclear what you mean by "Indian housing." Should this term be expanded to reference a specific program?

Please let me know if you have any questions.

CER:boo
24-274.boo

Attachment



Feb. 27th, 2023

Re: Oppose HB66

Dear Legislators,

We are writing to urge you to vote no on HB66, **"An Act relating to homicide resulting from conduct involving controlled substances; 2 relating to the computation of good time; and providing for an effective date."**

Our main concern is "the person knowingly manufactures or **delivers** a controlled 21 substance in violation of AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule 22 IVA controlled substances, and a person dies as a direct result of ingestion of the 23 controlled substance; the death is a result that does not require a culpable mental 24 state; in this paragraph, "ingestion" mean voluntarily or involuntarily taking a 25 substance into the body in any manner.

Alaskans suffering from substance use and addictions will sometimes share with or sell to others in their circle. If an overdose results from that exchange, the person will fear calling 911 to save their friend's life and being charged with homicide. This is a bad bill that seeks to punish an already vulnerable population. If the intent was not necessarily to profit from selling drugs but to support a personal habit or partake in sharing their drugs, this bill does nothing to remedy the actual issue of what is driving addiction, nor the underlying causes of addiction. We cannot incarcerate our way out of drug or alcohol misuse. Alaskans deserve better, and the legislature can do better by spending time looking at this issue rather than throwing bad laws at it. Putting effort into prevention and treatment for Alaskans, creating treatment and prevention resources to make lives healthier and safer will be a long term successful plan.

As a group of current and former sex workers, sex trafficking survivors, and our allies working towards safety and protection for everyone in Alaska's sex trade, know that creating long term solutions for addiction, funding treatment and resources to combat addiction, and utilizing preventive measures will be far less costly for Alaska.

Please vote no on House Bill 66.

Sincerely,
Terra Burns
Maxine Doogan
Kat McElroy
Amber Nickerson



May 1, 2024

The Honorable Matt Claman, Chair
Senate Judiciary Committee
Alaska Capitol Building
Juneau, AK 99801

Re: House Bill 66 (Version Y)

Dear Chairman Claman,

The ACLU of Alaska writes to express our concerns about Version Y of House Bill (HB) 66, which was introduced in the Senate Judiciary Committee on Monday and packages together HB 66 with SB 53, SB 65, and HB 265.

As we have stated to this and other committees, we appreciate the legislature's desire to address the state's overdose death crisis, gaps in Alaska's civil commitment system that have led to harm, and ways to reduce the trauma of criminal prosecutions on victims.

However, we are opposed to HB 66 because it represents a serious and broad erosion of Alaskans' constitutional rights, and relies on ineffective strategies to address a public health overdose crisis.

Instead of further criminalizing drug use, we urge you strengthen Alaska's Good Samaritan statutes to reduce overdose deaths. AS 11.71.311 provides immunity from prosecution for certain charges of possession of a controlled substance, when a person seeks assistance for someone experiencing a drug overdose. This type of protection can help save lives, especially when backed by strong public and law enforcement awareness, by reducing hesitancy to call first responders. HB 66 should:

- Expand the category of offenses to which the Good Samaritan statute applies, including all types of drug possession and other types of drug offenses, such as delivery and the proposed charges under Sec. 2 and Sec. 3 of the bill.
- Expand applicability of Good Samaritan statute to include immunity from arrest and charging. Forty-one states provide this type of immunity.¹
- Provide immunity from revocation of pretrial release, probation, and parole in situations where calling for assistance would constitute a violation.

Such steps will be more effective than HB 66's purely punitive approach, which has been shown to deter people from seeking help rather than deterring distribution of dangerous drugs. Alaska cannot overcome its overdose epidemic by relying on Alaska's prison system, where 80 percent of people have a substance use disorder. Prison is not an appropriate place to store people while they detox or go through withdrawal, which often occurs in isolation. Access to appropriate care, and

¹ U.S. Government Accountability Office, GAO-21-248, *Drug Misuse: Most States Have Good Samaritan Laws and Research Indicates They May Have Positive Effects*, Page 14, available at <https://www.gao.gov/assets/gao-21-248.pdf>.

continuity of care, is challenging, and the risk of overdose death during and after incarceration is high.

Additionally, we remain opposed to provisions allowing a person to be involuntarily committed for up to two years; and Section 46, which would vastly increase the amount of hearsay allowed at grand juries. The impetus for both changes is understandable. But these provisions represent a disregard for the constitutional rights of Alaskans, and we urge you to delete them.

Regarding involuntary commitment, Sections 40 and 42 establish a framework that would allow a person to be subject to an involuntary commitment period of two years, prohibit petitions for early discharge prior to 180 days of an initial commitment order, and require court approval of a doctor's discharge decision. Committing someone to a psychiatric facility against their will in this manner impermissibly curtails their liberty and violates constitutional rights to due process under both the United States and Alaska Constitutions. HB 66 can address a legitimate public safety concern without these provisions, which will effectively warehouse mentally ill Alaskans. Moreover, long-term commitments will exacerbate Alaska's psychiatric facility capacity crisis. The changes proposed by Sections 40 and 42 will lead to an increased reliance on prisons to manage involuntary commitments.

Section 46 would fundamentally change the grand jury process in this state. Grand juries function to ensure the state has sufficient evidence to require a person to stand trial for a felony. Grand jurors cannot fulfill one of their key duties – to evaluate the truthfulness of testimony – if they do not hear the firsthand witnesses, but instead receive only hearsay. This change would increase the chance that cases advance on questionable evidence. While it is important that Alaska take steps to reduce the trauma that people experience within the criminal legal system, this sweeping change would erode an important safeguard against misguided prosecution.

Thank you for your consideration of our views. If you have any questions, please do not hesitate to contact me at mgarvey@acluak.org.

Sincerely,



Michael P. Garvey
Advocacy Director



DISABILITY LAW CENTER

8711 Teal Street, Suite 303
Juneau AK 99801

www.dlcak.org

May 1, 2024

by scan and e-mail to Senate.Judiciary@akleg.gov

The Honorable Matt Claman, Chair
Senate Judiciary Committee
Alaska State Legislature
Juneau, Alaska 99811

Re: Holding people in hospital emergency rooms and other unsuitable places: section 36 of SCSHB 66

Dear Chair Claman and Members of the Committee:

The portion of SCSHB 66 that would effectively allow someone's liberties to be curtailed for an extendable seven-day period, held at a police station or local hospital which does not provide adequate mental health treatment, ought to be deleted from the bill. The first subsection of section 36 of the bill requires authorities "immediately" to take a person facing civil commitment, once a judge has issued an ex parte order for evaluation, to a crisis residential center or evaluation facility for evaluation. Other subsections, however, suggest that "immediately" means "after seven days at a hospital emergency room or other non-therapeutic facility, maybe more."

SB 53 originally addressed, and continues to address, a different civil commitment issue. The Senate amended it on the floor to put in what at that time was an up-to-10-days expandable pre-evaluation hold period. No one has explained, at least not in a committee hearing, why this amendment was necessary. It's our view that the seven-day hold period in the current bill will not relieve the Department of its obligation to find a way to do evaluations even if a place like API is at capacity, an obligation to which it agreed in the settlement of the Disability Law Center v. State case. The Senate committee substitute will, however, make it easier for all concerned, except the person being held and his or her attorneys, to ignore the fact that someone is being held in the wrong place under non-therapeutic conditions without anyone having evaluated him or her.

Please delete the expandable seven-day pre-evaluation hold period from the bill.

Sincerely,


Mark Regan
Legal Director

THE PROTECTION AND ADVOCACY SYSTEM FOR THE STATE OF ALASKA

Phone (907) 586-1634

1-800-478-1234

Fax (907) 565-1000

Assistance with SSI Application Phone (907) 312-8615 Fax 907-586-1066

Breanna Kakaruk

From: Margret Calica [REDACTED]
Sent: Tuesday, April 30, 2024 10:53 PM
To: Sen. Matt Claman
Subject: Grand Jury Legislation

Dear Senator Clamon,
If I heard correctly today, you've sponsored legislation to remove victims from testifying at Grand Juries. If that is correct, thank you very much.

As your constituent, this legislation is long past due. I am a member of the Zonta Club of Anchorage and a former member of the STAR board. We has discussions about type of legislation and I'm happy that it's been introduced and support its passage.

I encourage you to gather support in the senate and house.

Very Sincerely,

Maggie Calica
[REDACTED]

Breanna Kakaruk

From: Cierra Rae Hahn [REDACTED]
Sent: Thursday, May 2, 2024 9:43 AM
To: Cierra Rae Hahn
Subject: Pass HB66

HB 66

Hello,

I would like to thank Chairman Claman and the members of the Senate Judiciary Committee for introducing draft Senate Committee Substitute (CS) for HB66 (JUD).

I strongly support this draft CS (33-GH1482\Y).

It is very encouraging to see the Senate, House, and Governor all working cooperatively, and across party lines, to protect and help Alaska crime victims and survivors. So, again, thank you so much!

This bipartisan support for survivors and victims of crime truly gives us hope.

Please support and pass Senate CS for HB66 (JUD).

Kind Regards,
Cierra Hahn

[REDACTED]

Breanna Kakaruk

From: Kc Hostetler [REDACTED]
Sent: Thursday, May 2, 2024 9:51 AM
Subject: HB66

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Legislators,

I would like to begin by thanking each of you for your work in Juneau. I truly appreciate the immense time and effort each of you dedicates to putting our best foot forward as a state. Yours is not an easy job, and I am deeply grateful for your diligence and fortitude.

I would also like to extend my deepest thanks to Chairman Claman and the members of the Senate Judiciary Committee for introducing draft Senate Committee Substitute (CS) for HB66 (JUD).

As an Alaskan, and a victim of violent crime, I strongly support this draft CS (33-GH1482\Y).

It is very encouraging to see the Senate, House, and Governor all working cooperatively, and across party lines, to protect and help Alaska crime victims and survivors. So, again, thank you so much!

This bipartisan support for survivors and victims of crime truly gives us hope.

Please support and pass Senate CS for HB66 (JUD).

Sincerely,

Katherine (KC) Hostetler
[REDACTED]
[REDACTED]
[REDACTED]

Breanna Kakaruk

From: Suki Miller [REDACTED]
Sent: Thursday, May 2, 2024 11:41 AM
To: Senate Judiciary; Sen. Matt Claman; Sen. Jesse Kiehl; Sen. James Kaufman; Sen. Cathy Giessel; Sen. Löki Tobin
Cc: Senate Finance Committee; Sen. Lyman Hoffman; Sen. Donny Olson; Sen. Bert Stedman; Sen. Click Bishop; Sen. Kelly Merrick; Sen. Jesse Kiehl; Sen. David Wilson
Subject: Victims For Justice - Senate CS for HB66 (JUD)

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

I would like to thank Chairman Claman and the members of the Senate Judiciary Committee for introducing draft Senate Committee Substitute (CS) for HB66 (JUD).

Victims for Justice (VFJ) strongly supports removing the unnecessary burden for innocent victims of violent crime to appear at grand jury proceedings. Not allowing hearsay and requiring the victim to come to court to relive one of their worst days, hurts victims, contributes to the court's backlog, delays the process, and increases the cost to the state.

Many states do not have grand jury proceedings at all; the prosecutor simply presents the evidence to a judge, and the judge determines if there is enough evidence to proceed to trial. For states that do have grand jury proceedings, most, including the federal government, do not require victims to be at grand jury proceedings.

VFJ is also in favor of the legislation that strengthens victims' rights in dismissed criminal cases where the defendant is under evaluation or commitment, allowing them to attend court hearings and receive notifications on certain developments.

Although VFJ specializes in providing victim services to victims of "other crimes" (non dv/sa related assault, robbery, arson, drunk driving, and surviving family members of homicide victims) we do agree with ANDVSA and support changing the language in statute from child pornography to child sexual abuse material and the proposed fixes to gaps in the sex offender registration process.

It is our Mission at VFJ is to care for Alaskans affected by violent crime and it is so encouraging to see you all working together to protect and help Alaska crime victims and survivors. THANK YOU!

Suki Miller | Executive Director
[REDACTED]

1057 W. Fireweed Ln. Suite 101 Anchorage, AK 99503
victimsforjustice.org



Breanna Kakaruk

From: Avery Smith [REDACTED]
Sent: Thursday, May 2, 2024 10:07 AM
To: Avery Smith
Subject: HB 66 Support

Follow Up Flag: Follow up
Flag Status: Flagged

I would like to thank Chairman Claman and the members of the Senate Judiciary Committee for introducing draft Senate Committee Substitute (CS) for HB66 (JUD).

I strongly support this draft CS (33-GH1482\Y).

It is very encouraging to see the Senate, House, and Governor all working cooperatively, and across party lines, to protect and help Alaska crime victims and survivors. So, again, thank you so much!

This bipartisan support for survivors and victims of crime truly gives us hope.

Please support and pass Senate CS for HB66 (JUD).

Kindly,

Avery Smith
[REDACTED]

Breanna Kakaruk

From: Executive Director [REDACTED]
Sent: Thursday, May 2, 2024 11:44 AM
To: Senate Judiciary
Subject: HB 66

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you, Senator Claman, and members of the Judiciary Committee, for putting forward a committee substitute for HB 66. Women In Safe Homes fully supports the proposed CS. We appreciate the bipartisan work between the House, Senate, and the Governor to protect victims of crime and hold offenders accountable.

Thank you for your support! Please pass the CS from committee as soon as possible.

Agnes Moran

--

Agnes Moran, Executive Director
she/her/hers
Women In Safe Homes
P.O. Box 6552
Ketchikan, Alaska 99901
Office: (907) 228-4085 or [REDACTED]

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Breanna Kakaruk

From: Carol Fraser [REDACTED]
Sent: Thursday, May 2, 2024 1:11 PM
To: Senate Judiciary; Sen. Matt Claman; Sen. Jesse Kiehl; Sen. James Kaufman; Sen. Cathy Giessel; Sen. Löki Tobin; Senate Finance Committee; Sen. Lyman Hoffman; Sen. Donny Olson; Sen. Bert Stedman; Sen. Click Bishop; Sen. Kelly Merrick; Sen. David Wilson
Subject: Thank you - HB 66
Follow Up Flag: Follow up
Flag Status: Flagged

I would like to thank Chairman Claman and the members of the Senate Judiciary Committee for introducing draft Senate Committee Substitute (CS) for HB66 (JUD).

I STRONGLY support this draft CS (33-GH1482/Y).

It is very encouraging to see the Senate, House, and Governor all working cooperatively, and across party lines, to protect and help Alaska crime victims and survivors.

This bipartisan support for survivors and victims of crime truly gives us hope.

Reducing the number of times a victim has to tell their violent, life changing story so they can begin healing is crucial to keeping Alaskans safe, secure and to providing a better place for them to move on.

Thank you so much for your support - please Senate CS for HB66 (JUD).

Carol Fraser
Alaskan Resident



1057 W. Fireweed Lane, Suite 230
Anchorage, AK 99503

Crisis Lines: 907.276.7273 or 800.478.8999
Tel. 907.276.7279 | staralaska.com

May 2, 2024

Dear Chairman Claman and Senate Judiciary Members:

We would like to thank Chairman Claman and the members of the Senate Judiciary Committee for introducing draft Senate Committee Substitute (CS) for HB66 (JUD).

STAR strongly supports this draft CS (33-GH1482Y).

It is incredibly encouraging to see the Senate, the House, and the Governor all working together to protect and help Alaska crime victims and survivors. So, again, thank you so much!

We are so grateful for your hard work and dedication. This bipartisan effort and support for survivors and victims of crime truly gives us hope.

Please support and pass Senate CS for HB66 (JUD).

Sincerely,

Keeley Olson
Executive Director

Breanna Kakaruk

From: [REDACTED]
Sent: Thursday, May 2, 2024 1:33 PM
To: Senate Judiciary
Subject: Support for SCS HB66

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you, Senator Claman, and Members of the Judiciary Committee,

We are grateful for putting your bringing forward a committee substitute for HB 66.

Helping Ourselves Prevent Emergencies (HOPE) fully supports the proposed substitute. We appreciate the continued bipartisan work between the House, Senate, and the Governor to protect victims of crime and hold offenders accountable.

Please pass the committee substitute through as quickly as possible. We appreciate your support!

Respectfully,

Tiffany
Tiffany Mills
HOPE- Executive Director

[REDACTED]
[REDACTED]

Breanna Kakaruk

From: Cory Baggen [REDACTED]
Sent: Thursday, May 2, 2024 1:34 PM
To: Senate Judiciary; Sen. Matt Claman; Sen. Jesse Kiehl; Sen. James Kaufman; Sen. Cathy Giessel; Sen. Löki Tobin; Senate Finance Committee; Sen. Lyman Hoffman; Sen. Donny Olson; Sen. Bert Stedman; Sen. Click Bishop; Sen. Kelly Merrick; Sen. David Wilson
Subject: Support for Senate CS for HB66 (JUD)
Follow Up Flag: Follow up
Flag Status: Flagged

Chairman Claman and members of the Senate Judiciary Committee,
Thank you for introducing draft Senate Committee Substitute (CS) for HB66 (JUD).
I strongly support this draft CS (33-GH1482\Y).
On behalf of myself, the Baggen family and especially my late sister Jessica Baggen, we thank you. It is tremendously encouraging to see the Senate, the House, and the Governor all working together to protect and help Alaska crime victims and survivors. This bipartisan effort and support for survivors and victims of crime gives us hope.
Please support and pass Senate CS for HB66 (JUD).
I'm truly thankful for your willingness to serve our great state. I know you work so hard work on these important public policy changes and I want you to know you are appreciated!
Respectfully,
Cory Baggen
[REDACTED]

Breanna Kakaruk

From: Dena Lythgoe [REDACTED]
Sent: Thursday, May 2, 2024 1:51 PM
To: Senate Judiciary; Sen. Matt Claman; Sen. Jesse Kiehl; Sen. James Kaufman; Sen. Cathy Giessel; Sen. Löki Tobin
Cc: Senate Finance Committee; Sen. Lyman Hoffman; Sen. Donny Olson; Sen. Bert Stedman; Sen. Click Bishop; Sen. Kelly Merrick; Sen. David Wilson
Subject: HB 66

Follow Up Flag: Follow up
Flag Status: Flagged

HB 66

I would like to thank Chairman Claman and the members of the Senate Judiciary Committee for introducing draft Senate Committee Substitute (CS) for HB66 (JUD).

I strongly support this draft CS (33-GH1482\Y).

It is very encouraging to see the Senate, House, and Governor all working cooperatively, and across party lines, to protect and help Alaska crime victims and survivors. So, again, thank you so much!

This bipartisan support for survivors and victims of crime truly gives us hope.

Please support and pass Senate CS for HB66 (JUD).

Sincerely,

Dena Lythgoe

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

2 or

3 (B) an immediate precursor of methamphetamine, or its salts,
4 isomers, or salts of isomers;

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

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

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

12 or

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

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

17 (6) under circumstances not proscribed under AS 11.71.010(a)(2),
18 delivers

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

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

27 (i) methamphetamine, or its salts, isomers, or salts of
28 isomers;

29 (ii) an immediate precursor of methamphetamine, or its
30 salts, isomers, or salts of isomers; or

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

1 isomers in an organic solution.

2 * **Sec. 16.** AS 12.10.010(a) is amended to read:

3 (a) Prosecution for the following offenses may be commenced at any time:

4 (1) murder;

5 (2) attempt, solicitation, or conspiracy to commit murder or hindering
6 the prosecution of murder;

7 (3) felony sexual abuse of a minor;

8 (4) sexual assault that is an unclassified, class A, or class B felony or a
9 violation of AS 11.41.425(a)(2) - (4);

10 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,
11 AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person
12 who, at the time of the offense, was under 18 years of age;

13 (6) kidnapping;

14 (7) distribution of child **sexual abuse material** [PORNOGRAPHY] in
15 violation of AS 11.61.125;

16 (8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an
17 unclassified, class A, or class B felony or that is committed against a person who, at
18 the time of the offense, was under 20 years of age;

19 (9) human trafficking in violation of AS 11.41.360 or 11.41.365.

20 * **Sec. 17.** AS 12.47.070(a) is amended to read:

21 (a) If a defendant has filed a notice of intention to rely on the affirmative
22 defense of insanity under AS 12.47.010 or has filed notice under AS 12.47.020(a), or
23 there is reason to doubt the defendant's fitness to proceed, or there is reason to believe
24 that a mental disease or defect of the defendant will otherwise become an issue in the
25 case, the court shall appoint **a qualified psychiatrist or psychologist** [AT LEAST
26 TWO QUALIFIED PSYCHIATRISTS OR TWO FORENSIC PSYCHOLOGISTS
27 CERTIFIED BY THE AMERICAN BOARD OF FORENSIC PSYCHOLOGY] to
28 examine and report **on** [UPON] the mental condition of the defendant. If the court
29 appoints **a psychiatrist** [PSYCHIATRISTS], the **psychiatrist** [PSYCHIATRISTS]
30 may select psychologists to provide assistance. If the defendant has filed notice under
31 AS 12.47.090(a), the report shall consider whether the defendant can still be

1 committed under AS 12.47.090(c). The court may order the defendant to be committed
2 to a secure facility for the purpose of the examination for not more than 60 days or **for**
3 **a** [SUCH] longer period as the court determines to be necessary for the purpose and
4 may direct that a qualified psychiatrist retained by the defendant be permitted to
5 witness and participate in the examination.

6 * **Sec. 18.** AS 12.47.100(b) is amended to read:

7 (b) If, before imposition of sentence, the prosecuting attorney or the attorney
8 for the defendant has reasonable cause to believe that the defendant is presently
9 suffering from a mental disease or defect that causes the defendant to be unable to
10 understand the proceedings or to assist in the person's own defense, the attorney may
11 file a motion for a judicial determination of the competency of the defendant. Upon
12 that motion, or upon its own motion, the court, **if justified by findings of fact and**
13 **conclusions of law,** shall have the defendant examined by at least one qualified
14 psychiatrist or psychologist, who shall report to the court concerning the competency
15 of the defendant. For the purpose of the examination, the court may order the
16 defendant committed for a reasonable period to a suitable hospital or other facility
17 designated by the court. If the report of the psychiatrist or psychologist indicates that
18 the defendant is incompetent, the court shall hold a hearing, upon due notice, at which
19 evidence as to the competency of the defendant may be submitted, including that of
20 the reporting psychiatrist or psychologist, and make appropriate findings. Before the
21 hearing, the court shall, upon request of the prosecuting attorney, order the defendant
22 to submit to an additional evaluation by a psychiatrist or psychologist designated by
23 the prosecuting attorney.

24 * **Sec. 19.** AS 12.47.100 is amended by adding new subsections to read:

25 (i) The court may order a defendant to be examined under this section at an
26 outpatient clinic or other facility as a condition of the defendant's release under
27 AS 12.30. In considering the conditions of a defendant's release under this subsection,
28 the court shall, in addition to any applicable requirement under AS 12.30, consider

29 (1) any medical information provided by the Department of Family
30 and Community Services;

31 (2) the defendant's mental condition;

1 (3) the defendant's level of need for evaluation and treatment under
2 this chapter;

3 (4) the defendant's ability to participate in outpatient treatment; and

4 (5) the defendant's history of evaluation and treatment under this
5 chapter.

6 (j) If the defendant is charged with a felony offense against a person under
7 AS 11.41 or felony arson, a qualified psychiatrist or psychologist conducting an
8 examination under (b) of this section may, at the same time, evaluate the defendant to
9 determine whether the defendant meets the standards for involuntary commitment
10 under AS 47.30.700 - 47.30.915.

11 (k) In making findings of fact and conclusions of law under (b) of this section,
12 a court may rely on a defense attorney's representation.

13 * **Sec. 20.** AS 12.47.110 is amended by adding new subsections to read:

14 (f) The court may order a defendant to receive further evaluation and
15 treatment under (a) or (b) of this section at an outpatient clinic or other facility as a
16 condition of the defendant's release under AS 12.30. In considering the conditions of a
17 defendant's release under this subsection, the court shall, in addition to any applicable
18 requirement under AS 12.30, consider

19 (1) any medical information provided by the Department of Family
20 and Community Services;

21 (2) the defendant's mental condition;

22 (3) the defendant's level of need for evaluation and treatment under
23 this chapter;

24 (4) the defendant's ability to participate in outpatient treatment; and

25 (5) the defendant's history of evaluation and treatment under this
26 chapter.

27 (g) Before criminal charges against a defendant charged with a felony offense
28 against a person under AS 11.41 or felony arson are dismissed under (b) of this
29 section, the prosecutor shall

30 (1) file a petition seeking involuntary commitment of the defendant
31 under AS 47.30.706 before dismissal of the charges;

1 (2) notify the division of the Department of Law that has responsibility
2 for civil cases of the petition within 24 hours after filing the petition; and

3 (3) provide the court's findings to the division of the Department of
4 Law that has responsibility for civil cases within 24 hours after the court's ruling.

5 * **Sec. 21.** AS 12.55.045(a) is amended to read:

6 (a) The court shall, when presented with credible evidence, unless the victim
7 or other person expressly declines restitution, order a defendant convicted of an
8 offense to make restitution as provided in this section, including restitution to the
9 victim or other person injured by the offense, to a public, private, or private nonprofit
10 organization that has provided or is or will be providing counseling, medical, or
11 shelter services to the victim or other person injured by the offense, or as otherwise
12 authorized by law. **Restitution to a victim or other person injured by the offense**
13 **includes compensation for the value of lost income, child care, elder care,**
14 **transportation, and other expenses incurred during the victim's or other person's**
15 **participation in the investigation or prosecution of the offense or attendance at**
16 **court proceedings related to the offense.** The court shall, when presented with
17 credible evidence, unless the victim expressly declines restitution, also order a
18 defendant convicted of an offense to compensate a victim that is a nonprofit
19 organization for the value of labor or goods provided by volunteers if the labor or
20 goods were necessary to alleviate or mitigate the effects of the defendant's crime. In
21 determining the amount and method of payment of restitution or compensation, the
22 court shall take into account the

23 (1) public policy that favors requiring criminals to compensate for
24 damages and injury, including loss of income, to their victims; and

25 (2) financial burden placed on the victim and those who provide
26 services to the victim and other persons injured by the offense as a result of the
27 criminal conduct of the defendant.

28 * **Sec. 22.** AS 12.55.125(c) is amended to read:

29 (c) Except as provided in (i) of this section, a defendant convicted of a class A
30 felony may be sentenced to a definite term of imprisonment of not more than 20 years,
31 and shall be sentenced to a definite term within the following presumptive ranges,

1 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

2 (1) if the offense is a first felony conviction and does not involve
3 circumstances described in (2) of this subsection, four to seven years;

4 (2) if the offense is a first felony conviction

5 (A) and the defendant possessed a firearm, used a dangerous
6 instrument, or caused serious physical injury or death during the commission
7 of the offense, or knowingly directed the conduct constituting the offense at a
8 uniformed or otherwise clearly identified peace officer, firefighter, correctional
9 employee, emergency medical technician, paramedic, ambulance attendant, or
10 other emergency responder who was engaged in the performance of official
11 duties at the time of the offense, seven to 11 years;

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

14 (i) the manufacturing occurred in a building with
15 reckless disregard that the building was used as a permanent or
16 temporary home or place of lodging for one or more children under 18
17 years of age or the building was a place frequented by children; or

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

21 **(C) and the conviction is for manufacturing or delivery**
22 **under AS 11.71.021(a)(1) related to a schedule IA controlled substance set**
23 **out in AS 11.71.140(c)(29) or under AS 11.71.021(a)(6) related to a**
24 **schedule IIA controlled substance set out in AS 11.71.150(e)(2), four to 11**
25 **years;**

26 (3) if the offense is a second felony conviction, 10 to 14 years;

27 (4) if the offense is a third felony conviction and the defendant is not
28 subject to sentencing under (1) of this section, 15 to 20 years.

29 * **Sec. 23.** AS 12.55.125(i) is amended to read:

30 (i) A defendant convicted of

31 (1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2),

1 (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor
2 under AS 11.41.455(c)(2), or sex trafficking in the first degree under
3 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
4 than 99 years and shall be sentenced to a definite term within the following
5 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

6 (A) if the offense is a first felony conviction, the offense does
7 not involve circumstances described in (B) of this paragraph, and the victim
8 was

9 (i) less than 13 years of age, 25 to 35 years;

10 (ii) 13 years of age or older, 20 to 30 years;

11 (B) if the offense is a first felony conviction and the defendant
12 possessed a firearm, used a dangerous instrument, or caused serious physical
13 injury during the commission of the offense, 25 to 35 years;

14 (C) if the offense is a second felony conviction and does not
15 involve circumstances described in (D) of this paragraph, 30 to 40 years;

16 (D) if the offense is a second felony conviction and the
17 defendant has a prior conviction for a sexual felony, 35 to 45 years;

18 (E) if the offense is a third felony conviction and the defendant
19 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
20 to 60 years;

21 (F) if the offense is a third felony conviction, the defendant is
22 not subject to sentencing under (I) of this section, and the defendant has two
23 prior convictions for sexual felonies, 99 years;

24 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B),
25 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor
26 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault
27 in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a
28 minor in the first degree, or sex trafficking in the first degree under
29 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
30 than 99 years and shall be sentenced to a definite term within the following
31 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was

(i) under 13 years of age, 20 to 30 years;

(ii) 13 years of age or older, 15 to 30 years;

(B) if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not involve circumstances described in (D) of this paragraph, 25 to 35 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 30 to 40 years;

(E) if the offense is a third felony conviction, the offense does not involve circumstances described in (F) of this paragraph, and the defendant is not subject to sentencing under (I) of this section, 35 to 50 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (I) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(3) sexual assault in the second degree, sexual abuse of a minor in the second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the first degree under AS 11.41.458(b)(2), distribution of child sexual abuse material [PORNOGRAPHY] under AS 11.61.125(e)(2), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree under AS 11.41.410(a)(1)(B) may be sentenced to a definite term of imprisonment of not more than 99 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:

(A) if the offense is a first felony conviction, five to 15 years;

(B) if the offense is a second felony conviction and does not involve circumstances described in (C) of this paragraph, 10 to 25 years;

(C) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 15 to 30 years;

1 (D) if the offense is a third felony conviction and does not
2 involve circumstances described in (E) of this paragraph, 20 to 35 years;

3 (E) if the offense is a third felony conviction and the defendant
4 has two prior convictions for sexual felonies, 99 years;

5 (4) sexual assault in the third degree, sexual abuse of a minor in the
6 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under
7 AS 11.41.458(b)(1), indecent viewing or production of a picture under
8 AS 11.61.123(f)(1) or (2), possession of child sexual abuse material
9 [PORNOGRAPHY], distribution of child sexual abuse material [PORNOGRAPHY]
10 under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual
11 assault in the second degree, sexual abuse of a minor in the second degree, unlawful
12 exploitation of a minor, or distribution of child sexual abuse material
13 [PORNOGRAPHY], may be sentenced to a definite term of imprisonment of not more
14 than 99 years and shall be sentenced to a definite term within the following
15 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

16 (A) if the offense is a first felony conviction and does not
17 involve the circumstances described in (B) or (C) of this paragraph, two to 12
18 years;

19 (B) if the offense is a first felony conviction under
20 AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this
21 paragraph, four to 12 years;

22 (C) if the offense is a first felony conviction under
23 AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create
24 a mechanism for multi-party sharing or distribution of child sexual abuse
25 material [PORNOGRAPHY], or received a financial benefit or had a financial
26 interest in a child sexual abuse material [PORNOGRAPHY] sharing or
27 distribution mechanism, six to 14 years;

28 (D) if the offense is a second felony conviction and does not
29 involve circumstances described in (E) of this paragraph, eight to 15 years;

30 (E) if the offense is a second felony conviction and the
31 defendant has a prior conviction for a sexual felony, 12 to 20 years;

1 (F) if the offense is a third felony conviction and does not
2 involve circumstances described in (G) of this paragraph, 15 to 25 years;

3 (G) if the offense is a third felony conviction and the defendant
4 has two prior convictions for sexual felonies, 99 years.

5 * **Sec. 24.** AS 12.55.127(d) is amended to read:

6 (d) If the defendant is being sentenced for two or more crimes of distribution
7 of child sexual abuse material [PORNOGRAPHY] under AS 11.61.125, possession
8 of child sexual abuse material [PORNOGRAPHY] under AS 11.61.127, or
9 distribution of indecent material to minors under AS 11.61.128, a consecutive term of
10 imprisonment shall be imposed for some additional term of imprisonment for each
11 additional crime or each additional attempt or solicitation to commit the offense.

12 * **Sec. 25.** AS 12.55.185(16) is amended to read:

13 (16) "sexual felony" means sexual assault in the first degree, sexual
14 abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in
15 the second degree, sexual abuse of a minor in the second degree, sexual abuse of a
16 minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor,
17 indecent viewing or production of a picture under AS 11.61.123(f)(1) or (2),
18 distribution of child sexual abuse material [PORNOGRAPHY], sexual assault in the
19 third degree, incest, indecent exposure in the first degree, possession of child sexual
20 abuse material [PORNOGRAPHY], enticement of a minor, and felony attempt,
21 conspiracy, or solicitation to commit those crimes;

22 * **Sec. 26.** AS 12.62.160(b) is amended to read:

23 (b) Subject to the requirements of this section, and except as otherwise limited
24 or prohibited by other provision of law or court rule, criminal justice information

25 (1) may be provided to a person when, and only to the extent,
26 necessary to avoid imminent danger to life or extensive damage to property;

27 (2) may be provided to a person to the extent required by applicable
28 court rules or under an order of a court of this state, another state, or the United States;

29 (3) may be provided to a person if the information is commonly or
30 traditionally provided by criminal justice agencies in order to identify, locate, or
31 apprehend fugitives or wanted persons or to recover stolen property, or for public

1 reporting of recent arrests, charges, and other criminal justice activity;

2 (4) may be provided to a criminal justice agency for a criminal justice
3 activity;

4 (5) may be provided to a government agency when necessary for
5 enforcement of or for a purpose specifically authorized by state or federal law;

6 (6) may be provided to a person specifically authorized by a state or
7 federal law to receive that information;

8 (7) in aggregate form may be released to a qualified person, as
9 determined by the agency, for criminal justice research, subject to written conditions
10 that assure the security of the information and the privacy of individuals to whom the
11 information relates;

12 (8) may be provided to a person for any purpose, except that
13 information may not be released if the information is nonconviction information, [OR]
14 correctional treatment information, **or criminal justice information as described in**
15 **(f) of this section;**

16 (9) including information relating to a serious offense, may be
17 provided to an interested person if the information is requested for the purpose of
18 determining whether to grant a person supervisory or disciplinary power over a minor
19 or dependent adult; and

20 (10) may be provided to the person who is the subject of the
21 information.

22 * **Sec. 27.** AS 12.62.160 is amended by adding a new subsection to read:

23 (f) An agency may not release criminal justice information of a criminal case
24 in which the defendant

25 (1) was convicted under AS 11.71.060, or a municipal ordinance with
26 similar elements, for possession of less than one ounce of a schedule VIA controlled
27 substance;

28 (2) was 21 years of age or older at the time of commission of the
29 offense;

30 (3) was not convicted of any other criminal charges in that case; and

31 (4) requests that the agency not release the records.

1 * **Sec. 28.** AS 12.63.010(b) is amended to read:

2 (b) A sex offender or child kidnapper required to register under (a) of this
3 section shall register with the Department of Corrections if the sex offender or child
4 kidnapper is incarcerated or in person at the Alaska state trooper post or municipal
5 police department located nearest to where the sex offender or child kidnapper resides
6 at the time of registration. To fulfill the registration requirement, the sex offender or
7 child kidnapper shall

8 (1) complete a registration form that includes the following
9 information, if applicable: [, AT A MINIMUM,]

10 (A) the sex offender's or child kidnapper's full name, mailing
11 and physical addresses, school address, telephone numbers used by the sex
12 offender or child kidnapper, social security number, passport
13 information, citizenship status, physical address of employment, name of
14 employer, job title [PLACE OF EMPLOYMENT], and date of birth;

15 (B) each conviction for a sex offense or child kidnapping for
16 which the duty to register has not terminated under AS 12.63.020, the date of
17 the sex offense or child kidnapping convictions, the place and court of the sex
18 offense or child kidnapping convictions, and whether the sex offender or child
19 kidnapper has been unconditionally discharged from the conviction for a sex
20 offense or child kidnapping and the date of the unconditional discharge; if the
21 sex offender or child kidnapper asserts that the offender or kidnapper has been
22 unconditionally discharged, the offender or kidnapper shall supply proof of
23 that discharge acceptable to the department;

24 (C) all aliases used;

25 (D) the sex offender's or child kidnapper's driver's license
26 number;

27 (E) the description, license numbers, and vehicle identification
28 numbers of motor vehicles, including watercraft, aircraft, motorcycles, and
29 recreational vehicles, the sex offender or child kidnapper has access to,
30 regardless of whether that access is regular or not;

31 (F) any identifying features of the sex offender or child

kidnapper;

(G) anticipated changes of address and any temporary lodging used by the sex offender or child kidnapper for seven days or more;

(H) a statement concerning whether the offender or kidnapper has had treatment for a mental abnormality or personality disorder since the date of conviction for an offense requiring registration under this chapter; [AND]

(I) each electronic mail address, instant messaging address, and other Internet communication identifier used by the sex offender or child kidnapper; and

(J) professional licensing information;

(2) allow the Alaska state troopers, Department of Corrections, [OR] municipal police, or any peace officer to take a complete set of the sex offender's or child kidnapper's fingerprints and palm prints, and to take the sex offender's or child kidnapper's photograph.

* Sec. 29. AS 12.63.010(d) is amended to read:

(d) A sex offender or child kidnapper required to register

(1) for 15 years under (a) of this section and AS 12.63.020 shall, annually, during the term of a duty to register under AS 12.63.020, on a date set by the department at the time of the sex offender's or child kidnapper's initial registration, provide written verification to the department, in the manner required by the department, of the information provided under (b)(1) of this section [SEX OFFENDER'S OR CHILD KIDNAPPER'S ADDRESS] and notice of any changes to the information previously provided under (b)(1) of this section;

(2) for life under (a) of this section and AS 12.63.020 shall, not less than quarterly, on a date set by the department, provide written verification to the department, in the manner required by the department, of the information provided under (b)(1) of this section [SEX OFFENDER'S OR CHILD KIDNAPPER'S ADDRESS] and notice of any changes to the information previously provided under (b)(1) of this section.

1 * **Sec. 30.** AS 12.63.010 is amended by adding new subsections to read:

2 (g) If a sex offender or child kidnapper plans to leave the state after having
3 registered under (a) of this section, the sex offender or child kidnapper shall provide to
4 the department or a municipal police department in the state written notice of the plan
5 to leave the state at least seven calendar days before leaving the state. If a sex offender
6 or child kidnapper plans to leave the state for international travel after having
7 registered under (a) of this section, the sex offender or child kidnapper shall provide to
8 the department or a municipal police department in the state written notice of the plan
9 for any intended travel outside the United States at least 21 days before leaving the
10 state for international travel.

11 (h) If a sex offender or child kidnapper is away from the physical address
12 provided to the department under (b)(1)(A) of this section for a period of seven days
13 or more, the sex offender or child kidnapper shall notify the department in writing of
14 the address being used by the sex offender or child kidnapper while away from the
15 physical address provided under (b)(1)(A) of this section.

16 * **Sec. 31.** AS 12.63.020(a) is amended to read:

17 (a) The duty of a sex offender or child kidnapper to comply with the
18 requirements of AS 12.63.010 is as follows:

19 (1) for a sex offender or child kidnapper, as that term is defined in
20 AS 12.63.100(6)(A), for each sex offense or child kidnapping, the duty

21 (A) continues for the lifetime of a sex offender or child
22 kidnapper convicted of

23 (i) one aggravated sex offense; or

24 (ii) two or more sex offenses, two or more child
25 kidnappings, or one sex offense and one child kidnapping; for purposes
26 of this section, a person convicted of indecent exposure before a person
27 under 16 years of age under AS 11.41.460 more than two times has
28 been convicted of two or more sex offenses;

29 (B) ends 15 years following the sex offender's or child
30 kidnapper's unconditional discharge from a conviction for a single sex offense
31 that is not an aggravated sex offense or for a single child kidnapping if the sex

1 offender or child kidnapper has supplied proof that is acceptable to the
 2 department of the unconditional discharge; the registration period under this
 3 subparagraph

4 (i) is tolled for the period [EACH YEAR] that a sex
 5 offender or child kidnapper fails to comply with the requirements of
 6 this chapter or is incarcerated for the offense or kidnapping for which
 7 the offender or kidnapper is required to register or for any other
 8 offense;

9 (ii) may include the time a sex offender or child
 10 kidnapper was absent from this state if the sex offender or child
 11 kidnapper has complied with any sex offender or child kidnapper
 12 registration requirements of the jurisdiction in which the offender or
 13 kidnapper was located and if the sex offender or child kidnapper
 14 provides the department with proof of the compliance while the sex
 15 offender or child kidnapper was absent from this state; and

16 (iii) continues for a sex offender or child kidnapper who
 17 has not supplied proof acceptable to the department of the offender's or
 18 kidnapper's unconditional discharge for the sex offense or child
 19 kidnapping requiring registration;

20 (2) for a sex offender or child kidnapper, as that term is defined in
 21 AS 12.63.100(6)(B), the duty continues for the period determined by the department
 22 under (b) of this section.

23 * **Sec. 32.** AS 12.63.100(7) is amended to read:

24 (7) "sex offense" means

25 (A) a crime under AS 11.41.100(a)(3), or a similar law of
 26 another jurisdiction, in which the person committed or attempted to commit a
 27 sexual offense, or a similar offense under the laws of the other jurisdiction; in
 28 this subparagraph, "sexual offense" has the meaning given in
 29 AS 11.41.100(a)(3);

30 (B) a crime under AS 11.41.110(a)(3), or a similar law of
 31 another jurisdiction, in which the person committed or attempted to commit

1 one of the following crimes, or a similar law of another jurisdiction:

2 (i) sexual assault in the first degree;

3 (ii) sexual assault in the second degree;

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

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

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

8 (i) AS 11.41.410 - 11.41.438;

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

10 (iii) AS 11.41.450 - 11.41.458;

11 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent
12 exposure is before a person under 16 years of age and the offender has
13 previously been convicted under AS 11.41.460 or AS 26.05.900(c);

14 (v) AS 11.61.125 - 11.61.128;

15 (vi) [AS 11.66.110,] 11.66.130(a)(2)(B), or
16 AS 26.05.900(b) if the person who was induced or caused to engage in
17 prostitution was under 20 years of age at the time of the offense;

18 (vii) former AS 11.15.120, former 11.15.134, or assault
19 with the intent to commit rape under former AS 11.15.160, former
20 AS 11.40.110, or former 11.40.200;

21 (viii) AS 11.61.118(a)(2) if the offender has a previous
22 conviction for that offense;

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

25 (x) AS 26.05.890 if the person engaged in sexual
26 penetration or sexual contact with the victim;

27 (xi) AS 26.05.890 if, at the time of the offense, the
28 victim is under a duty to obey the lawful orders of the offender,
29 regardless of whether the offender is in the direct chain of command
30 over the victim;

31 (xii) AS 26.05.893 if the person engaged in sexual

1 penetration or sexual contact with the victim;

2 (xiii) AS 26.05.900(a) [AS 26.05.900(a)(1) - (4)] if the
3 victim is under 18 years of age at the time of the offense;

4 (xiv) AS 26.05.900 if, at the time of the offense, the
5 victim is under a duty to obey the lawful orders of the offender,
6 regardless of whether the offender is in the direct chain of command
7 over the victim; [OR]

8 (xv) AS 11.61.123 if the offender is subject to
9 punishment under AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR
10 (2)];

11 (xvi) AS 11.61.130(a)(2); or

12 (xvii) AS 11.66.110 and 11.66.120;

13 (D) an offense, or an attempt, solicitation, or conspiracy to
14 commit an offense, under AS 26.05.935(b), or a similar law of another
15 jurisdiction, if the member of the militia commits one of the following
16 enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform
17 Code of Military Justice):

18 (i) child sexual abuse material [PORNOGRAPHY]; or

19 (ii) pandering and prostitution if the person who is
20 induced, enticed, caused, or procured to engage in a sexual act is under
21 20 years of age at the time of the offense; or

22 (E) an offense in which the person is required to register as a
23 sex offender under the laws of another jurisdiction;

24 * **Sec. 33.** AS 15.80.010(10) is amended to read:

25 (10) "felony involving moral turpitude" includes those crimes that are
26 immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault,
27 sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion,
28 coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a
29 forgery device, offering a false instrument for recording, scheme to defraud, falsifying
30 business records, commercial bribe receiving, commercial bribery, bribery, receiving a
31 bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor,

1 escape, promoting contraband, interference with official proceedings, receiving a bribe
 2 by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical
 3 evidence, hindering prosecution, terroristic threatening, riot, criminal possession of
 4 explosives, unlawful furnishing of explosives, sex trafficking, criminal mischief,
 5 misconduct involving a controlled substance or an imitation controlled substance,
 6 permitting an escape, promoting gambling, possession of gambling records,
 7 distribution of child sexual abuse material [PORNOGRAPHY], and possession of
 8 child sexual abuse material [PORNOGRAPHY];

9 * **Sec. 34.** AS 18.66.990(3) is amended to read:

10 (3) "domestic violence" and "crime involving domestic violence" mean
 11 one or more of the following offenses or an offense under a law or ordinance of
 12 another jurisdiction having elements similar to these offenses, or an attempt to commit
 13 the offense, by a household member against another household member:

- 14 (A) a crime against the person under AS 11.41;
- 15 (B) burglary under AS 11.46.300 - 11.46.310;
- 16 (C) criminal trespass under AS 11.46.320 - 11.46.330;
- 17 (D) arson or criminally negligent burning under AS 11.46.400 -
- 18 11.46.430;
- 19 (E) criminal mischief under AS 11.46.475 - 11.46.486;
- 20 (F) terrorist threatening under AS 11.56.807 or 11.56.810;
- 21 (G) violating a protective order under AS 11.56.740(a)(1);
- 22 (H) harassment under AS 11.61.120(a)(2) - (4) or (6); [OR]
- 23 (I) cruelty to animals under AS 11.61.140(a)(5) if the animal is

24 a pet;

25 **(J) interfering with a report of a crime involving domestic**
 26 **violence under AS 11.56.745 if the person interfering with the report is the**
 27 **person who committed the underlying crime involving domestic violence;**

28 **or**

29 **(K) unlawful contact under AS 11.56.750 or 11.56.755;**

30 * **Sec. 35.** AS 28.15.046(c) is amended to read:

31 (c) The department may not issue a license under this section to an applicant

1 (1) who has been convicted of any of the following offenses:

2 (A) a violation, or an attempt, solicitation, or conspiracy to
3 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,
4 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

5 (B) a felony violation of endangering the welfare of a child in
6 the first degree under AS 11.51.100;

7 (C) felony indecent viewing or production of a picture under
8 AS 11.61.123;

9 (D) distribution of child sexual abuse material
10 [PORNOGRAPHY] under AS 11.61.125;

11 (E) possession of child sexual abuse material
12 [PORNOGRAPHY] under AS 11.61.127;

13 (F) distribution of indecent material to minors under
14 AS 11.61.128;

15 (G) felony prostitution under AS 11.66.100(e);

16 (H) sex trafficking in the first, second, or third degree under
17 AS 11.66.110 - 11.66.130;

18 (I) a felony involving distribution of a controlled substance
19 under AS 11.71 or imitation controlled substance under AS 11.73;

20 (J) a felony violation under AS 28.35.030(n) or 28.35.032(p);

21 or

22 (2) who has been convicted of any of the following offenses and less
23 than two years have elapsed since the applicant's date of conviction for the offense:

24 (A) assault in the fourth degree under AS 11.41.230;

25 (B) reckless endangerment under AS 11.41.250;

26 (C) contributing to the delinquency of a minor under
27 AS 11.51.130;

28 (D) misdemeanor prostitution under AS 11.66.100(a)(2);

29 (E) a misdemeanor violation of endangering the welfare of a
30 child in the first degree under AS 11.51.100.

31 * **Sec. 36.** AS 47.12.110(d) is amended to read:

1 (d) Notwithstanding (a) of this section, a court hearing on a petition seeking
2 the adjudication of a minor as a delinquent shall be open to the public, except as
3 prohibited or limited by order of the court, if

4 (1) the department files with the court a motion asking the court to
5 open the hearing to the public, and the petition seeking adjudication of the minor as a
6 delinquent is based on

7 (A) the minor's alleged commission of an offense, and the
8 minor has knowingly failed to comply with all the terms and conditions
9 required of the minor by the department or imposed on the minor in a court
10 order entered under AS 47.12.040(a)(2) or 47.12.120;

11 (B) the minor's alleged commission of

12 (i) a crime against a person that is punishable as a
13 felony;

14 (ii) a crime in which the minor employed a deadly
15 weapon, as that term is defined in AS 11.81.900(b), in committing the
16 crime;

17 (iii) arson under AS 11.46.400 - 11.46.410;

18 (iv) burglary under AS 11.46.300;

19 (v) distribution of child sexual abuse material
20 [PORNOGRAPHY] under AS 11.61.125;

21 (vi) sex trafficking in the first degree under
22 AS 11.66.110; or

23 (vii) misconduct involving a controlled substance under
24 AS 11.71 involving the delivery of a controlled substance or the
25 possession of a controlled substance with intent to deliver, other than
26 an offense under AS 11.71.040 or 11.71.050; or

27 (C) the minor's alleged commission of a felony and the minor
28 was 16 years of age or older at the time of commission of the offense when the
29 minor has previously been convicted or adjudicated a delinquent minor based
30 on the minor's commission of an offense that is a felony; or

31 (2) the minor agrees to a public hearing on the petition seeking

1 adjudication of the minor as a delinquent.

2 * **Sec. 37.** AS 47.12.315(a) is amended to read:

3 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this
4 section, the department shall disclose information to the public, on request, concerning
5 a minor subject to this chapter who was at least 13 years of age at the time of
6 commission of

7 (1) a felony offense against a person under AS 11.41;

8 (2) arson in the first or second degree;

9 (3) burglary in the first degree;

10 (4) distribution of child **sexual abuse material** [PORNOGRAPHY];

11 (5) sex trafficking in the first degree;

12 (6) misconduct involving a controlled substance in the first, second, or
13 third degrees involving distribution or possession with intent to deliver; or

14 (7) misconduct involving weapons in the first through fourth degrees.

15 * **Sec. 38.** AS 47.14.300(a) is amended to read:

16 (a) The department, a state or municipal agency with expertise in child abuse
17 or neglect, or a tribe recognized by the United States Secretary of the Interior to exist
18 as an Indian tribe under 25 U.S.C. 5131 (Federally Recognized Indian Tribe List Act
19 of 1994) with expertise in child abuse or neglect, in partnership with the department,
20 may facilitate the initial establishment of a multidisciplinary child protection team.
21 The purpose of a team is to assist in the evaluation and investigation of reports of child
22 abuse or neglect, as defined in AS 47.17.290, made under AS 47.17 or initiated by the
23 department or a law enforcement agency; **to assist in the evaluation and**
24 **investigation of reports of sexual contact or sexual penetration, as defined in**
25 **AS 11.81.900(b), occurring between children under 13 years of age;** and to provide
26 consultation and coordination for agencies involved in child-in-need-of-aid cases
27 under AS 47.10. The multidisciplinary child protection teams shall

28 (1) ensure that investigations involving child abuse or neglect are
29 coordinated and conducted by trained investigators;

30 (2) take and recommend steps to avoid duplicative interviews of
31 children;

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(3) assist in the reduction of trauma to a child and family involved in an investigation of child abuse or neglect; and

(4) review records, provide consultation, and make recommendations to the department pertaining to a child-in-need-of-aid case under AS 47.10 referred to the team by a team member.

* **Sec. 39.** AS 47.30 is amended by adding a new section to read:

Sec. 47.30.706. Detention for evaluation after finding of incompetence. (a)

If a person who has been charged with a felony offense against a person under AS 11.41 or felony arson has been found incompetent to proceed under AS 12.47, before the charges are dismissed, an attorney with the Department of Law shall petition a court to have the person delivered to the nearest evaluation facility for an evaluation under AS 47.30.710.

(b) Upon receiving a petition under (a) of this section, a court shall, unless the presumption in (d) of this section has been successfully rebutted, issue an ex parte order orally or in writing stating that there is probable cause to believe the respondent is mentally ill and that condition causes the respondent to present a likelihood of serious harm to self or others. The court shall appoint an attorney to represent the respondent and may direct that a peace officer take the respondent into custody and deliver the respondent to the nearest appropriate facility for evaluation. The ex parte order shall be provided to the respondent and made a part of the respondent's clinical record. The court shall set a date, time, and place for a 30-day commitment hearing, to be held within 72 hours after the respondent's arrival at the evaluation facility. The court shall confirm an oral order in writing within 24 hours after it is issued.

(c) A respondent taken into custody for evaluation under this section may not be placed in a jail or other correctional facility except for protective custody purposes and only while awaiting transportation to an evaluation facility.

(d) A defendant charged with a felony offense against a person under AS 11.41 or felony arson and found to be incompetent to proceed under AS 12.47.100 is rebuttably presumed to be mentally ill and to present a likelihood of serious harm to self or others. In evaluating whether a defendant is likely to cause serious harm under this section, the court may consider the conduct with which the defendant was

1 originally charged as evidence of recent behavior, regardless of any time spent in
2 custody.

3 * **Sec. 40.** AS 47.30.710(a) is amended to read:

4 (a) A respondent who is delivered under AS 47.30.700 - 47.30.706
5 [AS 47.30.700 - 47.30.705] to an evaluation facility for [EMERGENCY] examination
6 and treatment shall be examined and evaluated as to mental and physical condition by
7 a mental health professional and by a physician within 24 hours after arrival at the
8 facility.

9 * **Sec. 41.** AS 47.30.715 is repealed and reenacted to read:

10 **Sec. 47.30.715. Procedure after order.** (a) After the court grants an ex parte
11 order authorizing hospitalization for evaluation, the department shall immediately
12 transport a person who is detained at a medical or other facility, including a
13 correctional facility, to a crisis residential center or evaluation facility for an
14 evaluation.

15 (b) A person being detained while awaiting transportation to a crisis
16 residential center or evaluation facility may request a court hearing to review the
17 detention at any time. The hearing shall be held not later than 72 hours after the
18 request is filed. When the court rules on a request for review of the detention pending
19 transportation, the court shall consider the factors listed in (d) of this section.

20 (c) A person may not be detained for more than seven days while awaiting
21 transportation to a crisis residential center or evaluation facility; however, the
22 department or a facility detaining a person under AS 47.30.700 - 47.30.815 may file a
23 request to extend the detention based on the person continuing to meet the standards
24 for commitment under AS 47.30.700 and the need for a continued hold. The request
25 must be supported by the verified or certified statement of a mental health professional
26 and be served on the respondent, the respondent's attorney, and the division of the
27 Department of Law that has responsibility for civil cases. When the court decides a
28 request to extend the detention pending transportation, the court shall consider the
29 factors identified in (d) of this section.

30 (d) When ruling on a request to review or extend detention, the court shall
31 consider the totality of the circumstances, including

- 1 (1) the length of time the person has been detained;
- 2 (2) the reason the person has not yet been transported;
- 3 (3) the person's current medical and psychiatric condition;
- 4 (4) whether the person is gravely disabled or is likely to cause serious
- 5 harm to self or others; and
- 6 (5) whether the person is receiving treatment at the person's current
- 7 placement.

8 (e) The court shall schedule a hearing to decide a request for review under (b)
9 of this section or a request to extend detention under (c) of this section. The hearing
10 shall be held not later than 72 hours after the request for review or the request to
11 extend detention, as applicable. If a hearing is held after expiration of the seven-day
12 detention period, the detention shall be extended until the hearing.

13 (f) Regardless of whether a request to extend the respondent's detention has
14 been filed, if at any time in the course of the detention a mental health professional at
15 the detaining facility determines that the person does not meet the standards for
16 commitment under AS 47.30.700, the respondent shall be released and the facility
17 shall notify the petitioner, the respondent's attorney, the division of the Department of
18 Law that has responsibility for civil cases, and the court.

19 (g) When an evaluation facility receives a proper order for evaluation, it shall
20 accept the order and the respondent for an evaluation period not to exceed 72 hours.
21 The evaluation facility shall promptly notify the court of the date and time of the
22 respondent's arrival. The court shall set a date, time, and place for a 30-day
23 commitment hearing, to be held if needed within 72 hours after the respondent's
24 arrival, and the court shall notify the evaluation facility, the respondent, the
25 respondent's guardian, if any, the respondent's attorney, the petitioner's attorney, if
26 any, and the attorney general of the time and place of the hearing. Evaluation
27 personnel, when used, shall similarly notify the court of the date and time when they
28 first met with the respondent.

29 * **Sec. 42.** AS 47.30.725 is amended by adding new subsections to read:

30 (g) If a criminal charge of a felony offense against a person under AS 11.41 or
31 felony arson against a respondent has been dismissed under AS 12.47.110 and the

1 respondent is detained for evaluation or committed under AS 47.30.700 - 47.30.915,

2 (1) the Department of Law shall notify a victim in the dismissed
3 criminal case

4 (A) of the time and place of a hearing under AS 47.30.700 -
5 47.30.915;

6 (B) of the length of time for which the respondent is committed
7 and findings of fact made by the court; and

8 (C) when the respondent is discharged from commitment; and

9 (2) a victim in the dismissed criminal case may attend a hearing under
10 AS 47.30.700 - 47.30.915, but may not disclose confidential information from the
11 hearing.

12 (h) Subsection (g) of this section may not be construed to give a victim in a
13 dismissed criminal case the right to access a record that is confidential under
14 AS 47.30.845.

15 * **Sec. 43.** AS 47.30 is amended by adding a new section to read:

16 **Sec. 47.30.727. Provision of records and notice following a finding of**
17 **incompetency in a criminal case.** (a) Within 30 days after a respondent has been
18 found incompetent to proceed under AS 12.47.110 and committed under AS 47.30.700
19 - 47.30.915, and every 30 days thereafter until the civil commitment case has
20 concluded, the division of the Department of Law that has responsibility for civil cases
21 shall provide all information and records obtained during the civil commitment to the
22 division of the Department of Law that has responsibility for criminal cases.

23 (b) Records disclosed to the division of the Department of Law that has
24 responsibility for criminal cases under (a) of this section are confidential and may not
25 be disclosed to anyone unless disclosure is required by a court order or the respondent
26 provides written consent to the disclosure. If the records are used in the criminal
27 proceeding, the moving party shall file the records as confidential documents.

28 (c) A facility housing a respondent found incompetent to proceed under
29 AS 12.47.110 and committed under AS 47.30.700 - 47.30.915 shall provide notice to
30 the prosecutor in the criminal case of all hearings scheduled by the court in the civil
31 commitment case. The prosecutor, or a staff member of the prosecutor's office, may

1 attend a hearing in the civil commitment case but may not participate in the hearing as
2 a party.

3 * **Sec. 44.** AS 47.30.735(b) is amended to read:

4 (b) The hearing shall be conducted in a physical setting least likely to have a
5 harmful effect on the mental or physical health of the respondent, within practical
6 limits. At the hearing, in addition to other rights specified in AS 47.30.660 -
7 47.30.915, the respondent has the right

8 (1) to be present at the hearing; this right may be waived only with the
9 respondent's informed consent; if the respondent is incapable of giving informed
10 consent, the respondent may be excluded from the hearing only if the court, after
11 hearing, finds that the incapacity exists and that there is a substantial likelihood that
12 the respondent's presence at the hearing would be severely injurious to the
13 respondent's mental or physical health;

14 (2) to view and copy all petitions and reports in the court file of the
15 respondent's case;

16 (3) to have the hearing open or closed to the public as the respondent
17 elects, except that, if the respondent was charged with a felony offense against a
18 person under AS 11.41 or felony arson and the criminal case was dismissed under
19 AS 12.47.110, an alleged victim in the dismissed criminal case and the prosecutor,
20 or a staff member of the prosecutor's office, may attend the hearing, but may not
21 disclose confidential information from the hearing;

22 (4) to have the rules of evidence and civil procedure applied so as to
23 provide for the informal but efficient presentation of evidence;

24 (5) to have an interpreter if the respondent does not understand
25 English;

26 (6) to present evidence on the respondent's behalf;

27 (7) to cross-examine witnesses who testify against the respondent;

28 (8) to remain silent;

29 (9) to call experts and other witnesses to testify on the respondent's
30 behalf.

31 * **Sec. 45.** AS 47.30 is amended by adding a new section to read:

1 **Sec. 47.30.771. Additional two-year commitment.** (a) The respondent shall
2 be released from involuntary treatment at the expiration of 180 days unless the
3 professional person in charge or the attorney general's office files an additional 180-
4 day petition or a petition for a commitment of up to two years conforming to the
5 requirements of AS 47.30.740(a) except that all references to "30-day commitment"
6 shall be read as "the previous 180-day commitment" and all references to "90-day
7 commitment" shall be read as "two-year commitment."

8 (b) The procedures for service of the petition, notification of rights, and
9 judicial hearing shall be as set out in AS 47.30.740 - 47.30.750. Following a 180-day
10 commitment of a respondent, the court may order the respondent committed for an
11 additional treatment period not to exceed two years from the date on which the 180-
12 day treatment period would have expired if the court or jury finds by clear and
13 convincing evidence that

14 (1) the respondent is mentally ill and as a result is likely to cause
15 serious harm to self or others;

16 (2) the respondent has a criminal history that includes a felony offense
17 against a person under AS 11.41 or felony arson, including an offense for which the
18 respondent was found incompetent to stand trial under AS 12.47.100 and 12.47.110;

19 (3) the respondent has been found incompetent to stand trial under
20 AS 12.47.100 and 12.47.110 for a felony offense against a person under AS 11.41 or
21 felony arson and that finding of incompetence led directly to the respondent's current
22 period of commitment; and

23 (4) the period of commitment of the respondent, including a period of
24 commitment for more than 180 days but not more than two years, is necessary to
25 protect the public.

26 (c) Findings of fact relating to the respondent's behavior made at a 30-day
27 commitment hearing under AS 47.30.735, a 90-day commitment hearing under
28 AS 47.30.750, a 180-day commitment hearing under AS 47.30.770, or a two-year
29 commitment hearing under this section shall be admitted as evidence and may not be
30 rebutted except that newly discovered evidence may be used for the purpose of
31 rebutting the findings.

1 (d) Successive commitments are permissible on the same ground and under
2 the same procedures as the original commitment. An order of commitment may not
3 exceed two years.

4 (e) The department shall, by January 30 of each year, submit to the attorney
5 general, public defender, public advocate, Alaska Court System, and the attorney of
6 record for the respondent, if any, a report that details how many respondents are
7 committed under this section and how much time remains on each order of
8 commitment.

9 * **Sec. 46.** AS 47.30.780(a) is amended to read:

10 (a) Except as provided in (b) and (c) of this section, the professional person in
11 charge shall at any time discharge a respondent on the ground that the respondent is no
12 longer gravely disabled or likely to cause serious harm as a result of mental illness. A
13 certificate to this effect shall be sent to the court, which shall enter an order officially
14 terminating the involuntary commitment.

15 * **Sec. 47.** AS 47.30.780 is amended by adding new subsections to read:

16 (c) If a respondent committed under AS 47.30.770 or 47.30.771 has a criminal
17 history that includes a felony offense against a person under AS 11.41 or felony arson,
18 including an offense for which the respondent was found incompetent to stand trial
19 under AS 12.47.100 and 12.47.110, the professional person in charge may not
20 discharge the respondent under (a) of this section unless the court enters an order
21 officially terminating the involuntary commitment. The court shall give the
22 prosecuting authority 10 days' notice before the professional person in charge may
23 discharge a respondent under this subsection.

24 (d) Except as provided in (e) of this section, a respondent committed under
25 AS 47.30.771 may petition the court for early discharge at any time during the
26 commitment if the respondent presents some evidence demonstrating that the
27 respondent is no longer likely to cause serious harm to self or others. The court shall
28 grant early discharge unless the state proves by clear and convincing evidence that the
29 respondent remains likely to cause serious harm to self or others.

30 (e) A respondent may not file a petition for early discharge within 180 days
31 after the date the court enters an initial commitment order or a final order ruling on a

1 previous petition for early discharge.

2 * **Sec. 48.** AS 47.30.805(a) is amended to read:

3 (a) Except as provided in (b) of this section,

4 (1) computations of a 72-hour [EVALUATION] period under
5 AS 47.30.706, 47.30.708, [AS 47.30.708] or 47.30.715 or a 48-hour [DETENTION]
6 period under AS 47.30.685 do not include Saturdays, Sundays, legal holidays, or any
7 period of time necessary to transport the respondent to the treatment facility, except
8 that if the exclusion of Saturdays, Sundays, and legal holidays from the computation
9 of a 72-hour evaluation period or 48-hour detention period would result in the
10 respondent being held for longer than 72 hours or 48 hours, as applicable, the period
11 ends at 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday;

12 (2) a seven-day detention at a crisis residential center expires at the end
13 of the seventh day following the respondent's arrival at the crisis stabilization center or
14 the crisis residential center, whichever is earlier;

15 (3) a 30-day commitment period expires at the end of the 30th day
16 after the 72 hours following initial acceptance;

17 (4) a 90-day commitment period expires at the end of the 90th day
18 after the expiration of a 30-day period of treatment;

19 (5) a 180-day commitment period expires at the end of the 180th day,
20 after the expiration of a 90-day period of treatment or previous 180-day period,
21 whichever is applicable;

22 (6) a two-year commitment period expires not later than two years
23 after the expiration of a 180-day period of treatment.

24 * **Sec. 49.** AS 47.30.845 is amended to read:

25 **Sec. 47.30.845. Confidential records.** Information and records obtained in the
26 course of a screening investigation, evaluation, examination, or treatment are
27 confidential and are not public records, except as the requirements of a hearing under
28 AS 47.30.660 - 47.30.915 may necessitate a different procedure. Information and
29 records may be copied and disclosed under regulations established by the department
30 only to

31 (1) a physician or a provider of health, mental health, or social and

- 1 welfare services involved in caring for, treating, or rehabilitating the patient;
- 2 (2) the patient or an individual to whom the patient has given written
- 3 consent to have information disclosed;
- 4 (3) a person authorized by a court order;
- 5 (4) a person doing research or maintaining health statistics if the
- 6 anonymity of the patient is assured and the facility recognizes the project as a bona
- 7 fide research or statistical undertaking;
- 8 (5) the Department of Corrections in a case in which a prisoner
- 9 confined to the state prison is a patient in the state hospital on authorized transfer
- 10 either by voluntary admission or by court order;
- 11 (6) a governmental or law enforcement agency when necessary to
- 12 secure the return of a patient who is on unauthorized absence from a facility where the
- 13 patient was undergoing evaluation or treatment;
- 14 (7) a law enforcement agency when there is substantiated concern over
- 15 imminent danger to the community by a presumed mentally ill person;
- 16 (8) the department in a case in which services provided under
- 17 AS 47.30.660 - 47.30.915 are paid for, in whole or in part, by the department or in
- 18 which a person has applied for or has received assistance from the department for
- 19 those services;
- 20 (9) the Department of Public Safety as provided in AS 47.30.907;
- 21 information provided under this paragraph may not include diagnostic or clinical
- 22 information regarding a patient;
- 23 **(10) the Department of Law as provided in AS 47.30.727.**

24 * **Sec. 50.** The uncodified law of the State of Alaska enacted in sec. 142(c), ch. 4, FSSLA
 25 2019, is amended to read:

26 (c) The following sections apply to the duty to register as a sex offender for
 27 offenses committed

28 **(1) before,** on, or after the effective date of those sections:

29 **(A)** [(1)] AS 12.63.010(d), as amended by sec. 82, **ch. 4,**
 30 **FSSLA 2019** [OF THIS ACT];

31 **(B) AS 12.63.020(a)(2) and (b)** [(2) AS 12.63.020], as

amended by sec. 83, ch. 4, FSSLA 2019 [OF THIS ACT];

(C) [(3)] AS 12.63.100(6), as amended by sec. 84, ch. 4, FSSLA 2019 [OF THIS ACT];

(D) AS 12.63.100(7)(E) [(4) AS 12.63.100(7)], as amended by sec. 85, ch. 4, FSSLA 2019;

(2) on or after the effective date of those sections:

(A) AS 12.63.020(a)(1), as amended by sec. 83, ch. 4, FSSLA 2019;

(B) AS 12.63.100(7)(C), as amended by sec. 85, ch. 4, FSSLA 2019 [OF THIS ACT].

* **Sec. 51.** The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 6(s), Alaska Rules of Criminal Procedure, is amended to read:

(s) Admissibility of Evidence.

(1) Evidence which would be legally admissible at trial shall be admissible before the grand jury. Witnesses [IN APPROPRIATE CASES, HOWEVER, WITNESSES] may be presented to summarize admissible evidence if the admissible evidence will be available at trial. [EXCEPT AS STATED IN SUBPARAGRAPHS (2), (3), AND (6), HEARSAY EVIDENCE SHALL NOT BE PRESENTED TO THE GRAND JURY ABSENT COMPELLING JUSTIFICATION FOR ITS INTRODUCTION. IF HEARSAY EVIDENCE IS PRESENTED TO THE GRAND JURY, THE REASONS FOR ITS USE SHALL BE STATED ON THE RECORD.]

(2) The rules regarding hearsay under Article VIII, Alaska Rules of Evidence, do not apply to grand jury proceedings.

(3) [IN A PROSECUTION FOR AN OFFENSE UNDER AS 11.41.410 - 11.41.458, HEARSAY EVIDENCE OF A STATEMENT RELATED TO THE OFFENSE, NOT OTHERWISE ADMISSIBLE, MADE BY A CHILD WHO IS THE VICTIM OF THE OFFENSE MAY BE ADMITTED INTO EVIDENCE BEFORE THE GRAND JURY IF

1 (i) THE CIRCUMSTANCES OF THE STATEMENT
2 INDICATE ITS RELIABILITY;

3 (ii) THE CHILD IS UNDER 10 YEARS OF AGE
4 WHEN THE HEARSAY EVIDENCE IS SOUGHT TO BE
5 ADMITTED;

6 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
7 TO CORROBORATE THE STATEMENT; AND

8 (iv) THE CHILD TESTIFIES AT THE GRAND JURY
9 PROCEEDING OR THE CHILD WILL BE AVAILABLE TO
10 TESTIFY AT TRIAL.

11 (3) HEARSAY EVIDENCE RELATED TO THE OFFENSE, NOT
12 OTHERWISE ADMISSIBLE, MAY BE ADMITTED INTO EVIDENCE BEFORE
13 THE GRAND JURY IF

14 (i) THE INDIVIDUAL PRESENTING THE
15 HEARSAY EVIDENCE IS A PEACE OFFICER INVOLVED IN THE
16 INVESTIGATION; AND

17 (ii) THE HEARSAY EVIDENCE CONSISTS OF THE
18 STATEMENT AND OBSERVATIONS MADE BY ANOTHER
19 PEACE OFFICER IN THE COURSE OF AN INVESTIGATION;
20 AND

21 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
22 TO CORROBORATE THE STATEMENT.

23 (4) If the testimony presented by a peace officer [UNDER
24 PARAGRAPH (3) OF THIS SECTION] is inaccurate because of intentional, grossly
25 negligent, or negligent misstatements or omissions, then the court shall dismiss an
26 indictment resulting from the testimony if the defendant shows that the inaccuracy
27 prejudices substantial rights of the defendant.

28 [(5) IN THIS SECTION "STATEMENT" MEANS AN ORAL OR
29 WRITTEN ASSERTION OR NONVERBAL CONDUCT IF THE NONVERBAL
30 CONDUCT IS INTENDED AS AN ASSERTION.

31 (6) WHEN A PRIOR CONVICTION IS AN ELEMENT OF AN

1 OFFENSE, HEARSAY EVIDENCE RECEIVED THROUGH THE ALASKA
2 PUBLIC SAFETY INFORMATION NETWORK OR FROM OTHER
3 GOVERNMENT AGENCIES OF PRIOR CONVICTIONS MAY BE PRESENTED
4 TO THE GRAND JURY.]

5 * **Sec. 52.** AS 12.40.110 is repealed.

6 * **Sec. 53.** AS 12.62.160(f)(4) is repealed January 1, 2028.

7 * **Sec. 54.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 APPLICABILITY. (a) AS 11.41.110(a) and (b), as amended by sec. 2 of this Act,
10 AS 11.41.110(c), enacted by sec. 3 of this Act, AS 11.41.120(a), as amended by sec. 4 of this
11 Act, AS 11.41.140, as amended by sec. 5 of this Act, AS 11.41.240, enacted by sec. 6 of this
12 Act, AS 11.41.260(a), as amended by sec. 7 of this Act, AS 11.71.010(a), as amended by sec.
13 13 of this Act, AS 11.71.010(b), as amended by sec. 14 of this Act, AS 11.71.021(a), as
14 amended by sec. 15 of this Act, AS 12.55.125(c), as amended by sec. 22 of this Act, and
15 AS 18.66.990(3), as amended by sec. 34 of this Act, apply to offenses committed on or after
16 the effective date of secs. 2 - 7, 13 - 15, 22, and 34 of this Act.

17 (b) AS 12.55.045(a), as amended by sec. 21 of this Act, applies to an order of
18 restitution for an offense committed on or after the effective date of sec. 21 of this Act.

19 (c) Except as otherwise provided in this Act, the duty imposed by AS 12.63.010(b), as
20 amended by sec. 28 of this Act, AS 12.63.010(d), as amended by sec. 29 of this Act, and
21 AS 12.63.010(g) and (h), enacted by sec. 30 of this Act, applies to the duty to register as a sex
22 offender or child kidnapper for offenses committed before, on, or after the effective date of
23 secs. 28 - 30 of this Act.

24 (d) AS 12.63.020(a), as amended by sec. 31 of this Act, applies to the tolling of the
25 duty to register as a sex offender or child kidnapper on or after the effective date of sec. 31 of
26 this Act for determinations of noncompliance made by the Department of Public Safety on or
27 after the effective date of sec. 31 of this Act.

28 (e) Nothing in AS 12.63.020(a), as amended by sec. 31 of this Act, may be construed
29 as invalidating a decision by the Department of Public Safety to toll the period of registration
30 or continue the period of registration under AS 12.63 before the effective date of sec. 31 of
31 this Act.

1 (f) AS 12.63.100(7), as amended by sec. 32 of this Act, applies to the duty to register
2 as a sex offender for offenses committed on or after the effective date of sec. 32 of this Act.

3 (g) Rule 6(s), Alaska Rules of Criminal Procedure, as amended by sec. 51 of this Act,
4 applies to indictments occurring on or after the effective date of sec. 51 of this Act for
5 offenses committed before, on, or after the effective date of sec. 51 of this Act.

6 * **Sec. 55.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 **CONDITIONAL EFFECT.** Rule 6(s), Alaska Rules of Criminal Procedure, as
9 amended by sec. 51 of this Act, takes effect only if sec. 51 of this Act receives the two-thirds
10 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

11 * **Sec. 56.** Section 50 of this Act takes effect immediately under AS 01.10.070(c).

12 * **Sec. 57.** Except as provided in sec. 56 of this Act, this Act takes effect January 1, 2025.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SCS CSHB 66(JUD), Draft Version "Y"

1 Page 1, line 6, following "offense';":

2 Insert "establishing the process for vacating judgments for certain convictions of
3 prostitution; relating to victim confidentiality;"

4

5 Page 2, line 11:

6 Delete "sec. 46"

7 Insert "sec. 57"

8

9 Page 2, following line 12:

10 Insert a new bill section to read:

11 **** Sec. 2.** AS 09.25.400 is amended to read:

12 **Sec. 09.25.400. Privilege relating to domestic violence, sex trafficking, and**
13 **sexual assault counseling.** Confidential communications between a victim of
14 domestic violence, sex trafficking, or sexual assault and a victim counselor are
15 privileged under AS 18.66.200 - 18.66.250."

16

17 Renumber the following bill sections accordingly.

18

19 Page 9, following line 21:

20 Insert a new bill section to read:

21 **** Sec. 16.** AS 12.45.049 is amended to read:

22 **Sec. 12.45.049. Privilege relating to domestic violence, sex trafficking, and**
23 **sexual assault counseling.** Confidential communications between a victim of

1 domestic violence, sex trafficking, or sexual assault and a victim counselor are
 2 privileged under AS 18.66.200 - 18.66.250."

3
 4 Renumber the following bill sections accordingly.

5
 6 Page 22, following line 23:

7 Insert a new bill section to read:

8 **"* Sec. 30.** AS 12.72 is amended by adding new sections to read:

9 **Sec. 12.72.100. Vacation of judgment of conviction for prostitution.** A
 10 person may petition the court to vacate the judgment if, at the time of the offense, the
 11 person was or would have been a victim of sex trafficking and was convicted or
 12 adjudicated delinquent for prostitution under AS 11.66.100 or a similar municipal
 13 ordinance.

14 **Sec. 12.72.105. Filing of petition for vacation of judgment.** (a) A person
 15 seeking a vacation of judgment under this chapter shall file a petition with the clerk at
 16 the court location where the underlying criminal case was filed and serve a copy on
 17 the prosecuting authority responsible for obtaining the conviction.

18 (b) If the prosecuting authority does not file a response within 45 days after
 19 service of the petition, the court may grant the vacation of judgment without further
 20 proceedings.

21 **Sec. 12.72.110. Limitations on petition for vacation of judgment.** (a) A
 22 person may file a petition under this chapter only after a judgment has been entered on
 23 the person's case or, if the conviction was appealed, after the court's decision on the
 24 case is final under the Alaska Rules of Appellate Procedure.

25 (b) An action for a petition for vacation of judgment under AS 12.72.100 does
 26 not give rise to the right to a trial by jury.

27 **Sec. 12.72.115. Presumption and burden of proof in vacation of judgment**
 28 **proceedings.** (a) The person petitioning the court for a vacation of judgment of
 29 conviction or adjudication of delinquency for prostitution under AS 11.66.100 or a
 30 similar municipal ordinance must prove all factual assertions by a preponderance of
 31 the evidence.

1 (b) There is a rebuttable presumption that a person who was under 21 years of
 2 age at the time of an offense under AS 11.66.100 was or would have been a victim of
 3 sex trafficking.

4 **Sec. 12.72.120. Vacation of judgment.** (a) If the court grants the petition for a
 5 vacation of judgment,

6 (1) the judgment of conviction or adjudication of delinquency for
 7 prostitution under AS 11.66.100 or a similar municipal ordinance shall be vacated;

8 (2) the Alaska Court System may not publish on a publicly available
 9 Internet website the court records of the conviction for prostitution under
 10 AS 11.66.100 or a similar municipal ordinance if the person was not convicted of a
 11 felony charge in that case; and

12 (3) the Department of Public Safety may not release information
 13 related to the conviction for prostitution under AS 11.66.100 or a similar municipal
 14 ordinance in response to a request under AS 12.62.160(b)(6), (8), or (9).

15 (b) The Alaska Court System shall remove a person's court records from a
 16 publicly available Internet website under (a)(2) of this section within 30 days after the
 17 court grants a petition for vacation of judgment."
 18

19 Renumber the following bill sections accordingly.

20
 21 Page 23, following line 8:

22 Insert new bill sections to read:

23 **** Sec. 32.** AS 18.66.210 is amended to read:

24 **Sec. 18.66.210. Exceptions.** The privilege provided under AS 18.66.200 does
 25 not apply to

- 26 (1) reports of suspected child abuse or neglect under AS 47.17;
 27 (2) evidence that the victim is about to commit a crime;
 28 (3) a proceeding that occurs after the victim's death;
 29 (4) a communication relevant to an issue of breach by the victim or
 30 victim counselor of a duty arising out of the victim-victim counselor relationship;
 31 (5) a communication that is determined to be admissible hearsay as an

1 excited utterance under the Alaska Rules of Evidence;

2 (6) a child-in-need-of-aid proceeding under AS 47.10;

3 (7) a communication made during the victim-victim counselor
4 relationship if the services of the counselor were sought, obtained, or used to enable
5 anyone to commit or plan a crime or to escape detection or apprehension after the
6 commission of a crime; or

7 (8) a criminal proceeding concerning criminal charges against a victim
8 of domestic violence, sex trafficking, or sexual assault in which [WHERE] the victim
9 is charged with a crime

10 (A) under AS 11.41 against a minor; or

11 (B) in which the physical, mental, or emotional condition of the
12 victim is raised in defense of the victim.

13 * **Sec. 33.** AS 18.66.250(1) is amended to read:

14 (1) "confidential communication" means information exchanged
15 between a victim and a victim counselor in private or in the presence of a third party
16 who is necessary to facilitate communication or further the counseling process and
17 that is disclosed in the course of victim counseling resulting from sex trafficking, a
18 sexual assault, or domestic violence;

19 * **Sec. 34.** AS 18.66.250(3) is amended to read:

20 (3) "victim" means a person who consults a victim counselor for
21 assistance in overcoming adverse effects of a sexual assault, sex trafficking, or
22 domestic violence;

23 * **Sec. 35.** AS 18.66.250(4) is amended to read:

24 (4) "victim counseling" means support, assistance, advice, or treatment
25 to alleviate the adverse effects of sex trafficking, a sexual assault, or domestic
26 violence on the victim;

27 * **Sec. 36.** AS 18.66.250(5) is amended to read:

28 (5) "victim counseling center" means a private organization, an
29 organization operated by or contracted by a branch of the armed forces of the United
30 States, or a local government agency that

31 (A) has, as one of its primary purposes, the provision of direct

1 services to victims for trauma resulting from [A] sexual assault, sex
2 trafficking, or domestic violence;

3 (B) is not affiliated with a law enforcement agency or a
4 prosecutor's office; and

5 (C) is not on contract with the state to provide services under
6 AS 47;

7 * **Sec. 37.** AS 18.66.250(6) is amended to read:

8 (6) "victim counselor" means an employee or supervised volunteer of a
9 victim counseling center that provides counseling to victims

10 (A) who has undergone a minimum of 40 hours of training in
11 sex trafficking, domestic violence, or sexual assault, crisis intervention, victim
12 support, treatment, and related areas; or

13 (B) whose duties include victim counseling."
14

15 Renumber the following bill sections accordingly.

16
17 Page 23, following line 29:

18 Insert a new bill section to read:

19 ** **Sec. 39.** AS 18.85.100(c) is amended to read:

20 (c) An indigent person is entitled to representation under (a) and (b) of this
21 section for purposes of bringing a timely application for post-conviction relief or
22 petition for vacation of judgment under AS 12.72. An indigent person is not entitled
23 to representation under (a) and (b) of this section for purposes of bringing

24 (1) an untimely or successive application for post-conviction relief or
25 petition for vacation of judgment under AS 12.72 or an untimely or successive
26 motion for reduction or modification of sentence;

27 (2) a petition for review or certiorari from an appellate court ruling on
28 an application for post-conviction relief; or

29 (3) an action or claim for habeas corpus in federal court attacking a
30 state conviction."
31

1 Renumber the following bill sections accordingly.

2

3 Page 24, following line 30:

4 Insert a new bill section to read:

5 **** Sec. 41.** AS 43.23.005 is amended by adding a new subsection to read:

6 (i) The provisions of (d) of this section do not apply if an individual's
7 conviction was vacated during the qualifying year under AS 12.72. If an individual
8 becomes eligible under this subsection, the individual is eligible to receive a
9 permanent fund dividend only for the qualifying year in which the conviction was
10 vacated and each subsequent qualifying year for which the individual is otherwise
11 eligible under this section."

12

13 Renumber the following bill sections accordingly.

14

15 Page 38, line 8:

16 Delete "sec. 2"

17 Insert "sec. 3"

18

19 Page 38, line 9:

20 Delete "sec. 3"

21 Insert "sec. 4"

22 Delete "sec. 4"

23 Insert "sec. 5"

24

25 Page 38, line 10:

26 Delete "sec. 5"

27 Insert "sec. 6"

28

29 Page 38, line 11:

30 Delete "sec. 11"

31 Insert "sec. 12"

- 1 Delete "sec. 12"
- 2 Insert "sec. 13"
- 3
- 4 Page 38, line 12:
 - 5 Delete "sec. 13"
 - 6 Insert "sec. 14"
 - 7 Delete "sec. 19"
 - 8 Insert "sec. 21"
 - 9
- 10 Page 38, line 13:
 - 11 Delete "sec. 29"
 - 12 Insert "sec. 38"
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- 14 Page 38, line 14:
 - 15 Delete "secs. 2 - 5, 11 - 13, and 29"
 - 16 Insert "secs. 3 - 6, 12 - 14, and 38"
 - 17
- 18 Page 38, line 16:
 - 19 Delete "sec. 23"
 - 20 Insert "sec. 25"
 - 21 Delete "sec. 24"
 - 22 Insert "sec. 26"
 - 23
- 24 Page 38, line 17:
 - 25 Delete "sec. 25"
 - 26 Insert "sec. 27"
 - 27
- 28 Page 38, line 19:
 - 29 Delete "secs. 23 - 25"
 - 30 Insert "secs. 25 - 27"
 - 31

1 Page 38, line 20:

2 Delete "sec. 26"

3 Insert "sec. 28"

4

5 Page 38, line 21:

6 Delete "sec. 26"

7 Insert "sec. 28"

8

9 Page 38, line 23:

10 Delete "sec. 26"

11 Insert "sec. 28"

12

13 Page 38, line 24:

14 Delete "sec. 26"

15 Insert "sec. 28"

16

17 Page 38, line 26:

18 Delete "sec. 26"

19 Insert "sec. 28"

20

21 Page 38, line 28:

22 Delete "sec. 27"

23 Insert "sec. 29"

24

25 Page 38, line 29:

26 Delete "sec. 27"

27 Insert "sec. 29"

28

29 Page 38, line 30:

30 Delete "sec. 46"

31 Insert "sec. 57"

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Page 38, line 31:

Delete "sec. 46"

Insert "sec. 57"

Page 39, line 1:

Delete "sec. 46"

Insert "sec. 57"

Page 39, following line 1:

Insert new subsections to read:

"(g) The following sections apply to communications made on or after the effective date of those sections relating to offenses occurring on or after the effective date of those sections:

(1) AS 09.25.400, as amended by sec. 2 of this Act;

(2) AS 12.45.049, as amended by sec. 16 of this Act;

(3) AS 18.66.210, as amended by sec. 32 of this Act;

(4) AS 18.66.250(1), as amended by sec. 33 of this Act;

(5) AS 18.66.250(3), as amended by sec. 34 of this Act;

(6) AS 18.66.250(4), as amended by sec. 35 of this Act;

(7) AS 18.66.250(5), as amended by sec. 36 of this Act;

(8) AS 18.66.250(6), as amended by sec. 37 of this Act.

(h) AS 12.72.100 - 12.72.120, enacted by sec. 30 of this Act, and AS 18.85.100(c), as amended by sec. 39 of this Act, apply to petitions filed on or after the effective date of sec. 30 of this Act for conduct occurring before, on, or after the effective date of secs. 30 and 39 of this Act."

Page 39, line 5:

Delete "sec. 46" in both places

Insert "sec. 57" in both places

1 Page 39, line 7:

2 Delete "Section 45"

3 Insert "Section 56"

4

5 Page 39, line 8:

6 Delete "sec. 50"

7 Insert "sec. 61"

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR KIEHL

TO: SCS CSHB 66(JUD), Draft Version "Y"

1 Page 1, lines 8 - 9:

2 Delete "**Rule 6(s)**"

3 Insert "**Rule 6(s)(2)**"

4

5 Page 1, line 11, through page 2, line 12:

6 Delete all material.

7

8 Page 2, line 13:

9 Delete "**Sec. 2**"

10 Insert "**Section 1**"

11

12 Renumber the following bill sections accordingly.

13

14 Page 9, following line 21:

15 Insert a new bill section to read:

16 "*** Sec. 14.** AS 12.40.110(a) is amended to read:

17 (a) In a prosecution for an offense under AS 11.41.410 - 11.41.458, hearsay
18 evidence of a statement related to the offense, not otherwise admissible, made by a
19 child who is the victim of the offense may be admitted into evidence before the grand
20 jury if

21 (1) the circumstances of the statement indicate its reliability;

22 (2) the child is under 16 [10] years of age when the hearsay evidence is
23 sought to be admitted;

1 (3) additional evidence is introduced to corroborate the statement; and
2 (4) the child testifies at the grand jury proceeding or the child will be
3 available to testify at trial."

4
5 Renumber the following bill sections accordingly.

6
7 Page 36, line 13, through page 38, line 5:

8 Delete all material and insert:

9 "DIRECT COURT RULE AMENDMENT. Rule 6(s)(2), Alaska Rules of
10 Criminal Procedure, is amended to read:

11 (2) In a prosecution for an offense under AS 11.41.410 - 11.41.458,
12 hearsay evidence of a statement related to the offense, not otherwise admissible, made
13 by a child who is the victim of the offense may be admitted into evidence before the
14 grand jury if

15 (i) the circumstances of the statement indicate its
16 reliability;

17 (ii) the child is under **16** [10] years of age when the
18 hearsay evidence is sought to be admitted;

19 (iii) additional evidence is introduced to corroborate the
20 statement; and

21 (iv) the child testifies at the grand jury proceeding or
22 the child will be available to testify at trial."

23
24 Renumber the following bill sections accordingly.

25
26 Page 38, line 8:

27 Delete "sec. 2"

28 Insert "sec. 1"

29
30 Page 38, line 9:

31 Delete "sec. 3"

1 Insert "sec. 2"

2 Delete "sec. 4"

3 Insert "sec. 3"

4

5 Page 38, line 10:

6 Delete "sec. 5"

7 Insert "sec. 4"

8

9 Page 38, line 11:

10 Delete "sec. 11"

11 Insert "sec. 10"

12 Delete "sec. 12"

13 Insert "sec. 11"

14

15 Page 38, line 12:

16 Delete "sec. 13"

17 Insert "sec. 12"

18

19 Page 38, line 14:

20 Delete "secs. 2 - 5, 11 - 13, and 29"

21 Insert "secs. 1 - 4, 10 - 12, and 29"

22

23 Page 38, line 30:

24 Delete "Rule 6(s)"

25 Insert "AS 12.40.110(a), as amended by sec. 14 of this Act, and Rule 6(s)(2)"

26 Delete "sec. 46"

27 Insert "secs. 14 and 46"

28

29 Page 38, line 31:

30 Delete "applies"

31 Insert "apply"

1 Delete "sec. 46"

2 Insert "secs. 14 and 46"

3

4 Page 39, line 1:

5 Delete "sec. 46"

6 Insert "secs. 14 and 46"

7

8 Page 39, line 4:

9 Delete "Rule 6(s)"

10 Insert "Rule 6(s)(2)"

11

12 Page 39, line 8:

13 Delete "sec. 50"

14 Insert "sec. 49"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SCS CSHB 66(JUD), Draft Version "Y"

1 Page 1, line 6, following "**violence'**";:

2 Insert "**relating to the use and possession of electronic devices by prisoners;**"

3

4 Page 2, line 11:

5 Delete "sec. 46"

6 Insert "sec. 47"

7

8 Page 24, following line 30:

9 Insert a new bill section to read:

10 **** Sec. 31.** AS 33.30.015(a) is amended to read:

11 (a) The commissioner may not

12 (1) make per capita expenditures for food for prisoners in a state
13 correctional facility operated by the state that exceed 90 percent of per capita
14 expenditures for food that is available to enlisted personnel in the United States Army
15 stationed in the state;

16 (2) provide, in a state correctional facility operated by the state,

17 (A) living quarters for a prisoner into which the view is
18 obstructed; however, the commissioner is not required to renovate a facility to
19 comply with this subparagraph if the facility is being used as a correctional
20 facility on August 27, 1997, or if the facility was already built before being
21 acquired by the department;

22 (B) equipment or facilities for publishing or broadcasting
23 material the content of which is not subject to prior approval by the department

1 as consistent with keeping order in the institution and prisoner discipline;

2 (C) cable television service other than a level of basic cable
3 television service that is available as a substitute for services that are broadcast
4 to the public in the community in which a correctional facility is located;

5 (3) allow a prisoner held in a state correctional facility operated by the
6 state to

7 (A) possess in the prisoner's cell a

8 (i) cassette tape player or recorder, [A] video cassette
9 recorder (VCR), or **telephone**;

10 (ii) **computer or electronic tablet unless used for a**
11 **purpose approved under (I) of this paragraph** [A COMPUTER OR
12 MODEM OF ANY KIND];

13 (B) view movies rated "R," "X," or "NC-17";

14 (C) possess printed or photographic material that

15 (i) is obscene as defined by the commissioner in
16 regulation;

17 (ii) could reasonably be expected to incite racial, ethnic,
18 or religious hatred that is detrimental to the security, good order, or
19 discipline of the institution or violence;

20 (iii) could reasonably be expected to aid in an escape or
21 in the theft or destruction of property;

22 (iv) describes procedures for brewing alcoholic
23 beverages or for manufacturing controlled substances, weapons, or
24 explosives; or

25 (v) could reasonably be expected to facilitate criminal
26 activity or a violation of institution rules;

27 (D) receive instruction in person, or by broadcast medium, or
28 engage in boxing, wrestling, judo, karate, or other martial art or in any activity
29 that, in the commissioner's discretion, would facilitate violent behavior;

30 (E) possess or have access to equipment for use in the activities
31 listed in (D) of this paragraph;

1 (F) possess or have access to free weights;

2 (G) possess in the prisoner's cell a coffee pot, hot plate,
3 appliance or heating element for food preparation, or more than three electrical
4 appliances of any kind;

5 (H) possess or appear in a state of dress, hygiene, grooming, or
6 appearance other than as permitted as uniform or standard in the correctional
7 facility;

8 (I) use a computer or electronic tablet other than those
9 approved by the correctional facility; the use of a computer or electronic
10 tablet under this subparagraph may be approved only to facilitate the
11 prisoner's rehabilitation or the prisoner's compliance with a reentry plan
12 or case plan developed under AS 33.30.011, as part of the prisoner's
13 employment, education, [OR] vocational training, access to legal reference
14 materials, visitation, or health care, or for another purpose identified by
15 the commissioner in regulation, and may not be used for any other purpose;

16 (J) smoke or use tobacco products of any kind."
17

18 Renumber the following bill sections accordingly.

19

20 Page 38, line 30:

21 Delete "sec. 46"

22 Insert "sec. 47"

23

24 Page 38, line 31:

25 Delete "sec. 46"

26 Insert "sec. 47"

27

28 Page 39, line 1:

29 Delete "sec. 46"

30 Insert "sec. 47"

31

1 Page 39, line 5:

2 Delete "sec. 46" in both places

3 Insert "sec. 47" in both places

4

5 Page 39, line 7:

6 Delete "Section 45"

7 Insert "Section 46"

8

9 Page 39, line 8:

10 Delete "sec. 50"

11 Insert "sec. 51"



ALASKA STATE LEGISLATURE

Senate Judiciary Committee

SEN. MATT CLAMAN

Chairman
State Capitol, Room 429
Juneau, AK 99801
907.465.4919

Senator Jesse Kiehl, Vice Chair
Senator Cathy Giessel

Senator James Kaufman
Senator Löki Tobin

House Bill 66

“An Act relating to criminal law and procedure; relating to homicide resulting from conduct involving controlled substances; relating to misconduct involving a controlled substance; relating to the crime of stalking; changing the term ‘child pornography’ to ‘child sexual abuse material’; relating to competency to stand trial; relating to sentencing; relating to the duty to register as a sex offender; amending the definition of ‘sex offense’; amending the definition of ‘crime involving domestic violence’; relating to multidisciplinary child protection teams; relating to involuntary civil commitments; relating to victims’ rights during certain civil commitment proceedings; amending Rule 6(s), Alaska Rules of Criminal Procedure; and providing for an effective date.”

Summary of Changes

Senate Judiciary Committee: Version S to Version H

- **House Bill 66: CONTROLLED SUB; HOMICIDE; CRIMES; SENTENCING**
 - Amending Section 1 to change the violation of AS 11.71.010 – 11.71.030 to AS 11.71.010 or 11.71.010. This change has the effect of covering only Class IA and Class IIA controlled substances, including fentanyl and methamphetamine.
 - Amending Section 2 to add AS 11.71.030 to the list of crimes; which is Misconduct involving controlled substance in the third degree.
 - Amending Section 6
 - Deleting Section 7
 - Deleting Section 8
 - Modifying Section 9
- **House Bill 265: CHILD SEXUAL ABUSE MATERIAL**
 - All of HB 265, which changes the term “child pornography” to “child sexual abuse material” in Alaska Statute
- **Senate Bill 53: COMPETENCY; INVOLUNTARY CIVIL COMMITMENTS**
 - Adding new section regarding transport.
 - Deleting Section 5.
 - Modifications and clarifying language throughout the bill.
- **Senate Bill 65: HARASSMENT; SEX OFFENDERS & OFFENSES**
 - Updating the legislative findings in Section 1:
 - (a) Legislative Findings that the state has some of the highest rates of sexual assault and sexual abuse, and that presenting evidence to a grand jury in state court should be similar and not more difficult than presenting evidence to a grand jury in federal court in the state.

- (b) Allowing the prosecution to present hearsay evidence to grand jury proceedings.
- Deleting Section 3
- Modifying Section 4
- Modifying Section 12
 - Deleting “the prosecutor believes” on page 11, line 13
 - Amending amendments to Criminal Rule 6 to allow hearsay evidence in grand juries
- **Conforming changes:**
 - Title change
 - Conforming renumbering

33-GH1482\Y
C. Radford
4/29/24

SENATE CS FOR CS FOR HOUSE BILL NO. 66(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal law and procedure; relating to homicide resulting from**
2 **conduct involving controlled substances; relating to misconduct involving a controlled**
3 **substance; relating to the crime of stalking; changing the term 'child pornography' to**
4 **'child sexual abuse material'; relating to competency to stand trial; relating to**
5 **sentencing; relating to the duty to register as a sex offender; amending the definition of**
6 **'sex offense'; amending the definition of 'crime involving domestic violence'; relating to**
7 **multidisciplinary child protection teams; relating to involuntary civil commitments;**
8 **relating to victims' rights during certain civil commitment proceedings; amending Rule**
9 **6(s), Alaska Rules of Criminal Procedure; and providing for an effective date."**

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

11 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
12 to read:

1 LEGISLATIVE FINDINGS. (a) The legislature finds that, with the state's rates of
2 sexual assault and sexual abuse being some of the highest in the United States, presenting
3 evidence to a grand jury in state court should be similar to and not more difficult than
4 presenting evidence to a grand jury in federal court in the state.

5 (b) The legislature further finds that the Rights of Crime Victims in art. I, sec. 24,
6 Constitution of the State of Alaska, including the "right to be treated with dignity, respect, and
7 fairness during all phases of the criminal and juvenile justice process," supports allowing the
8 prosecution to present hearsay evidence to a grand jury, which is similar to the rules of federal
9 court in which the hearsay rules do not apply to grand jury proceedings.

10 (c) The legislature further finds that Rule 6(s), Alaska Rules of Criminal Procedure,
11 as amended by sec. 46 of this Act, is a response, in part, to the decision of the Alaska Court of
12 Appeals in *State v. Powell*, 487 P.3d 609 (Alaska App. 2021).

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), 11.71.030(a)(2)
28 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
29 in immediate flight from that crime, any person causes the death of a person other than
30 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; or

12 **(6) the person knowingly manufactures or delivers a controlled**
 13 **substance in violation of AS 11.71.010 or 11.71.021, and a person dies as a direct**
 14 **result of ingestion of the controlled substance; the death is a result that does not**
 15 **require a culpable mental state.**

16 * Sec. 3. AS 11.41.120(a) is amended to read:

17 (a) A person commits the crime of manslaughter if the person

18 (1) intentionally, knowingly, or recklessly causes the death of another
 19 person under circumstances not amounting to murder in the first or second degree;

20 (2) intentionally aids another person to commit suicide; or

21 (3) knowingly manufactures or delivers a controlled substance in
 22 violation of **AS 11.71.030** [AS 11.71.010 - 11.71.030] or 11.71.040(a)(1) for schedule
 23 IVA controlled substances, and a person dies as a direct result of ingestion of the
 24 controlled substance; the death is a result that does not require a culpable mental state
 25 [; IN THIS PARAGRAPH, "INGESTION" MEANS VOLUNTARILY OR
 26 INVOLUNTARILY TAKING A SUBSTANCE INTO THE BODY IN ANY
 27 MANNER].

28 * Sec. 4. AS 11.41.140 is amended to read:

29 **Sec. 11.41.140. Definitions [DEFINITION].** In AS 11.41.100 - 11.41.140,

30 **(1) "ingestion" means voluntarily or involuntarily taking a**
 31 **substance into the body in any manner;**

1 (2) "person" **means**, when referring to the victim of a crime,
 2 [MEANS] a human being who has been born and was alive at the time of the criminal
 3 act; **a** [A] person is "alive" if there is spontaneous respiratory or cardiac function or,
 4 when respiratory and cardiac functions are maintained by artificial means, there is
 5 spontaneous brain function.

6 * **Sec. 5.** AS 11.41.260(a) is amended to read:

7 (a) A person commits the crime of stalking in the first degree if the person
 8 violates AS 11.41.270 and

9 (1) the actions constituting the offense are in violation of an order
 10 issued or filed under **AS 18.65.850 - 18.65.870** or AS 18.66.100 - 18.66.180 or issued
 11 under former AS 25.35.010(b) or 25.35.020;

12 (2) the actions constituting the offense are in violation of a condition of
 13 probation, release before trial, release after conviction, or parole;

14 (3) the victim is under 16 years of age;

15 (4) at any time during the course of conduct constituting the offense,
 16 the defendant possessed a deadly weapon;

17 (5) the defendant has been previously convicted of a crime under this
 18 section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another
 19 jurisdiction with elements similar to a crime under this section, AS 11.41.270, or
 20 AS 11.56.740; or

21 (6) the defendant has been previously convicted of a crime, or an
 22 attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250,
 23 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120, or (B) a
 24 law or an ordinance of this or another jurisdiction with elements similar to a crime, or
 25 an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250,
 26 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, or 11.61.120,
 27 involving the same victim as the present offense.

28 * **Sec. 6.** AS 11.61.125(a) is amended to read:

29 (a) A person commits the crime of distribution of child **sexual abuse material**
 30 [PORNOGRAPHY] if the person distributes in this state or advertises, promotes,
 31 solicits, or offers to distribute in this state any material that is proscribed under

1 AS 11.61.127.

2 * **Sec. 7.** AS 11.61.125(e) is amended to read:

3 (e) Distribution of child sexual abuse material [PORNOGRAPHY] is a

4 (1) class B felony; or

5 (2) class A felony if the person has been previously convicted of
6 distribution of child sexual abuse material [PORNOGRAPHY] in this jurisdiction or
7 a similar crime in this or another jurisdiction.

8 * **Sec. 8.** AS 11.61.127(a) is amended to read:

9 (a) A person commits the crime of possession of child sexual abuse material
10 [PORNOGRAPHY] if the person knowingly possesses or knowingly accesses on a
11 computer with intent to view any material that visually depicts conduct described in
12 AS 11.41.455(a) knowing that the production of the material involved the use of a
13 child under 18 years of age who engaged in the conduct or a depiction of a part of an
14 actual child under 18 years of age who, by manipulation, creation, or modification,
15 appears to be engaged in the conduct.

16 * **Sec. 9.** AS 11.61.127(g) is amended to read:

17 (g) Possession of child sexual abuse material [PORNOGRAPHY] is a class
18 C felony.

19 * **Sec. 10.** AS 11.66.100(c) is amended to read:

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

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

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

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

25 (C) manslaughter under AS 11.41.120;

26 (D) criminally negligent homicide under AS 11.41.130;

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

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

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

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

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

- 1 (J) sexual assault in the second degree under AS 11.41.420;
2 (K) sexual assault in the third degree under AS 11.41.425;
3 (L) sexual assault in the fourth degree under AS 11.41.427;
4 (M) sexual abuse of a minor in the first degree under
5 AS 11.41.434;
6 (N) sexual abuse of a minor in the second degree under
7 AS 11.41.436;
8 (O) sexual abuse of a minor in the third degree under
9 AS 11.41.438;
10 (P) sexual abuse of a minor in the fourth degree under
11 AS 11.41.440;
12 (Q) robbery in the first degree under AS 11.41.500;
13 (R) robbery in the second degree under AS 11.41.510;
14 (S) extortion under AS 11.41.520;
15 (T) coercion under AS 11.41.530;
16 (U) distribution of child sexual abuse material
17 [PORNOGRAPHY] under AS 11.61.125;
18 (V) possession of child sexual abuse material
19 [PORNOGRAPHY] under AS 11.61.127;
20 (W) sex trafficking in the first degree under AS 11.66.110;
21 (X) sex trafficking in the second degree under AS 11.66.120;
22 (Y) sex trafficking in the third degree under AS 11.66.130; or
23 (Z) sex trafficking in the fourth degree under AS 11.66.135;
24 (2) evidence supporting the prosecution under (a)(1) of this section
25 was obtained or discovered as a result of the person reporting the crime to law
26 enforcement; and
27 (3) person cooperated with law enforcement personnel.
28 * **Sec. 11.** AS 11.71.010(a) is amended to read:
29 (a) Except as authorized in AS 17.30, a person commits the crime of
30 misconduct involving a controlled substance in the first degree if the person
31 (1) delivers any amount of a schedule IA controlled substance to a

1 person under 19 years of age who is at least three years younger than the person
2 delivering the substance;

3 (2) delivers any amount of a schedule IIA or IIIA controlled substance
4 to a person under 19 years of age who is at least three years younger than the person
5 delivering the substance; [OR]

6 (3) engages in a continuing criminal enterprise; or

7 **(4) delivers any amount of a schedule IA, IIA, IIIA, or IVA**
8 **controlled substance to a person who is**

9 **(A) mentally incapable;**

10 **(B) incapacitated; or**

11 **(C) unaware that a controlled substance is being delivered.**

12 * **Sec. 12.** AS 11.71.010(b) is amended to read:

13 (b) For purposes of this section,

14 **(1)** a person is engaged in a "continuing criminal enterprise" if

15 **(A)** [(1)] the person commits a violation of this chapter which
16 is punishable as a felony; and

17 **(B)** [(2)] that violation is a part of a continuing series of five or
18 more violations of this chapter.

19 **(i)** [(A)] which the person undertakes in concert with at
20 least five other persons organized, supervised, or otherwise managed by
21 the person; and

22 **(ii)** [(B)] from which the person obtains substantial
23 income or resources;

24 **(2) "incapacitated" has the meaning given in AS 11.41.470;**

25 **(3) "mentally incapable" has the meaning given in AS 11.41.470.**

26 * **Sec. 13.** AS 11.71.021(a) is amended to read:

27 (a) Except as authorized in AS 17.30, a person commits the crime of
28 misconduct involving a controlled substance in the second degree if the person

29 (1) manufactures or delivers any amount of a schedule IA controlled
30 substance or possesses any amount of a schedule IA controlled substance with intent
31 to manufacture or deliver;

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

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

or

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

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

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

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

or

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

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

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

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

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

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

(ii) an immediate precursor of methamphetamine, or its

1 salts, isomers, or salts of isomers; or
2 (iii) methamphetamine, or its salts, isomers, or salts of isomers in an organic
3 solution.

4 * **Sec. 14.** AS 12.10.010(a) is amended to read:

5 (a) Prosecution for the following offenses may be commenced at any time:

6 (1) murder;

7 (2) attempt, solicitation, or conspiracy to commit murder or hindering
8 the prosecution of murder;

9 (3) felony sexual abuse of a minor;

10 (4) sexual assault that is an unclassified, class A, or class B felony or a
11 violation of AS 11.41.425(a)(2) - (4);

12 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,
13 AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person
14 who, at the time of the offense, was under 18 years of age;

15 (6) kidnapping;

16 (7) distribution of child sexual abuse material [PORNOGRAPHY] in
17 violation of AS 11.61.125;

18 (8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an
19 unclassified, class A, or class B felony or that is committed against a person who, at
20 the time of the offense, was under 20 years of age;

21 (9) human trafficking in violation of AS 11.41.360 or 11.41.365.

22 * **Sec. 15.** AS 12.47.070(a) is amended to read:

23 (a) If a defendant has filed a notice of intention to rely on the affirmative
24 defense of insanity under AS 12.47.010 or has filed notice under AS 12.47.020(a), or
25 there is reason to doubt the defendant's fitness to proceed, or there is reason to believe
26 that a mental disease or defect of the defendant will otherwise become an issue in the
27 case, the court shall appoint a qualified psychiatrist or psychologist [AT LEAST
28 TWO QUALIFIED PSYCHIATRISTS OR TWO FORENSIC PSYCHOLOGISTS
29 CERTIFIED BY THE AMERICAN BOARD OF FORENSIC PSYCHOLOGY] to
30 examine and report on [UPON] the mental condition of the defendant. If the court
31 appoints a psychiatrist [PSYCHIATRISTS], the psychiatrist [PSYCHIATRISTS]

1 may select psychologists to provide assistance. If the defendant has filed notice under
2 AS 12.47.090(a), the report shall consider whether the defendant can still be
3 committed under AS 12.47.090(c). The court may order the defendant to be committed
4 to a secure facility for the purpose of the examination for not more than 60 days or **for**
5 **a** [SUCH] longer period as the court determines to be necessary for the purpose and
6 may direct that a qualified psychiatrist retained by the defendant be permitted to
7 witness and participate in the examination.

8 * **Sec. 16.** AS 12.47.100(b) is amended to read:

9 (b) If, before imposition of sentence, the prosecuting attorney or the attorney
10 for the defendant has reasonable cause to believe that the defendant is presently
11 suffering from a mental disease or defect that causes the defendant to be unable to
12 understand the proceedings or to assist in the person's own defense, the attorney may
13 file a motion for a judicial determination of the competency of the defendant. Upon
14 that motion, or upon its own motion, the court, **if justified by findings of fact and**
15 **conclusions of law,** shall have the defendant examined by at least one qualified
16 psychiatrist or psychologist, who shall report to the court concerning the competency
17 of the defendant. For the purpose of the examination, the court may order the
18 defendant committed for a reasonable period to a suitable hospital or other facility
19 designated by the court. If the report of the psychiatrist or psychologist indicates that
20 the defendant is incompetent, the court shall hold a hearing, upon due notice, at which
21 evidence as to the competency of the defendant may be submitted, including that of
22 the reporting psychiatrist or psychologist, and make appropriate findings. Before the
23 hearing, the court shall, upon request of the prosecuting attorney, order the defendant
24 to submit to an additional evaluation by a psychiatrist or psychologist designated by
25 the prosecuting attorney.

26 * **Sec. 17.** AS 12.47.100 is amended by adding new subsections to read:

27 (i) The court may order a defendant to be examined under this section at an
28 outpatient clinic or other facility as a condition of the defendant's release under
29 AS 12.30. In considering the conditions of a defendant's release under this subsection,
30 the court shall, in addition to any applicable requirement under AS 12.30, consider

31 (1) any medical information provided by the Department of Family

1 and Community Services;

2 (2) the defendant's mental condition;

3 (3) the defendant's level of need for evaluation and treatment under
4 this chapter;

5 (4) the defendant's ability to participate in outpatient treatment; and

6 (5) the defendant's history of evaluation and treatment under this
7 chapter.

8 (j) If the defendant is charged with a felony offense against a person under
9 AS 11.41 or felony arson, a qualified psychiatrist or psychologist conducting an
10 examination under (b) of this section may, at the same time, evaluate the defendant to
11 determine whether the defendant meets the standards for involuntary commitment
12 under AS 47.30.700 - 47.30.915.

13 (k) In making findings of fact and conclusions of law under (b) of this section,
14 a court may rely on a defense attorney's representation.

15 * **Sec. 18.** AS 12.47.110 is amended by adding new subsections to read:

16 (f) The court may order a defendant to receive further evaluation and
17 treatment under (a) or (b) of this section at an outpatient clinic or other facility as a
18 condition of the defendant's release under AS 12.30. In considering the conditions of a
19 defendant's release under this subsection, the court shall, in addition to any applicable
20 requirement under AS 12.30, consider

21 (1) any medical information provided by the Department of Family
22 and Community Services;

23 (2) the defendant's mental condition;

24 (3) the defendant's level of need for evaluation and treatment under
25 this chapter;

26 (4) the defendant's ability to participate in outpatient treatment; and

27 (5) the defendant's history of evaluation and treatment under this
28 chapter.

29 (g) Before criminal charges against a defendant charged with a felony offense
30 against a person under AS 11.41 or felony arson are dismissed under (b) of this
31 section, the prosecutor shall

1 (1) file a petition seeking involuntary commitment of the defendant
2 under AS 47.30.706 before dismissal of the charges;

3 (2) notify the division of the Department of Law that has responsibility
4 for civil cases of the petition within 24 hours after filing the petition; and

5 (3) provide the court's findings to the division of the Department of
6 Law that has responsibility for civil cases within 24 hours after the court's ruling.

7 * **Sec. 19.** AS 12.55.125(c) is amended to read:

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

12 (1) if the offense is a first felony conviction and does not involve
13 circumstances described in (2) of this subsection, four to seven years;

14 (2) if the offense is a first felony conviction

15 (A) and the defendant possessed a firearm, used a dangerous
16 instrument, or caused serious physical injury or death during the commission
17 of the offense, or knowingly directed the conduct constituting the offense at a
18 uniformed or otherwise clearly identified peace officer, firefighter, correctional
19 employee, emergency medical technician, paramedic, ambulance attendant, or
20 other emergency responder who was engaged in the performance of official
21 duties at the time of the offense, seven to 11 years;

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

24 (i) the manufacturing occurred in a building with
25 reckless disregard that the building was used as a permanent or
26 temporary home or place of lodging for one or more children under 18
27 years of age or the building was a place frequented by children; or

28 (ii) in the course of manufacturing or in preparation for
29 manufacturing, the defendant obtained the assistance of one or more
30 children under 18 years of age or one or more children were present;

31 **(C) and the conviction is for manufacturing or delivery**

1 under AS 11.71.021(a)(1) related to a schedule IA controlled substance set
2 out in AS 11.71.140(c)(29) or under AS 11.71.021(a)(6) related to a
3 schedule IIA controlled substance set out in AS 11.71.150(e)(2), four to 11
4 years;

5 (3) if the offense is a second felony conviction, 10 to 14 years;

6 (4) if the offense is a third felony conviction and the defendant is not
7 subject to sentencing under (I) of this section, 15 to 20 years.

8 * **Sec. 20.** AS 12.55.125(i) is amended to read:

9 (i) A defendant convicted of

10 (1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2),
11 (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor
12 under AS 11.41.455(c)(2), or sex trafficking in the first degree under
13 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
14 than 99 years and shall be sentenced to a definite term within the following
15 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

16 (A) if the offense is a first felony conviction, the offense does
17 not involve circumstances described in (B) of this paragraph, and the victim
18 was

19 (i) less than 13 years of age, 25 to 35 years;

20 (ii) 13 years of age or older, 20 to 30 years;

21 (B) if the offense is a first felony conviction and the defendant
22 possessed a firearm, used a dangerous instrument, or caused serious physical
23 injury during the commission of the offense, 25 to 35 years;

24 (C) if the offense is a second felony conviction and does not
25 involve circumstances described in (D) of this paragraph, 30 to 40 years;

26 (D) if the offense is a second felony conviction and the
27 defendant has a prior conviction for a sexual felony, 35 to 45 years;

28 (E) if the offense is a third felony conviction and the defendant
29 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
30 to 60 years;

31 (F) if the offense is a third felony conviction, the defendant is

1 not subject to sentencing under (I) of this section, and the defendant has two
2 prior convictions for sexual felonies, 99 years;

3 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B),
4 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor
5 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault
6 in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a
7 minor in the first degree, or sex trafficking in the first degree under
8 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
9 than 99 years and shall be sentenced to a definite term within the following
10 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

11 (A) if the offense is a first felony conviction, the offense does
12 not involve circumstances described in (B) of this paragraph, and the victim
13 was

14 (i) under 13 years of age, 20 to 30 years;

15 (ii) 13 years of age or older, 15 to 30 years;

16 (B) if the offense is a first felony conviction and the defendant
17 possessed a firearm, used a dangerous instrument, or caused serious physical
18 injury during the commission of the offense, 25 to 35 years;

19 (C) if the offense is a second felony conviction and does not
20 involve circumstances described in (D) of this paragraph, 25 to 35 years;

21 (D) if the offense is a second felony conviction and the
22 defendant has a prior conviction for a sexual felony, 30 to 40 years;

23 (E) if the offense is a third felony conviction, the offense does
24 not involve circumstances described in (F) of this paragraph, and the defendant
25 is not subject to sentencing under (I) of this section, 35 to 50 years;

26 (F) if the offense is a third felony conviction, the defendant is
27 not subject to sentencing under (I) of this section, and the defendant has two
28 prior convictions for sexual felonies, 99 years;

29 (3) sexual assault in the second degree, sexual abuse of a minor in the
30 second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the
31 first degree under AS 11.41.458(b)(2), distribution of child sexual abuse material

1 [PORNOGRAPHY] under AS 11.61.125(e)(2), or attempt, conspiracy, or solicitation
2 to commit sexual assault in the first degree under AS 11.41.410(a)(1)(B) may be
3 sentenced to a definite term of imprisonment of not more than 99 years and shall be
4 sentenced to a definite term within the following presumptive ranges, subject to
5 adjustment as provided in AS 12.55.155 - 12.55.175:

6 (A) if the offense is a first felony conviction, five to 15 years;

7 (B) if the offense is a second felony conviction and does not
8 involve circumstances described in (C) of this paragraph, 10 to 25 years;

9 (C) if the offense is a second felony conviction and the
10 defendant has a prior conviction for a sexual felony, 15 to 30 years;

11 (D) if the offense is a third felony conviction and does not
12 involve circumstances described in (E) of this paragraph, 20 to 35 years;

13 (E) if the offense is a third felony conviction and the defendant
14 has two prior convictions for sexual felonies, 99 years;

15 (4) sexual assault in the third degree, sexual abuse of a minor in the
16 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under
17 AS 11.41.458(b)(1), indecent viewing or production of a picture under
18 AS 11.61.123(f)(1) or (2), possession of child sexual abuse material
19 [PORNOGRAPHY], distribution of child sexual abuse material [PORNOGRAPHY]
20 under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual
21 assault in the second degree, sexual abuse of a minor in the second degree, unlawful
22 exploitation of a minor, or distribution of child sexual abuse material
23 [PORNOGRAPHY], may be sentenced to a definite term of imprisonment of not more
24 than 99 years and shall be sentenced to a definite term within the following
25 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

26 (A) if the offense is a first felony conviction and does not
27 involve the circumstances described in (B) or (C) of this paragraph, two to 12
28 years;

29 (B) if the offense is a first felony conviction under
30 AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this
31 paragraph, four to 12 years;

1 (C) if the offense is a first felony conviction under
2 AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create
3 a mechanism for multi-party sharing or distribution of child sexual abuse
4 material [PORNOGRAPHY], or received a financial benefit or had a financial
5 interest in a child sexual abuse material [PORNOGRAPHY] sharing or
6 distribution mechanism, six to 14 years;

7 (D) if the offense is a second felony conviction and does not
8 involve circumstances described in (E) of this paragraph, eight to 15 years;

9 (E) if the offense is a second felony conviction and the
10 defendant has a prior conviction for a sexual felony, 12 to 20 years;

11 (F) if the offense is a third felony conviction and does not
12 involve circumstances described in (G) of this paragraph, 15 to 25 years;

13 (G) if the offense is a third felony conviction and the defendant
14 has two prior convictions for sexual felonies, 99 years.

15 * **Sec. 21.** AS 12.55.127(d) is amended to read:

16 (d) If the defendant is being sentenced for two or more crimes of distribution
17 of child sexual abuse material [PORNOGRAPHY] under AS 11.61.125, possession
18 of child sexual abuse material [PORNOGRAPHY] under AS 11.61.127, or
19 distribution of indecent material to minors under AS 11.61.128, a consecutive term of
20 imprisonment shall be imposed for some additional term of imprisonment for each
21 additional crime or each additional attempt or solicitation to commit the offense.

22 * **Sec. 22.** AS 12.55.185(16) is amended to read:

23 (16) "sexual felony" means sexual assault in the first degree, sexual
24 abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in
25 the second degree, sexual abuse of a minor in the second degree, sexual abuse of a
26 minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor,
27 indecent viewing or production of a picture under AS 11.61.123(f)(1) or (2),
28 distribution of child sexual abuse material [PORNOGRAPHY], sexual assault in the
29 third degree, incest, indecent exposure in the first degree, possession of child sexual
30 abuse material [PORNOGRAPHY], enticement of a minor, and felony attempt,
31 conspiracy, or solicitation to commit those crimes;

1 * **Sec. 23.** AS 12.63.010(b) is amended to read:

2 (b) A sex offender or child kidnapper required to register under (a) of this
3 section shall register with the Department of Corrections if the sex offender or child
4 kidnapper is incarcerated or in person at the Alaska state trooper post or municipal
5 police department located nearest to where the sex offender or child kidnapper resides
6 at the time of registration. To fulfill the registration requirement, the sex offender or
7 child kidnapper shall

8 (1) complete a registration form that includes **the following**
9 **information, if applicable:** [, AT A MINIMUM,]

10 (A) the sex offender's or child kidnapper's **full name, mailing**
11 **and physical addresses, school address, telephone numbers used by the sex**
12 **offender or child kidnapper, social security number, passport**
13 **information, citizenship status, physical address of employment, name of**
14 **employer, job title** [PLACE OF EMPLOYMENT], and date of birth;

15 (B) each conviction for a sex offense or child kidnapping for
16 which the duty to register has not terminated under AS 12.63.020, the date of
17 the sex offense or child kidnapping convictions, the place and court of the sex
18 offense or child kidnapping convictions, and whether the sex offender or child
19 kidnapper has been unconditionally discharged from the conviction for a sex
20 offense or child kidnapping and the date of the unconditional discharge; if the
21 sex offender or child kidnapper asserts that the offender or kidnapper has been
22 unconditionally discharged, the offender or kidnapper shall supply proof of
23 that discharge acceptable to the department;

24 (C) all aliases used;

25 (D) the sex offender's or child kidnapper's driver's license
26 number;

27 (E) the description, license numbers, and vehicle identification
28 numbers of motor vehicles, **including watercraft, aircraft, motorcycles, and**
29 **recreational vehicles**, the sex offender or child kidnapper has access to,
30 regardless of whether that access is regular or not;

31 (F) any identifying features of the sex offender or child

1 kidnapper;

2 (G) anticipated changes of address and any temporary
3 lodging used by the sex offender or child kidnapper for seven days or
4 more;

5 (H) a statement concerning whether the offender or kidnapper
6 has had treatment for a mental abnormality or personality disorder since the
7 date of conviction for an offense requiring registration under this chapter;
8 [AND]

9 (I) each electronic mail address, instant messaging address, and
10 other Internet communication identifier used by the sex offender or child
11 kidnapper; and

12 (J) professional licensing information;

13 (2) allow the Alaska state troopers, Department of Corrections, [OR]
14 municipal police, or any peace officer to take a complete set of the sex offender's or
15 child kidnapper's fingerprints and palm prints, and to take the sex offender's or child
16 kidnapper's photograph.

17 * **Sec. 24.** AS 12.63.010(d) is amended to read:

18 (d) A sex offender or child kidnapper required to register

19 (1) for 15 years under (a) of this section and AS 12.63.020 shall,
20 annually, during the term of a duty to register under AS 12.63.020, on a date set by the
21 department at the time of the sex offender's or child kidnapper's initial registration,
22 provide written verification to the department, in the manner required by the
23 department, of the information provided under (b)(1) of this section [SEX
24 OFFENDER'S OR CHILD KIDNAPPER'S ADDRESS] and notice of any changes to
25 the information previously provided under (b)(1) of this section;

26 (2) for life under (a) of this section and AS 12.63.020 shall, not less
27 than quarterly, on a date set by the department, provide written verification to the
28 department, in the manner required by the department, of the information provided
29 under (b)(1) of this section [SEX OFFENDER'S OR CHILD KIDNAPPER'S
30 ADDRESS] and notice of any changes to the information previously provided under
31 (b)(1) of this section.

1 * **Sec. 25.** AS 12.63.010 is amended by adding new subsections to read:

2 (g) If a sex offender or child kidnapper plans to leave the state after having
3 registered under (a) of this section, the sex offender or child kidnapper shall appear in
4 person at and provide to the department or a municipal police department in the state
5 written notice of the plan to leave the state at least seven calendar days before leaving
6 the state. If a sex offender or child kidnapper plans to leave the state for international
7 travel after having registered under (a) of this section, the sex offender or child
8 kidnapper shall appear in person at and provide to the department or a municipal
9 police department in the state written notice of the plan for any intended travel outside
10 the United States at least 21 days before leaving the state for international travel.

11 (h) If a sex offender or child kidnapper is away from the physical address
12 provided to the department under (b)(1)(A) of this section for a period of seven days
13 or more, the sex offender or child kidnapper shall notify the department in writing of
14 the address being used by the sex offender or child kidnapper while away from the
15 physical address provided under (b)(1)(A) of this section.

16 * **Sec. 26.** AS 12.63.020(a) is amended to read:

17 (a) The duty of a sex offender or child kidnapper to comply with the
18 requirements of AS 12.63.010 is as follows:

19 (1) for a sex offender or child kidnapper, as that term is defined in
20 AS 12.63.100(6)(A), for each sex offense or child kidnapping, the duty

21 (A) continues for the lifetime of a sex offender or child
22 kidnapper convicted of

23 (i) one aggravated sex offense; or

24 (ii) two or more sex offenses, two or more child
25 kidnappings, or one sex offense and one child kidnapping; for purposes
26 of this section, a person convicted of indecent exposure before a person
27 under 16 years of age under AS 11.41.460 more than two times has
28 been convicted of two or more sex offenses;

29 (B) ends 15 years following the sex offender's or child
30 kidnapper's unconditional discharge from a conviction for a single sex offense
31 that is not an aggravated sex offense or for a single child kidnapping if the sex

1 offender or child kidnapper has supplied proof that is acceptable to the
 2 department of the unconditional discharge; the registration period under this
 3 subparagraph

4 (i) is tolled for the period [EACH YEAR] that a sex
 5 offender or child kidnapper fails to comply with the requirements of
 6 this chapter or is incarcerated for the offense or kidnapping for which
 7 the offender or kidnapper is required to register or for any other
 8 offense;

9 (ii) may include the time a sex offender or child
 10 kidnapper was absent from this state if the sex offender or child
 11 kidnapper has complied with any sex offender or child kidnapper
 12 registration requirements of the jurisdiction in which the offender or
 13 kidnapper was located and if the sex offender or child kidnapper
 14 provides the department with proof of the compliance while the sex
 15 offender or child kidnapper was absent from this state; and

16 (iii) continues for a sex offender or child kidnapper who
 17 has not supplied proof acceptable to the department of the offender's or
 18 kidnapper's unconditional discharge for the sex offense or child
 19 kidnapping requiring registration;

20 (2) for a sex offender or child kidnapper, as that term is defined in
 21 AS 12.63.100(6)(B), the duty continues for the period determined by the department
 22 under (b) of this section.

23 * **Sec. 27.** AS 12.63.100(7) is amended to read:

24 (7) "sex offense" means

25 (A) a crime under AS 11.41.100(a)(3), or a similar law of
 26 another jurisdiction, in which the person committed or attempted to commit a
 27 sexual offense, or a similar offense under the laws of the other jurisdiction; in
 28 this subparagraph, "sexual offense" has the meaning given in
 29 AS 11.41.100(a)(3);

30 (B) a crime under AS 11.41.110(a)(3), or a similar law of
 31 another jurisdiction, in which the person committed or attempted to commit

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one of the following crimes, or a similar law of another jurisdiction:

- (i) sexual assault in the first degree;
- (ii) sexual assault in the second degree;
- (iii) sexual abuse of a minor in the first degree; or
- (iv) sexual abuse of a minor in the second degree;

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

- (i) AS 11.41.410 - 11.41.438;
- (ii) AS 11.41.440(a)(2);
- (iii) AS 11.41.450 - 11.41.458;
- (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent exposure is before a person under 16 years of age and the offender has previously been convicted under AS 11.41.460 or AS 26.05.900(c);
- (v) AS 11.61.125 - 11.61.128;
- (vi) [AS 11.66.110,] 11.66.130(a)(2)(B), or AS 26.05.900(b) if the person who was induced or caused to engage in prostitution was under 20 years of age at the time of the offense;
- (vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200;
- (viii) AS 11.61.118(a)(2) if the offender has a previous conviction for that offense;
- (ix) AS 11.66.100(a)(2) if the offender is subject to punishment under AS 11.66.100(e);
- (x) AS 26.05.890 if the person engaged in sexual penetration or sexual contact with the victim;
- (xi) AS 26.05.890 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command over the victim;
- (xii) AS 26.05.893 if the person engaged in sexual

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penetration or sexual contact with the victim;

(xiii) AS 26.05.900(a) [AS 26.05.900(a)(1) - (4)] if the victim is under 18 years of age at the time of the offense;

(xiv) AS 26.05.900 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command over the victim; [OR]

(xv) AS 11.61.123 if the offender is subject to punishment under AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR (2)];

(xvi) AS 11.61.130(a)(2); or
(xvii) AS 11.66.110 and 11.66.120;

(D) an offense, or an attempt, solicitation, or conspiracy to commit an offense, under AS 26.05.935(b), or a similar law of another jurisdiction, if the member of the militia commits one of the following enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform Code of Military Justice):

- (i) child sexual abuse material [PORNOGRAPHY]; or
- (ii) pandering and prostitution if the person who is induced, enticed, caused, or procured to engage in a sexual act is under 20 years of age at the time of the offense; or

(E) an offense in which the person is required to register as a sex offender under the laws of another jurisdiction;

* **Sec. 28.** AS 15.80.010(10) is amended to read:

(10) "felony involving moral turpitude" includes those crimes that are immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault, sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion, coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery device, offering a false instrument for recording, scheme to defraud, falsifying business records, commercial bribe receiving, commercial bribery, bribery, receiving a bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor,

1 escape, promoting contraband, interference with official proceedings, receiving a bribe
2 by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical
3 evidence, hindering prosecution, terroristic threatening, riot, criminal possession of
4 explosives, unlawful furnishing of explosives, sex trafficking, criminal mischief,
5 misconduct involving a controlled substance or an imitation controlled substance,
6 permitting an escape, promoting gambling, possession of gambling records,
7 distribution of child sexual abuse material [PORNOGRAPHY], and possession of
8 child sexual abuse material [PORNOGRAPHY];

9 * **Sec. 29.** AS 18.66.990(3) is amended to read:

10 (3) "domestic violence" and "crime involving domestic violence" mean
11 one or more of the following offenses or an offense under a law or ordinance of
12 another jurisdiction having elements similar to these offenses, or an attempt to commit
13 the offense, by a household member against another household member:

14 (A) a crime against the person under AS 11.41;

15 (B) burglary under AS 11.46.300 - 11.46.310;

16 (C) criminal trespass under AS 11.46.320 - 11.46.330;

17 (D) arson or criminally negligent burning under AS 11.46.400 -

18 11.46.430;

19 (E) criminal mischief under AS 11.46.475 - 11.46.486;

20 (F) terrorist threatening under AS 11.56.807 or 11.56.810;

21 (G) violating a protective order under AS 11.56.740(a)(1);

22 (H) harassment under AS 11.61.120(a)(2) - (4) or (6); [OR]

23 (I) cruelty to animals under AS 11.61.140(a)(5) if the animal is

24 a pet;

25 **(J) interfering with a report of a crime involving domestic**
26 **violence under AS 11.56.745 if the person interfering with the report is the**
27 **person who committed the underlying crime involving domestic violence;**

28 **or**

29 **(K) unlawful contact under AS 11.56.750 or 11.56.755;**

30 * **Sec. 30.** AS 28.15.046(c) is amended to read:

31 (c) The department may not issue a license under this section to an applicant

- 1 (1) who has been convicted of any of the following offenses:
- 2 (A) a violation, or an attempt, solicitation, or conspiracy to
- 3 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,
- 4 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;
- 5 (B) a felony violation of endangering the welfare of a child in
- 6 the first degree under AS 11.51.100;
- 7 (C) felony indecent viewing or production of a picture under
- 8 AS 11.61.123;
- 9 (D) distribution of child sexual abuse material
- 10 [PORNOGRAPHY] under AS 11.61.125;
- 11 (E) possession of child sexual abuse material
- 12 [PORNOGRAPHY] under AS 11.61.127;
- 13 (F) distribution of indecent material to minors under
- 14 AS 11.61.128;
- 15 (G) felony prostitution under AS 11.66.100(e);
- 16 (H) sex trafficking in the first, second, or third degree under
- 17 AS 11.66.110 - 11.66.130;
- 18 (I) a felony involving distribution of a controlled substance
- 19 under AS 11.71 or imitation controlled substance under AS 11.73;
- 20 (J) a felony violation under AS 28.35.030(n) or 28.35.032(p);
- 21 or
- 22 (2) who has been convicted of any of the following offenses and less
- 23 than two years have elapsed since the applicant's date of conviction for the offense:
- 24 (A) assault in the fourth degree under AS 11.41.230;
- 25 (B) reckless endangerment under AS 11.41.250;
- 26 (C) contributing to the delinquency of a minor under
- 27 AS 11.51.130;
- 28 (D) misdemeanor prostitution under AS 11.66.100(a)(2);
- 29 (E) a misdemeanor violation of endangering the welfare of a
- 30 child in the first degree under AS 11.51.100.

31 * **Sec. 31.** AS 47.12.110(d) is amended to read:

1 (d) Notwithstanding (a) of this section, a court hearing on a petition seeking
2 the adjudication of a minor as a delinquent shall be open to the public, except as
3 prohibited or limited by order of the court, if

4 (1) the department files with the court a motion asking the court to
5 open the hearing to the public, and the petition seeking adjudication of the minor as a
6 delinquent is based on

7 (A) the minor's alleged commission of an offense, and the
8 minor has knowingly failed to comply with all the terms and conditions
9 required of the minor by the department or imposed on the minor in a court
10 order entered under AS 47.12.040(a)(2) or 47.12.120;

11 (B) the minor's alleged commission of

12 (i) a crime against a person that is punishable as a
13 felony;

14 (ii) a crime in which the minor employed a deadly
15 weapon, as that term is defined in AS 11.81.900(b), in committing the
16 crime;

17 (iii) arson under AS 11.46.400 - 11.46.410;

18 (iv) burglary under AS 11.46.300;

19 (v) distribution of child sexual abuse material
20 [PORNOGRAPHY] under AS 11.61.125;

21 (vi) sex trafficking in the first degree under
22 AS 11.66.110; or

23 (vii) misconduct involving a controlled substance under
24 AS 11.71 involving the delivery of a controlled substance or the
25 possession of a controlled substance with intent to deliver, other than
26 an offense under AS 11.71.040 or 11.71.050; or

27 (C) the minor's alleged commission of a felony and the minor
28 was 16 years of age or older at the time of commission of the offense when the
29 minor has previously been convicted or adjudicated a delinquent minor based
30 on the minor's commission of an offense that is a felony; or

31 (2) the minor agrees to a public hearing on the petition seeking

1 adjudication of the minor as a delinquent.

2 * **Sec. 32.** AS 47.12.315(a) is amended to read:

3 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this
4 section, the department shall disclose information to the public, on request, concerning
5 a minor subject to this chapter who was at least 13 years of age at the time of
6 commission of

7 (1) a felony offense against a person under AS 11.41;

8 (2) arson in the first or second degree;

9 (3) burglary in the first degree;

10 (4) distribution of child **sexual abuse material** [PORNOGRAPHY];

11 (5) sex trafficking in the first degree;

12 (6) misconduct involving a controlled substance in the first, second, or
13 third degrees involving distribution or possession with intent to deliver; or

14 (7) misconduct involving weapons in the first through fourth degrees.

15 * **Sec. 33.** AS 47.14.300(a) is amended to read:

16 (a) The department, a state or municipal agency with expertise in child abuse
17 or neglect, or a tribe recognized by the United States Secretary of the Interior to exist
18 as an Indian tribe under 25 U.S.C. 5131 (Federally Recognized Indian Tribe List Act
19 of 1994) with expertise in child abuse or neglect, in partnership with the department,
20 may facilitate the initial establishment of a multidisciplinary child protection team.
21 The purpose of a team is to assist in the evaluation and investigation of reports of child
22 abuse or neglect, as defined in AS 47.17.290, made under AS 47.17 or initiated by the
23 department or a law enforcement agency; **to assist in the evaluation and**
24 **investigation of reports of sexual contact or sexual penetration, as defined in**
25 **AS 11.81.900(b), occurring between children under 13 years of age;** and to provide
26 consultation and coordination for agencies involved in child-in-need-of-aid cases
27 under AS 47.10. The multidisciplinary child protection teams shall

28 (1) ensure that investigations involving child abuse or neglect are
29 coordinated and conducted by trained investigators;

30 (2) take and recommend steps to avoid duplicative interviews of
31 children;

1 (3) assist in the reduction of trauma to a child and family involved in
2 an investigation of child abuse or neglect; and

3 (4) review records, provide consultation, and make recommendations
4 to the department pertaining to a child-in-need-of-aid case under AS 47.10 referred to
5 the team by a team member.

6 * **Sec. 34.** AS 47.30 is amended by adding a new section to read:

7 **Sec. 47.30.706. Detention for evaluation after finding of incompetence.** (a)

8 If a person who has been charged with a felony offense against a person under
9 AS 11.41 or felony arson has been found incompetent to proceed under AS 12.47,
10 before the charges are dismissed, an attorney with the Department of Law shall
11 petition a court to have the person delivered to the nearest evaluation facility for an
12 evaluation under AS 47.30.710.

13 (b) Upon receiving a petition under (a) of this section, a court shall, unless the
14 presumption in (d) of this section has been successfully rebutted, issue an ex parte
15 order orally or in writing stating that there is probable cause to believe the respondent
16 is mentally ill and that condition causes the respondent to present a likelihood of
17 serious harm to self or others. The court shall appoint an attorney to represent the
18 respondent and may direct that a peace officer take the respondent into custody and
19 deliver the respondent to the nearest appropriate facility for evaluation. The ex parte
20 order shall be provided to the respondent and made a part of the respondent's clinical
21 record. The court shall set a date, time, and place for a 30-day commitment hearing, to
22 be held within 72 hours after entry of the ex parte order. The court shall confirm an
23 oral order in writing within 24 hours after it is issued.

24 (c) A respondent taken into custody for evaluation under this section may not
25 be placed in a jail or other correctional facility except for protective custody purposes
26 and only while awaiting transportation to an evaluation facility.

27 (d) A defendant charged with a felony offense against a person under
28 AS 11.41 or felony arson and found to be incompetent to proceed under AS 12.47.100
29 is rebuttably presumed to be mentally ill and to present a likelihood of serious harm to
30 self or others. In evaluating whether a defendant is likely to cause serious harm under
31 this section, the court may consider the conduct with which the defendant was

1 originally charged as evidence of recent behavior, regardless of any time spent in
2 custody.

3 * **Sec. 35.** AS 47.30.710(a) is amended to read:

4 (a) A respondent who is delivered under AS 47.30.700 - 47.30.706
5 [AS 47.30.700 - 47.30.705] to an evaluation facility for [EMERGENCY] examination
6 and treatment shall be examined and evaluated as to mental and physical condition by
7 a mental health professional and by a physician within 24 hours after arrival at the
8 facility.

9 * **Sec. 36.** AS 47.30.715 is repealed and reenacted to read:

10 **Sec. 47.30.715. Procedure after order.** (a) After the court grants an ex parte
11 order under AS 47.30.705(a) or 47.30.706 authorizing hospitalization for evaluation,
12 the department shall immediately transport a person who is detained at a medical or
13 other facility, including a correctional facility, to a crisis residential center or
14 evaluation facility for an evaluation.

15 (b) A person being detained while awaiting transportation to a crisis
16 residential center or evaluation facility may request a court hearing to review the
17 detention at any time. The hearing shall be held not later than 72 hours after the
18 request is filed. When the court rules on a request for review of the detention pending
19 transportation, the court shall consider the factors listed in (d) of this section.

20 (c) A person may not be detained for more than seven days while awaiting
21 transportation to a crisis residential center or evaluation facility; however, the
22 department or a facility detaining a person under this section, AS 47.30.705(a), or
23 47.30.706 may file a request to extend the detention based on the person continuing to
24 meet the standards for commitment under AS 47.30.700 and the need for a continued
25 hold. The request must be supported by the verified or certified statement of a mental
26 health professional and be served on the respondent, the respondent's attorney, and the
27 division of the Department of Law that has responsibility for civil cases. When the
28 court decides a request to extend the detention pending transportation, the court shall
29 consider the factors identified in (d) of this section.

30 (d) When ruling on a request to review or extend detention, the court shall
31 consider the totality of the circumstances, including

- 1 (1) the length of time the person has been detained;
2 (2) the reason the person has not yet been transported;
3 (3) the person's current medical and psychiatric condition;
4 (4) whether the person is gravely disabled or is likely to cause serious
5 harm to self or others; and
6 (5) whether the person is receiving treatment at the person's current
7 placement.

8 (e) The court shall schedule a hearing to decide a request for review under (b)
9 of this section or a request to extend detention under (c) of this section. The hearing
10 shall be held not later than 72 hours after the request for review or the request to
11 extend detention, as applicable. If a hearing is held after expiration of the seven-day
12 detention period, the detention shall be extended until the hearing.

13 (f) Regardless of whether a request to extend the respondent's detention has
14 been filed, if at any time in the course of the detention a mental health professional at
15 the detaining facility determines that the person does not meet the standards for
16 commitment under AS 47.30.700, the respondent shall be released and the facility
17 shall notify the petitioner, the respondent's attorney, the division of the Department of
18 Law that has responsibility for civil cases, and the court.

19 (g) When an evaluation facility receives a proper order for evaluation, it shall
20 accept the order and the respondent for an evaluation period not to exceed 72 hours.
21 The evaluation facility shall promptly notify the court of the date and time of the
22 respondent's arrival. The court shall set a date, time, and place for a 30-day
23 commitment hearing, to be held if needed within 72 hours after the respondent's
24 arrival, and the court shall notify the evaluation facility, the respondent, the
25 respondent's guardian, if any, the respondent's attorney, the petitioner's attorney, if
26 any, and the attorney general of the time and place of the hearing. Evaluation
27 personnel, when used, shall similarly notify the court of the date and time when they
28 first met with the respondent.

29 * **Sec. 37.** AS 47.30.725 is amended by adding new subsections to read:

30 (g) If a criminal charge of a felony offense against a person under AS 11.41 or
31 felony arson against a respondent has been dismissed under AS 12.47.110 and the

1 respondent is detained for evaluation or committed under AS 47.30.700 - 47.30.915,

2 (1) the Department of Law shall notify a victim in the dismissed
3 criminal case

4 (A) of the time and place of a hearing under AS 47.30.700 -
5 47.30.915;

6 (B) of the length of time for which the respondent is committed
7 and findings of fact made by the court; and

8 (C) when the respondent is discharged from commitment; and

9 (2) a victim in the dismissed criminal case may attend a hearing under
10 AS 47.30.700 - 47.30.915, but may not disclose confidential information from the
11 hearing.

12 (h) Subsection (g) of this section may not be construed to give a victim in a
13 dismissed criminal case the right to access a record that is confidential under
14 AS 47.30.845.

15 * **Sec. 38.** AS 47.30 is amended by adding a new section to read:

16 **Sec. 47.30.727. Provision of records and notice following a finding of**
17 **incompetency in a criminal case.** (a) Within 30 days after a respondent has been
18 found incompetent to proceed under AS 12.47.110 and committed under AS 47.30.700
19 - 47.30.915, and every 30 days thereafter until the civil commitment case has
20 concluded, the division of the Department of Law that has responsibility for civil cases
21 shall provide all information and records obtained during the civil commitment to the
22 division of the Department of Law that has responsibility for criminal cases.

23 (b) Records disclosed to the division of the Department of Law that has
24 responsibility for criminal cases under (a) of this section are confidential and may not
25 be disclosed to anyone unless disclosure is required by a court order or the respondent
26 provides written consent to the disclosure. If the records are used in the criminal
27 proceeding, the moving party shall file the records as confidential documents.

28 (c) A facility housing a respondent found incompetent to proceed under
29 AS 12.47.110 and committed under AS 47.30.700 - 47.30.915 shall provide notice to
30 the prosecutor in the criminal case of all hearings scheduled by the court in the civil
31 commitment case. The prosecutor, or a staff member of the prosecutor's office, may

1 attend a hearing in the civil commitment case but may not participate in the hearing as
2 a party.

3 * **Sec. 39.** AS 47.30.735(b) is amended to read:

4 (b) The hearing shall be conducted in a physical setting least likely to have a
5 harmful effect on the mental or physical health of the respondent, within practical
6 limits. At the hearing, in addition to other rights specified in AS 47.30.660 -
7 47.30.915, the respondent has the right

8 (1) to be present at the hearing; this right may be waived only with the
9 respondent's informed consent; if the respondent is incapable of giving informed
10 consent, the respondent may be excluded from the hearing only if the court, after
11 hearing, finds that the incapacity exists and that there is a substantial likelihood that
12 the respondent's presence at the hearing would be severely injurious to the
13 respondent's mental or physical health;

14 (2) to view and copy all petitions and reports in the court file of the
15 respondent's case;

16 (3) to have the hearing open or closed to the public as the respondent
17 elects, **except that, if the respondent was charged with a felony offense against a**
18 **person under AS 11.41 or felony arson and the criminal case was dismissed under**
19 **AS 12.47.110, an alleged victim in the dismissed criminal case and the prosecutor,**
20 **or a staff member of the prosecutor's office, may attend the hearing, but may not**
21 **disclose confidential information from the hearing;**

22 (4) to have the rules of evidence and civil procedure applied so as to
23 provide for the informal but efficient presentation of evidence;

24 (5) to have an interpreter if the respondent does not understand
25 English;

26 (6) to present evidence on the respondent's behalf;

27 (7) to cross-examine witnesses who testify against the respondent;

28 (8) to remain silent;

29 (9) to call experts and other witnesses to testify on the respondent's
30 behalf.

31 * **Sec. 40.** AS 47.30 is amended by adding a new section to read:

1 **Sec. 47.30.771. Additional two-year commitment.** (a) The respondent shall
2 be released from involuntary treatment at the expiration of 180 days unless the
3 professional person in charge or the attorney general's office files an additional 180-
4 day petition or a petition for a commitment of up to two years conforming to the
5 requirements of AS 47.30.740(a) except that all references to "30-day commitment"
6 shall be read as "the previous 180-day commitment" and all references to "90-day
7 commitment" shall be read as "two-year commitment."

8 (b) The procedures for service of the petition, notification of rights, and
9 judicial hearing shall be as set out in AS 47.30.740 - 47.30.750. Following a 180-day
10 commitment of a respondent, the court may order the respondent committed for an
11 additional treatment period not to exceed two years from the date on which the 180-
12 day treatment period would have expired if the court or jury finds by clear and
13 convincing evidence that

14 (1) the respondent is mentally ill and as a result is likely to cause
15 serious harm to self or others;

16 (2) the respondent has a criminal history that includes a felony offense
17 against a person under AS 11.41 or felony arson, including an offense for which the
18 respondent was found incompetent to stand trial under AS 12.47.100 and 12.47.110;

19 (3) the respondent has been found incompetent to stand trial under
20 AS 12.47.100 and 12.47.110 for a felony offense against a person under AS 11.41 or
21 felony arson and that finding of incompetence led directly to the respondent's current
22 period of commitment; and

23 (4) the period of commitment of the respondent, including a period of
24 commitment for more than 180 days but not more than two years, is necessary to
25 protect the public.

26 (c) Findings of fact relating to the respondent's behavior made at a 30-day
27 commitment hearing under AS 47.30.735, a 90-day commitment hearing under
28 AS 47.30.750, a 180-day commitment hearing under AS 47.30.770, or a two-year
29 commitment hearing under this section shall be admitted as evidence and may not be
30 rebutted except that newly discovered evidence may be used for the purpose of
31 rebutting the findings.

1 (d) Successive commitments are permissible on the same ground and under
2 the same procedures as the original commitment. An order of commitment may not
3 exceed two years.

4 (e) The department shall, by January 30 of each year, submit to the attorney
5 general, public defender, public advocate, Alaska Court System, and the attorney of
6 record for the respondent, if any, a report that details how many respondents are
7 committed under this section and how much time remains on each order of
8 commitment.

9 * **Sec. 41.** AS 47.30.780(a) is amended to read:

10 (a) Except as provided in (b) **and (c)** of this section, the professional person in
11 charge shall at any time discharge a respondent on the ground that the respondent is no
12 longer gravely disabled or likely to cause serious harm as a result of mental illness. A
13 certificate to this effect shall be sent to the court, which shall enter an order officially
14 terminating the involuntary commitment.

15 * **Sec. 42.** AS 47.30.780 is amended by adding new subsections to read:

16 (c) If a respondent committed under AS 47.30.770 or 47.30.771 has a criminal
17 history that includes a felony offense against a person under AS 11.41 or felony arson,
18 including an offense for which the respondent was found incompetent to stand trial
19 under AS 12.47.100 and 12.47.110, the professional person in charge may not
20 discharge the respondent under (a) of this section unless the court enters an order
21 officially terminating the involuntary commitment. The court shall give the
22 prosecuting authority 10 days' notice before the professional person in charge may
23 discharge a respondent under this subsection.

24 (d) Except as provided in (e) of this section, a respondent committed under
25 AS 47.30.771 may petition the court for early discharge at any time during the
26 commitment if the respondent presents some evidence demonstrating that the
27 respondent is no longer likely to cause serious harm to self or others. The court shall
28 grant early discharge unless the state proves by clear and convincing evidence that the
29 respondent remains likely to cause serious harm to self or others.

30 (e) A respondent may not file a petition for early discharge within 180 days
31 after the date the court enters an initial commitment order or a final order ruling on a

1 previous petition for early discharge.

2 * **Sec. 43.** AS 47.30.805(a) is amended to read:

3 (a) Except as provided in (b) of this section,

4 (1) computations of a 72-hour [EVALUATION] period under
5 AS 47.30.706, 47.30.708, [AS 47.30.708] or 47.30.715 or a 48-hour [DETENTION]
6 period under AS 47.30.685 do not include Saturdays, Sundays, legal holidays, or any
7 period of time necessary to transport the respondent to the treatment facility, except
8 that if the exclusion of Saturdays, Sundays, and legal holidays from the computation
9 of a 72-hour evaluation period or 48-hour detention period would result in the
10 respondent being held for longer than 72 hours or 48 hours, as applicable, the period
11 ends at 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday;

12 (2) a seven-day detention at a crisis residential center expires at the end
13 of the seventh day following the respondent's arrival at the crisis stabilization center or
14 the crisis residential center, whichever is earlier;

15 (3) a 30-day commitment period expires at the end of the 30th day
16 after the 72 hours following initial acceptance;

17 (4) a 90-day commitment period expires at the end of the 90th day
18 after the expiration of a 30-day period of treatment;

19 (5) a 180-day commitment period expires at the end of the 180th day,
20 after the expiration of a 90-day period of treatment or previous 180-day period,
21 whichever is applicable;

22 (6) a two-year commitment period expires not later than two years
23 after the expiration of a 180-day period of treatment.

24 * **Sec. 44.** AS 47.30.845 is amended to read:

25 **Sec. 47.30.845. Confidential records.** Information and records obtained in the
26 course of a screening investigation, evaluation, examination, or treatment are
27 confidential and are not public records, except as the requirements of a hearing under
28 AS 47.30.660 - 47.30.915 may necessitate a different procedure. Information and
29 records may be copied and disclosed under regulations established by the department
30 only to

31 (1) a physician or a provider of health, mental health, or social and

1 welfare services involved in caring for, treating, or rehabilitating the patient;

2 (2) the patient or an individual to whom the patient has given written
3 consent to have information disclosed;

4 (3) a person authorized by a court order;

5 (4) a person doing research or maintaining health statistics if the
6 anonymity of the patient is assured and the facility recognizes the project as a bona
7 fide research or statistical undertaking;

8 (5) the Department of Corrections in a case in which a prisoner
9 confined to the state prison is a patient in the state hospital on authorized transfer
10 either by voluntary admission or by court order;

11 (6) a governmental or law enforcement agency when necessary to
12 secure the return of a patient who is on unauthorized absence from a facility where the
13 patient was undergoing evaluation or treatment;

14 (7) a law enforcement agency when there is substantiated concern over
15 imminent danger to the community by a presumed mentally ill person;

16 (8) the department in a case in which services provided under
17 AS 47.30.660 - 47.30.915 are paid for, in whole or in part, by the department or in
18 which a person has applied for or has received assistance from the department for
19 those services;

20 (9) the Department of Public Safety as provided in AS 47.30.907;
21 information provided under this paragraph may not include diagnostic or clinical
22 information regarding a patient;

23 **(10) the Department of Law as provided in AS 47.30.727.**

24 * **Sec. 45.** The uncodified law of the State of Alaska enacted in sec. 142(c), ch. 4, FSSLA
25 2019, is amended to read:

26 (c) The following sections apply to the duty to register as a sex offender for
27 offenses committed

28 **(1) before,** on, or after the effective date of those sections:

29 **(A)** [(1)] AS 12.63.010(d), as amended by sec. 82, **ch. 4,**
30 **FSSLA 2019** [OF THIS ACT];

31 **(B)** **AS 12.63.020(a)(2) and (b)** [(2) AS 12.63.020], as

amended by sec. 83, ch. 4, FSSLA 2019 [OF THIS ACT];

(C) [(3)] AS 12.63.100(6), as amended by sec. 84, ch. 4, FSSLA 2019 [OF THIS ACT];

(D) AS 12.63.100(7)(E) [(4) AS 12.63.100(7)], as amended by sec. 85, ch. 4, FSSLA 2019;

(2) on or after the effective date of those sections:

(A) AS 12.63.020(a)(1), as amended by sec. 83, ch. 4, FSSLA 2019;

(B) AS 12.63.100(7)(C), as amended by sec. 85, ch. 4, FSSLA 2019 [OF THIS ACT].

* **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 6(s), Alaska Rules of Criminal Procedure, is amended to read:

(s) Admissibility of Evidence.

(1) Evidence which would be legally admissible at trial shall be admissible before the grand jury. Witnesses [IN APPROPRIATE CASES, HOWEVER, WITNESSES] may be presented to summarize admissible evidence if the admissible evidence will be available at trial. [EXCEPT AS STATED IN SUBPARAGRAPHS (2), (3), AND (6), HEARSAY EVIDENCE SHALL NOT BE PRESENTED TO THE GRAND JURY ABSENT COMPELLING JUSTIFICATION FOR ITS INTRODUCTION. IF HEARSAY EVIDENCE IS PRESENTED TO THE GRAND JURY, THE REASONS FOR ITS USE SHALL BE STATED ON THE RECORD.]

(2) The rules regarding hearsay under Article VIII, Alaska Rules of Evidence, do not apply to grand jury proceedings.

(3) [IN A PROSECUTION FOR AN OFFENSE UNDER AS 11.41.410 - 11.41.458, HEARSAY EVIDENCE OF A STATEMENT RELATED TO THE OFFENSE, NOT OTHERWISE ADMISSIBLE, MADE BY A CHILD WHO IS THE VICTIM OF THE OFFENSE MAY BE ADMITTED INTO EVIDENCE BEFORE THE GRAND JURY IF

1 (i) THE CIRCUMSTANCES OF THE STATEMENT
2 INDICATE ITS RELIABILITY;

3 (ii) THE CHILD IS UNDER 10 YEARS OF AGE
4 WHEN THE HEARSAY EVIDENCE IS SOUGHT TO BE
5 ADMITTED;

6 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
7 TO CORROBORATE THE STATEMENT; AND

8 (iv) THE CHILD TESTIFIES AT THE GRAND JURY
9 PROCEEDING OR THE CHILD WILL BE AVAILABLE TO
10 TESTIFY AT TRIAL.

11 (3) HEARSAY EVIDENCE RELATED TO THE OFFENSE, NOT
12 OTHERWISE ADMISSIBLE, MAY BE ADMITTED INTO EVIDENCE BEFORE
13 THE GRAND JURY IF

14 (i) THE INDIVIDUAL PRESENTING THE
15 HEARSAY EVIDENCE IS A PEACE OFFICER INVOLVED IN THE
16 INVESTIGATION; AND

17 (ii) THE HEARSAY EVIDENCE CONSISTS OF THE
18 STATEMENT AND OBSERVATIONS MADE BY ANOTHER
19 PEACE OFFICER IN THE COURSE OF AN INVESTIGATION;
20 AND

21 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
22 TO CORROBORATE THE STATEMENT.

23 (4) If the testimony presented by a peace officer [UNDER
24 PARAGRAPH (3) OF THIS SECTION] is inaccurate because of intentional, grossly
25 negligent, or negligent misstatements or omissions, then the court shall dismiss an
26 indictment resulting from the testimony if the defendant shows that the inaccuracy
27 prejudices substantial rights of the defendant.

28 [(5) IN THIS SECTION "STATEMENT" MEANS AN ORAL OR
29 WRITTEN ASSERTION OR NONVERBAL CONDUCT IF THE NONVERBAL
30 CONDUCT IS INTENDED AS AN ASSERTION.

31 (6) WHEN A PRIOR CONVICTION IS AN ELEMENT OF AN

1 OFFENSE, HEARSAY EVIDENCE RECEIVED THROUGH THE ALASKA
2 PUBLIC SAFETY INFORMATION NETWORK OR FROM OTHER
3 GOVERNMENT AGENCIES OF PRIOR CONVICTIONS MAY BE PRESENTED
4 TO THE GRAND JURY.]

5 * **Sec. 47.** AS 12.40.110 is repealed.

6 * **Sec. 48.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 APPLICABILITY. (a) AS 11.41.110(a), as amended by sec. 2 of this Act,
9 AS 11.41.120(a), as amended by sec. 3 of this Act, AS 11.41.140, as amended by sec. 4 of
10 this Act, AS 11.41.260(a), as amended by sec. 5 of this Act, AS 11.71.010(a), as amended by
11 sec. 11 of this Act, AS 11.71.010(b), as amended by sec. 12 of this Act, AS 11.71.021(a), as
12 amended by sec. 13 of this Act, AS 12.55.125(c), as amended by sec. 19 of this Act, and
13 AS 18.66.990(3), as amended by sec. 29 of this Act, apply to offenses committed on or after
14 the effective date of secs. 2 - 5, 11 - 13, and 29 of this Act.

15 (b) Except as otherwise provided in this Act, the duty imposed by AS 12.63.010(b), as
16 amended by sec. 23 of this Act, AS 12.63.010(d), as amended by sec. 24 of this Act, and
17 AS 12.63.010(g) and (h), enacted by sec. 25 of this Act, applies to the duty to register as a sex
18 offender or child kidnapper for offenses committed before, on, or after the effective date of
19 secs. 23 - 25 of this Act.

20 (c) AS 12.63.020(a), as amended by sec. 26 of this Act, applies to the tolling of the
21 duty to register as a sex offender or child kidnapper on or after the effective date of sec. 26 of
22 this Act for determinations of noncompliance made by the Department of Public Safety on or
23 after the effective date of sec. 26 of this Act.

24 (d) Nothing in AS 12.63.020(a), as amended by sec. 26 of this Act, may be construed
25 as invalidating a decision by the Department of Public Safety to toll the period of registration
26 or continue the period of registration under AS 12.63 before the effective date of sec. 26 of
27 this Act.

28 (e) AS 12.63.100(7), as amended by sec. 27 of this Act, applies to the duty to register
29 as a sex offender for offenses committed on or after the effective date of sec. 27 of this Act.

30 (f) Rule 6(s), Alaska Rules of Criminal Procedure, as amended by sec. 46 of this Act,
31 applies to indictments occurring on or after the effective date of sec. 46 of this Act for

1 offenses committed before, on, or after the effective date of sec. 46 of this Act.

2 * **Sec. 49.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **CONDITIONAL EFFECT.** Rule 6(s), Alaska Rules of Criminal Procedure, as
5 amended by sec. 46 of this Act, takes effect only if sec. 46 of this Act receives the two-thirds
6 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

7 * **Sec. 50.** Section 45 of this Act takes effect immediately under AS 01.10.070(c).

8 * **Sec. 51.** Except as provided in sec. 50 of this Act, this Act takes effect January 1, 2025.

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB066-DOA-OPA-2-23-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Judiciary

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

Expenditures/Revenues

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

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
			FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personal Services	184.3		184.3	184.3	184.3	184.3	184.3
Travel	5.5		5.5	5.5	5.5	5.5	5.5
Services	42.5		42.5	42.5	42.5	42.5	42.5
Commodities	3.5		3.5	3.5	3.5	3.5	3.5
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	235.8	0.0	235.8	235.8	235.8	235.8	235.8

Fund Source (Operating Only)

1004 Gen Fund (UGF)	235.8		235.8	235.8	235.8	235.8	235.8
Total	235.8	0.0	235.8	235.8	235.8	235.8	235.8

Positions

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

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note and cost increases due to salary adjustments.

Prepared By: <u>James Stinson, Director</u>	Phone: (907)260-3500
Division: <u>Office of Public Advocacy</u>	Date: 02/23/2024 12:00 PM
Approved By: <u>Leslie Isaacs, Administrative Services Director</u>	Date: 02/23/24
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. HB066

Analysis

This bill establishes a new murder charge where a person manufactures or delivers a controlled substance and a person dies as a direct result of taking the illegal drugs.

Cases charged as high level felonies with significant penalties often result in increased litigation and pre-trial preparation that can include contested sentencing and post-conviction litigation increasing the workload and costs for the Office of Public Advocacy.

The Agency will need the following positions to address the increased workload:

Add Attorney 4 (range 24/C, Anchorage)

Personal Services - \$184.3

Travel - \$5.5

Indirect - \$14.8

Contractual - \$27.7

Commodities - \$3.5

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB066-DOA-OPA-2-23-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Judiciary

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

Expenditures/Revenues

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

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates					
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES								
Personal Services	184.3		184.3	184.3	184.3	184.3	184.3	184.3
Travel	5.5		5.5	5.5	5.5	5.5	5.5	5.5
Services	42.5		42.5	42.5	42.5	42.5	42.5	42.5
Commodities	3.5		3.5	3.5	3.5	3.5	3.5	3.5
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	235.8	0.0	235.8	235.8	235.8	235.8	235.8	235.8

Fund Source (Operating Only)

1004 Gen Fund (UGF)	235.8		235.8	235.8	235.8	235.8	235.8	235.8
Total	235.8	0.0	235.8	235.8	235.8	235.8	235.8	235.8

Positions

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

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note and cost increases due to salary adjustments.

Prepared By:	James Stinson, Director	Phone:	(907)260-3500
Division:	Office of Public Advocacy	Date:	02/23/2024 12:00 PM
Approved By:	Leslie Isaacs, Administrative Services Director	Date:	02/23/24
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. HB066

Analysis

This bill establishes a new murder charge where a person manufactures or delivers a controlled substance and a person dies as a direct result of taking the illegal drugs.

Cases charged as high level felonies with significant penalties often result in increased litigation and pre-trial preparation that can include contested sentencing and post-conviction litigation increasing the workload and costs for the Office of Public Advocacy.

The Agency will need the following positions to address the increased workload:

Add Attorney 4 (range 24/C, Anchorage)

Personal Services - \$184.3

Travel - \$5.5

Indirect - \$14.8

Contractual - \$27.7

Commodities - \$3.5

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB066CS(FIN)-LAW-CJL-2-23-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: (S) JUD

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

Expenditures/Revenues

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

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
			FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version/comments:

Transcription from SLA 2023 template to SLA 2024 template.
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Prepared By: <u>Dayna Mackey, Budget Manager</u>	Phone: <u>(907)465-3674</u>
Division: <u>Administrative Services Division</u>	Date: <u>02/23/2024 09:30 AM</u>
Approved By: <u>Amber LeBlanc, Administrative Services Director</u>	Date: <u>02/23/24</u>
Agency: <u>Department of Law</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. CSHB 66

Analysis

This legislation:

- increases the penalty when a person distributes a controlled substance and a person dies as a result of ingesting that substance from a class A felony (4-7 year presumptive term, max 20) to an unclassified felony (15-99 years);

- makes it misconduct involving a controlled substance in the first degree (unclassified, 5-99 years) when a person delivers a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered; and

- creates an enhanced presumptive sentence of 7-11 years when a person manufactures or delivers a schedule IA controlled sentence.

While the Criminal Division may see some increase in litigation due to the increased penalties associated with the above mentioned changes, it anticipates it will be able to absorb this additional work within its existing budget and, therefore, does not anticipate a fiscal impact at this time.

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	CSHB 66(JUD)
Fiscal Note Number:	7
(H) Publish Date:	3/27/2023

Identifier: HB066-JUD-ACS-02-27-23
 Title: CONTROLLED
 SUB;HOMICIDE;CRIMES;SENTENCING
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: House Judiciary Committee

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

Expenditures/Revenues

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

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates					
			FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2024) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? no
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version/comments:

Initial version

Prepared By: Nancy Meade, General Counsel
 Division: Alaska Court System
 Approved By: Nancy Meade for Stacey Marz, Administrative Director
 Agency: Alaska Court System

Phone: (907)463-4736
 Date: 02/27/2023 10:00 AM
 Date: 02/27/23

REPORTED OUT OF
HFC 05/08/2023

Control Code: kJIUN

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

House Bill 66 would change the classification of the crime of knowingly manufacturing or delivering certain controlled substances, when that conduct directly results in the death of a person, from its current classification as Manslaughter to instead become Murder in the Second Degree. This means that the specified conduct will change from a class A felony to an Unclassified felony, with the increased penalties that correspond to that more serious classification. Changes in classifications of offenses can sometimes cause a fiscal impact on the court system, but this offense is not commonly charged and is not expected to increase workload or cause any impact.

In addition, section 2 of HB 66 provides that prisoners convicted of any felony drug crime would no longer be eligible for the good time deduction of one-third of their prison term, and will instead remain incarcerated for the entire sentenced term, absent other circumstances. Though an increase in the amount of time a sentenced person is required to spend in prison may cause parties to handle cases differently due to the changed consequences of a conviction, this provision is not expected to cause a fiscal impact for the court system.

The court system therefore submits this zero fiscal note.

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB066CS(FIN)AM-FCS-PS-02-23-2024
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Judiciary Committee

Department: Department of Family and Community Services
Appropriation: Juvenile Justice
Allocation: Probation Services
OMB Component Number: 3314

Expenditures/Revenues

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

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
			FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note template.

Prepared By: David Flaten, Social Services Program Officer
Division: Juvenile Justice
Approved By: Marian Sweet, Assistant Commissioner
Agency: Family and Community Services

Phone: (907)465-8466
Date: 02/23/2024 08:45 AM
Date: 02/23/24

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. CSHB66

Analysis

The bill amends Alaska statute by reclassifying the crime of illegally manufacturing or delivering a controlled substance that directly results in a person dying from Manslaughter (class A felony) to Murder in the second degree (unclassified felony). The bill also makes minor changes to misconduct involving a controlled substance in the third degree (class B felony). The criteria for the offense of providing a VIA (marijuana) controlled substance to a person under 19 years of age and at least three years younger than the person delivering, is changed to delivery of a VIA controlled substance to a person under 18 years of age.

The Department of Family and Community Services, Division of Juvenile Justice serves juvenile offenders based upon their needs and risk to offend. The bill will have no fiscal or programmatic impact on the division.

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB066-DOA-PDA-1-16-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Judiciary

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

Expenditures/Revenues

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

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
			FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025					
Personal Services	368.6		368.6	368.6	368.6	368.6	368.6
Travel	11.0		11.0	11.0	11.0	11.0	11.0
Services	85.0		85.0	85.0	85.0	85.0	85.0
Commodities	7.0		7.0	7.0	7.0	7.0	7.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	471.6	0.0	471.6	471.6	471.6	471.6	471.6

Fund Source (Operating Only)

1004 Gen Fund (UGF)	471.6		471.6	471.6	471.6	471.6	471.6
Total	471.6	0.0	471.6	471.6	471.6	471.6	471.6

Positions

Full-time	2.0		2.0	2.0	2.0	2.0	2.0
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note and cost increases due to salary adjustments.

Prepared By:	Terrence Haas, Director	Phone:	(907)334-4414
Division:	Public Defender Agency	Date:	01/16/2024 12:00 AM
Approved By:	Leslie Isaacs, Administrative Services Director	Date:	02/23/24
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. HB066

Analysis

This bill establishes a new murder charge where a person manufactures or delivers a controlled substance and a person dies as a direct result of taking the illegal drugs.

Cases charged as high level felonies with significant penalties often result in increased litigation and pre-trial preparation that can include contested sentencing and post-conviction litigation increasing the workload and costs for the Public Defender Agency.

The Agency will need the following positions to address the increased workload:

Add Attorney 4 (range 24/C, Anchorage)

Personal Services - \$184.3

Travel - \$5.5

Indirect - \$14.8

Contractual - \$27.7

Commodities - \$3.5

Add Attorney 4 (range 24/C, Palmer)

Personal Services - \$184.3

Travel - \$5.5

Indirect - \$14.8

Contractual - \$27.7

Commodities - \$3.5

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: CSHB66-DOC-IDO-02-23-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: S JUD

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

Expenditures/Revenues

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

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates					
			FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note template.

Prepared By: Janelle Earls
Division: Administrative Operations Manager
Approved By: Teri West, Administrative Services Director
Agency: Department of Corrections

Phone: (907)465-8168
Date: 02/23/2024
Date: 02/23/24

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. CSHB 66

Analysis

This legislation amends conditions for the crimes of murder in the second degree, misconduct involving a controlled substance in the first, second, third, and fourth degrees, adds definitions for "ingestion", "incapacitated", and "mentally incapable", and adds penalties associated with these crimes.

AS 11.41.110(a) is amended to include the condition that when someone who manufactures or delivers a controlled substance and the recipient dies as a result of ingesting the drug, the "dealer" can be charged with Murder 2, which is an unclassified felony.

AS 11.71.010(a) is amended by adding the condition that when someone who delivers any amount of schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered commits the crime of misconduct involving a controlled substance in the first degree.

AS 11.71.021(a) is amended to add methamphetamine, or its salts, isomers, or salts of isomers to the list of chemicals involved in a crime of misconduct in the second degree.

AS 11.71.030(a) amends language to include the condition that the delivery of any amount of a schedule VIA controlled substance to a person under 18 years of age who is at least three years younger than the person delivering the substance commits the crime of misconduct involving a controlled substance in the third degree.

AS 11.71.040(a) amends language to include the condition that the delivery of any amount of a schedule VIA controlled substance to a person under 18 years of age who is at least three years younger than the person delivering the substance commits the crime of misconduct involving a controlled substance in the fourth degree.

AS 12.55.125(c) is amended by adding the conviction for manufacturing or delivery under AS 11.71021(a)(1) and AS 11.71.140(c)(29), if the offense is a first felony conviction, be seven to 11 years.

The impact of these changes is anticipated to increase the daily inmate population by less than 100 per day, however, based on current offender population counts, this increase will not exceed the current available bed capacity within the prison system. Therefore, there is no immediate financial impact associated with these changes and a zero fiscal note is submitted.

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB66-DPS-AST-01-11-2024
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: (S) JUDICIARY

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska Bureau of Investigation
OMB Component Number: 2744

Expenditures/Revenues

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

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
			FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No.
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note template.

Prepared By: Lisa Purinton, Statewide Services Director
Division: Statewide Services
Approved By: Pam Halloran, Administrative Services Director
Agency: Department of Public Safety

Phone: (907)269-5581
Date: 01/11/2024
Date: 01/01/24

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. HB66

Analysis

This proposed bill amends Alaska's homicide statutes by making it second-degree murder to knowingly manufacture or deliver a controlled substance in violation of certain controlled substance laws where a person dies as a direct result of ingesting the substance; and the bill creates a new criminal offense and aligns with Governor Dunleavy's public safety priorities by holding offenders accountable for their actions.

The bill also amends AS 33.20.010(a) adding an exemption for good time sentencing credits for conduct involving manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance.

Within the Department of Public Safety (DPS), Division of Alaska State Troopers (AST), the Alaska Bureau of Investigation (ABI) comprises State Trooper Investigators working in specialized units in Anchorage, Mat-Su, Fairbanks, Soldotna, Southeast Alaska, and Western Alaska. ABI coordinates and conducts major criminal investigations, including homicides, sexual assaults, fraud, forgery, computer and internet crimes, surveillance, missing persons, and lengthier property crimes investigations. ABI is also tasked with enforcing bootlegging and illegal drug distribution throughout Alaska.

The new subsection of murder in the second degree proposed in this bill will not result in the need for additional resources within ABI to handle homicide cases requiring investigation as written.

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB66-DPS-AST-01-11-2024
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: (S) JUDICIARY

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska Bureau of Investigation
OMB Component Number: 2744

Expenditures/Revenues

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

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
			FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES							
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No.
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note template.

Prepared By:	Lisa Purinton, Statewide Services Director	Phone:	(907)269-5581
Division:	Statewide Services	Date:	01/11/2024
Approved By:	Pam Halloran, Administrative Services Director	Date:	01/01/24
Agency:	Department of Public Safety		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. HB66

Analysis

This proposed bill amends Alaska’s homicide statutes by making it second-degree murder to knowingly manufacture or deliver a controlled substance in violation of certain controlled substance laws where a person dies as a direct result of ingesting the substance; and the bill creates a new criminal offense and aligns with Governor Dunleavy’s public safety priorities by holding offenders accountable for their actions.

The bill also amends AS 33.20.010(a) adding an exemption for good time sentencing credits for conduct involving manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance.

Within the Department of Public Safety (DPS), Division of Alaska State Troopers (AST), the Alaska Bureau of Investigation (ABI) comprises State Trooper Investigators working in specialized units in Anchorage, Mat-Su, Fairbanks, Soldotna, Southeast Alaska, and Western Alaska. ABI coordinates and conducts major criminal investigations, including homicides, sexual assaults, fraud, forgery, computer and internet crimes, surveillance, missing persons, and lengthier property crimes investigations. ABI is also tasked with enforcing bootlegging and illegal drug distribution throughout Alaska.

The new subsection of murder in the second degree proposed in this bill will not result in the need for additional resources within ABI to handle homicide cases requiring investigation as written.

Braes letter

I was asked to write something about the loss of my son, Braeden, and how his death from a fentanyl poisoning has affected me and my family but I can tell you, it's hard to put into words.

There's nothing that can fill the hole that has been left behind for me, my family, and many friends. His absence is deeply felt, every day.

He was only 20 years old when he died. Six foot six and a smile as bright as the sun that would light up any room when he entered. He was looking forward to traveling and exploring the world as soon as Covid restrictions were lifted but that never happened for him.

I went to his apartment on a Monday morning to wake him for work and found him slumped over, expired in his chair. I didn't know what to do but try to lift him out of it and perform CPR, even though I knew it was too late.

His skin was purple and there was a slight bit of blood coming from his nose. He had hemorrhaged from being in that position too long.

It was hard to move him because he was so much taller than me, but I managed and as I laid him down, I heard the last little bit of breath that was trapped in his lungs escape and that was it, I started screaming.

My only son was gone. Just like that.

I was there for his first breath, and I was there for his last. Most of me died that day, right along with Brae and I don't know that I'll ever recover.

To see him lying there in the funeral home days later was surreal, it shouldn't have been happening, but it was and it did.

Sometimes, I have to remind myself that he was real, he was here and that I didn't imagine the best part of my life. He was a bright spot in all of our lives, and it was snuffed out by someone who didn't care about him or anyone else they were poisoning, all for the sake of money.

Meanwhile, we are all left behind, wondering what we could have done or said that would have made a difference in Braedens life and guided the trajectory of it down a different path, but he was in an experimental phase, trying to figure himself out and was robbed of the opportunity to correct himself because of the desperation and greed of a drug dealer.

The lengths that drug makers or dealers will go to get people hooked and using are endless and the lack of care and respect for life is obvious.

It is time for them to be put on notice and make it known that we will not stand for their dealings in death any longer. There needs to be serious consequences for this complete disregard of life, and they need to know how their actions affect the communities they live in. They destroy more than just the person who uses the drugs they provide; it devastates entire families.

I ask God every day, why He took my boy from me and the world.

I may never have the answer, but I feel like we can make a difference and use his story and others, as an example to change laws and bring some justice for those who have been lost needlessly but not pointlessly.

Braedens memory lives on.

Thank you for your time.
Forever grieving,
Athena Fulton

--

From: Mike Coons <[REDACTED]>
Sent: Monday, May 01, 2023 2:46 PM
To: House Finance
Subject: Support HB 66

I strongly support HB 66

As a Paramedic, I have had to treat many patients on drugs. We have had to use Narcan on patients that were on the verge of dying, then having to deal with them fighting us since we took away their fix.

Those same patients all got this poison from a pusher. The pushers know this can and will kill. Thankfully I didn't have to deal with the new more deadlier drugs of today, Fentanyl and others. All not just kill the user but put EMS and Law Enforcement at risk of dying having to touch even small quantities of drugs like Fentanyl!

In reading the bill, I don't see an attempted murder charge in pushing this poison. Maybe we can't get to that level, but we should be able to make an attempted murder charge involving EMS and Law Enforcement if they are harmed by exposure to these drugs.

These pushers of this poison should be behind bars for life, if I had my way, but this is a great start. Maybe when we have a stronger legislature in the future, this can be elevated to first degree and life with no chance of parole!

Mike Coons
Palmer AK

--

Using Opera's mail client:

[https://urldefense.com/v3/__http://www.opera.com/mail/__;!!LdQKC6s!O6qcNTK92WpcdXPOyBdKgjHMvqyCXpc0ipuTAN7mh40dV4MpXu4OZ5dJbK2RzxhulEgS44yq9wgm6OCWv2vWy9U\\$](https://urldefense.com/v3/__http://www.opera.com/mail/__;!!LdQKC6s!O6qcNTK92WpcdXPOyBdKgjHMvqyCXpc0ipuTAN7mh40dV4MpXu4OZ5dJbK2RzxhulEgS44yq9wgm6OCWv2vWy9U$)

From: Jonathan Pistotnik <jpistotnik@nwalaska.org>
Sent: Tuesday, May 02, 2023 10:52 PM
To: House Finance
Subject: HB 66, Section 5

House Finance Members,

HB 66 proposes to eliminate good time credits for particular drug-related offenses. Please remove this Section from the bill as it removes a tool that can be leveraged by the State of Alaska Dept. of Corrections to promote rehabilitation, encourage good behavior within our correctional facilities, and help contribute to safe environments for corrections staff.

The removal of good time credits in this instance is a punitive measure, and is intended to serve as a deterrent from engaging in certain criminal acts. However, this form of a sanction occurs too far in the future from the time of the crime to have any meaning or weight. It presupposes that people engaged in these behaviors are rational thinkers. As Professor Dr. Mark Keleiman stated in his book *When Brute Force Fails: Strategic Thinking For Crime Control*, many criminal offenders are not rational thinkers but rather "impulsive, myopic, and ill-informed."

As it pertains to the removal of good time credits, the bill sponsor is misapplying a sanction to a behavior that is not proximate, and therefore is likely meaningless as a crime deterrent. It would further solidify Alaska as a state interested in purely punitive policy actions, rather than substantive and smart solutions to crime prevention.

In this instance we are talking about good time credits that would be applied as an incentive inside a prison years after a conviction and sentence has been handed down. Good time credit is a tool in the tool box of DOC intended to promote safety inside Alaska's prison. Do not further inhibit the use of this tool, and remove this language from HB 66.

Respectfully,

Jonathan Pistotnik

Jonathan Pistotnik (he/him), MPH
Coalition Coordinator
Anchorage Reentry Coalition
Office: 907-677-8412
jpistotnik@nwalaska.org
[Anchorage Reentry Coalition Partner & Resource Database](#)





JUNEAU REENTRY COALITION

*Promoting Success After Incarceration
To Reduce Recidivism and Increase Public Safety*

May 3, 2023

Alaska State Legislature
Housing Finance Committee

Dear House Finance Committee:

The Juneau Reentry Coalition urges the Alaska House Finance Committee to delete Section 5 of CSHB 66 (JUD) related to Good Time.

Good Time is positive reinforcement for correct behavior. Using positive reinforcement to incentivize acceptable behavior is a well-established physiological concept and method for changing behavior. Many effective behavioral treatments and services are founded on this principle.

Incarcerated individuals demonstrating reformative behavior in the Alaska correctional system are incentivized with Good Time. Conversely, incarcerated individuals that display unwanted institutional behaviors lose Good Time. The idea of incentives and sanctions for violations within the correctional setting is so profound that former DOC Commissioner Nancy Dahlstrom implemented Policy 901.16 in the department, providing that all Probation / Parole Officers shall investigate and respond to positive and negative behaviors swiftly and in proportion to the behavior.

Good Time helps make communities safer. When an individual is released under the Good Time provision, they do so under parole supervision. It is commonly understood, backed by research, that effective rehabilitation and incentives to engage in rehabilitative activities (such as substance abuse treatment, education and training, etc.) are more effective strategies for reducing criminal behavior than longer sentences. Removing Good Time is effectively the opposite of this understanding.

The Juneau Reentry Coalition's mission is to promote public safety within the community by identifying and implementing strategies that increase all justice-involved individuals' success and reduces the likelihood of recidivism. The coalition supports strategies, such as Good Time, for meeting these goals.

Please amend CSHB 66 (JUD) by removing Section 5.

Sincerely yours,



Teri Tibbett
Community Co-chair



Don Habeger
Coalition Coordinator

From: [Smith](#)
To: [Sen. Matt Claman](#); [Forrest Wolfe](#)
Subject: HB 66 Support
Date: Friday, January 26, 2024 9:07:18 AM

Senator and Staff,

I spoke yesterday with a Mr. Forrest Wolfe and requested assistance in a matter I've been working on for some time. The below story is what I had sent to Congressman Wright to begin work on eliminating Veteran Suicide.

My name is Jeremy Smith, I'm a Fairbanks resident and frustrated disabled veteran.

Last year I lost a friend, a veteran, a retired police officer to a drug overdose. A problem that unfortunately neither my wife or I knew about. The drug dealers which sold this Veteran narcotics were caught on camera selling him the narcotics, in fact the video footage captures the argument about how much the narcotics cost. Less than 12 hours later, a Veteran lost his life to narcotics.

We reached out to the Alaska State Troopers, The Attorney General of Alaska, The Governor and our local representatives and nothing was done, in-fact when I submitted these issues to the Alaska State Ombudsman's office, I was told I needed to seek legal counsel, for what I'm not sure, but it was very frightening. As of today, these two drug dealers are walking the streets.

Now this next statement may seem a bit dramatic, but on its face, the in-action told a lot of us veterans that Meth dealers can murder us with no consequences, that was devastating to the at least 30 veterans in our circle.

All that said, I'm not trying to rehash something our local prosecutor and law enforcement chose not to go after, I tried to fight that battle and lost, I tried to seek justice and I was told none was available.

I point this out as these are the big issues that Veterans face, and when veterans need help, we hesitate because of the perception the systems that are there to protect and support us have let us down. I'd hope you can somewhat understand that perspective.

I'm asking today for your help. I'm nothing but a frustrated veteran that sees the Veterans Administration ask for 300 Billion tax payer dollars, and yet 6000 Veterans commit suicide every year and I find it very difficult to believe the 300 Billion is being spent in the most judicious manner to save Veterans as the number of yearly suicides hasn't dropped below 6000 in twenty years.

I want to emphasize, I truly believe the VA wants to help Veterans, and every employee is dedicated to try and do the best they can, but as I'm sure you're keenly aware, bureaucracy sometimes leads to inefficiency. Now when we deal with normal government business, I'm a retired NH-04, inefficiency and buffonery just part of business but Veterans suicide is not one of those things that can get lost in the bureaucracy.

One of the most frustrating parts of this path I'm on is the people empowered to help keep

asking me for solutions, to which my response is, I don't get paid to fix these problems, you folks do.

All that said, if you empowered me today, I don't have the answer, and perhaps it is unanswerable, perhaps it is hopeless, but I'm not going to give up.

To close let me apologize for the rambling and get to what I'm actually asking for,

I'd ask for a meeting to voice my own, as well as the hundreds alaska veterans I know, to discuss these issues and find out if/how I can help get this problem under control, and perhaps when the congress meets, the discussions could be started about how to stop Alaska Veteran Suicide as I truly believe a partial solution is a "grassroots" effort by Veteran volunteers supported by our Government to stop this travesty.

Thank you for your time, and your dedication to our State, and our country.

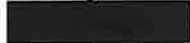
I couldn't end this email without something from the heart, I sincerely hope this message and story helps pass this bill, if it does, Doug and his family, and the brothers and sisters who surrounded him will be able to peacefully rest knowing another veteran won't succumb to the same fate.

When the complaining seems too much, please remember Colin Powell's words; "The day soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help, or concluded that you do not care. Either case is a leadership failure."

Thank you for listening.

V/R

Jeremy Smith





Alaska Department of Health
Division of Public Health
Health Analytics and Vital Records Section
HealthAnalytics@Alaska.Gov
Office of Substance Misuse and Addiction Prevention
OSMAP@Alaska.Gov



Alaska Facts and Figures

2021 Drug Overdose Mortality Update (July 25th, 2022)

Background

Drug overdoses are a significant contributor to mortality in Alaska and represent an ongoing public health concern. Deaths by overdose have been increasing annually since 2018. This report is designed to provide an update on the current state of Alaska drug overdose mortality through 2021. Data from 2021 may be incomplete and should be considered provisional and subject to change.

Methods

The Alaska Health Analytics and Vital Records Section's Electronic Vital Records System was queried for Alaska resident or non-resident certificates of death occurring in-state between 2012 and 2021. Overdoses are identified using the International Classification of Disease, 10th Revision (ICD-10) codes for unintentional (X40-X44), suicide (X60-X64), homicide (X85), or undetermined intent (Y10-Y14) drug poisoning. Overdose deaths are tabulated based on the decedent's underlying cause of death (defined as the condition or injury that initiated the train of morbid events leading directly to death). Deaths due to alcohol-poisoning or drug-related traumatic injuries such as motor vehicle accidents are not included.

Overdose deaths are further categorized by the multiple contributing causes of death (defined as all other causes in the train of morbid events) in order to identify select types of illicit drugs. This includes selected ICD-10 codes for narcotic and psychodysleptic (hallucinogen) drugs ("narcotics": T400-T409), antiepileptic, sedative-hypnotic and antiparkinsonism drugs ("sedatives": T420-T428) and psychotropic drugs, not elsewhere classified ("psychotropics": T430-T439). The literal text of the cause of death descriptions are also analyzed to identify additional drugs not directly captured using ICD-10 codes. This includes fentanyl and its analogues and methamphetamine, which are classified as sub-categories of other synthetic narcotic (T404) and psychostimulant (T436) drugs, respectively. Tabulations of overdose deaths by drug type are not mutually exclusive and a single overdose involving multiple drugs can be counted in multiple drug categories. Multidrug overdoses and the top fatal drug combinations are also examined.

Data are stratified by the demographic and regional characteristics of the decedent, including sex, bridged race, ethnicity, age, and Public Health Region where the death occurred. Death rates per 100,000 are calculated using population estimates from the Alaska Department of Labor and Workforce Development. If any population estimates were not available at the time of analysis, values were substituted using the previous year's estimate. Rates are age-adjusted by U.S. Standard Year 2000 Population levels, when possible, to correct for natural differences in the age distribution of the population. Results have not been tested for statistical significance and are subject to change.

Results

Overdose Summary

- 1,382 drug overdose deaths have occurred in Alaska between 2012 and 2021 (an average of about 138 deaths per year).
 - In 2021, there were 253 overdose deaths, up from 146 in 2020.
 - In 2021, the overdose death rate was 35.2 deaths per 100,000, up from 20.2 in 2020.
- By sex, men typically experience higher overdose death rates than women.
 - In 2021, the overdose death rate for men was 42.9 deaths per 100,000, compared to 26.9 for women.
- By race, American Indian/Alaska Native (AI/AN) people typically experience higher overdose death rates than other races.
 - In 2021, the overdose death rate for AI/AN people was 77.7 deaths per 100,000, compared to 40.1 in 2020.
 - In 2021, the overdose death rate for White people was 28.8 deaths per 100,000, compared to 15.6 in 2020.
 - In 2021, Asian/PI, Black, and Hispanic (of any race) people experienced fewer than 20 overdose deaths, making rate estimates statistically unreliable.
- By age, young adults and middle-aged people between 25 to 54 years old typically experience higher overdose death rates than other ages.
 - In 2021, the overdose death rate was highest among people aged 25 to 34 years old, at 64.6 deaths per 100,000. This was followed closely by people aged 45 to 54 years old and aged 35 to 44 years old, at 63.4 and 57.2 deaths per 100,000, respectively.
- By geography, the Anchorage Public Health Region had the state’s highest overdose death rate in 2021, at 49.3 deaths per 100,000, up from 31.4 in 2020.

Figure 1. Overdose Deaths by Year (2012-2021)

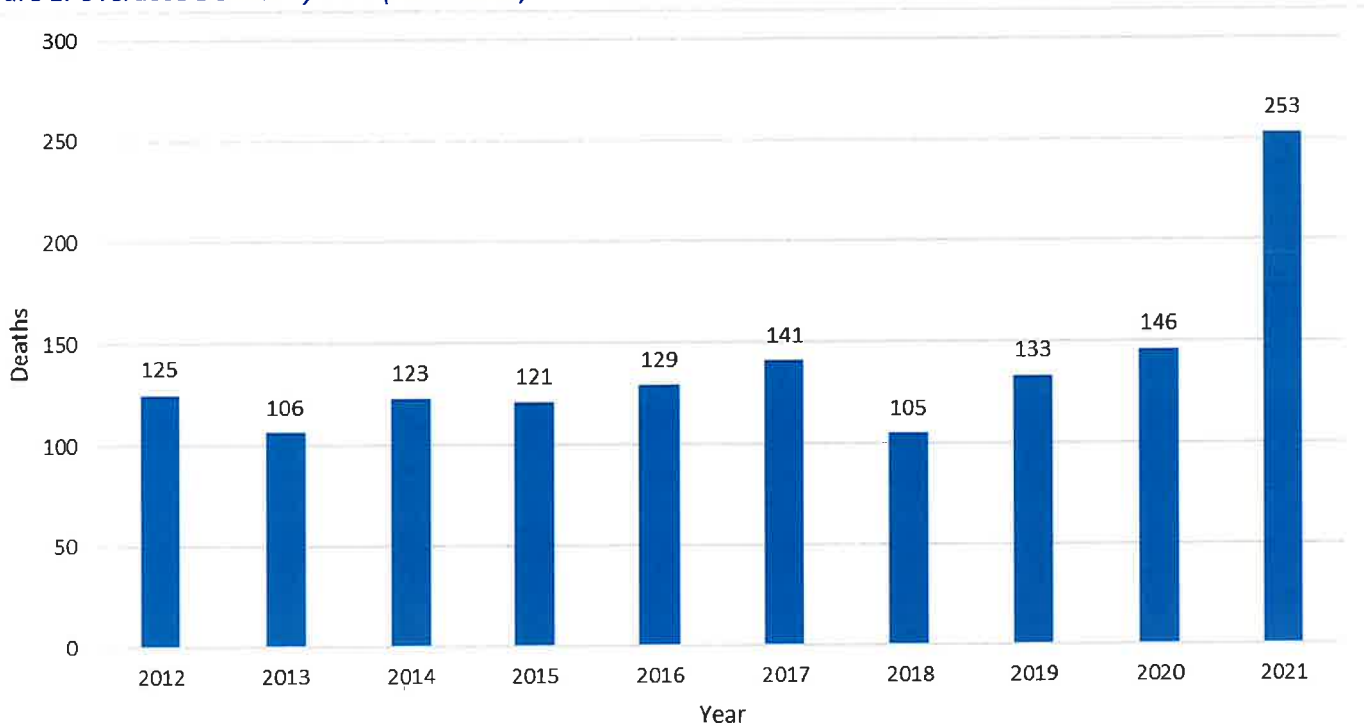


Table 1. Overdose Deaths by Year (2012-2021)

Underlying Cause	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total
Drug Overdose	125	106	123	121	129	141	105	133	146	253	1,382

Note: Drug poisoning (overdose) underlying cause of death ICD-10 codes: X40-X44, X60-X64, X85, Y10-Y14.

2021 Drug Overdose Mortality Update

Table 2. Overdose Deaths (Rates) by Sex (2017-2021)¹

Sex	2017	2018	2019	2020	2021
Male	82 (22.3)	60 (15.1)	93 (24.4)	94 (25.3)	159 (42.9)
Female	59 (16.1)	45 (12.7)	40 (11.3)	52 (14.8)	94 (26.9)

Table 3. Overdose Deaths (Rates) by Race/Ethnicity (2017-2021)¹

Race/Ethnicity	2017	2018	2019	2020	2021
White	94 (18.3)	73 (13.5)	80 (15.3)	80 (15.6)	146 (28.8)
AI/AN	36 (30.7)	22 (20.7)	40 (34.8)	45 (40.1)	90 (77.7)
Asian/PI	2 (**)	1 (**)	5 (**)	4 (**)	2 (**)
Black	7 (24.2*)	8 (21.8*)	8 (27.0*)	12 (34.7*)	13 (39.4*)
Hispanic (Any Race)	8 (16.2*)	3 (**)	1 (**)	4 (**)	6 (11.3*)

Table 4. Overdose Deaths (Rates) by Age (2017-2021)¹

Age	2017	2018	2019	2020	2021
<5 Years	0 (NA)	0 (NA)	1 (**)	0 (NA)	0 (NA)
5-14 Years	0 (NA)	0 (NA)	0 (NA)	0 (NA)	0 (NA)
15-24 Years	11 (11.4*)	10 (10.5*)	7 (7.5*)	18 (19.5*)	27 (29.2)
25-34 Years	35 (30.4)	22 (19.5)	46 (41.0)	33 (30.0)	71 (64.6)
35-44 Years	32 (34.1)	23 (24.1)	34 (35.0)	36 (36.1)	57 (57.2)
45-54 Years	36 (39.2)	23 (26.0)	19 (22.2*)	29 (34.7)	53 (63.4)
55-64 Years	21 (21.1)	24 (24.3)	17 (17.4*)	24 (25.3)	32 (33.7)
65-74 Years	4 (**)	3 (**)	7 (11.3*)	5 (**)	10 (15.5*)
75-84 Years	2 (**)	0 (NA)	2 (**)	1 (**)	3 (**)
85+ Years	0 (NA)	0 (NA)	0 (NA)	0 (NA)	0 (NA)

Table 5. Overdose Deaths (Rates) by Region (2017-2021)¹

Region	2017	2018	2019	2020	2021
Anchorage	81 (27.3)	51 (16.5)	57 (19.3)	90 (31.4)	142 (49.3)
Gulf Coast	10 (13.1*)	15 (17.7*)	16 (18.8*)	12 (12.8*)	30 (40.3)
Interior	17 (14.8*)	12 (10.3*)	22 (19.3)	10 (8.2*)	19 (15.9*)
Mat-Su	13 (12.4*)	15 (14.1*)	15 (15.0*)	20 (19.0)	27 (24.5)
Northern	0 (NA)	1 (**)	5 (**)	3 (**)	3 (**)
Southeast	15 (20.5*)	7 (9.0*)	11 (15.3*)	7 (10.8*)	24 (35.0)
Southwest	5 (**)	4 (**)	7 (16.9*)	4 (**)	8 (21.1*)
Statewide	141 (19.3)	105 (14.0)	133 (18.1)	146 (20.2)	253 (35.2)

Note: Drug poisoning (overdose) underlying cause of death ICD-10 codes: X40-X44, X60-X64, X85, Y10-Y14.

1. Death rate per 100,000 population. Age-adjusted by U.S. Year 2000 Standard Populations for Sex, Race/Ethnicity, and Region.

* Rates based on fewer than 20 events are statistically unreliable and should be used with caution.

* Rates based on fewer than 6 events are not reported.

Overdoses by Drug

- 778 total drug overdose deaths occurred in Alaska between 2017 and 2021.
- 546 opioid overdose deaths occurred in Alaska between 2017 and 2021 (an average of about 109 deaths per year).
 - In 2021, there were 196 opioid overdose deaths, up from 102 in 2020.
 - In 2021, the opioid overdose death rate was 27.3 deaths per 100,000, up from 14.0 in 2020.
 - Other synthetic narcotics, a category that includes synthetic opioids such as fentanyl, were involved in 150 deaths.
- 403 psychostimulant overdose deaths occurred in Alaska between 2017 and 2021 (an average of about 81 deaths per year).
 - In 2021, there were 159 psychostimulant overdose deaths, up from 67 in 2020.
 - In 2021, the psychostimulant overdose death rate was 22.2 deaths per 100,000, up from 9.4 in 2020.

Table 6. Narcotics Overdose Deaths (Rates) by Drug (2017-2021)¹

Drug (ICD-10 Code)	2017	2018	2019	2020	2021
Total Narcotics (T400-T409)	107 (14.4)	72 (9.3)	88 (11.7)	107 (14.6)	199 (27.6)
Opioids (T400-T404, T406)	100 (13.6)	65 (8.4)	83 (11.0)	102 (14.0)	196 (27.3)
Heroin (T401)	36 (4.9)	28 (3.7)	45 (6.0)	31 (4.3)	65 (9.0)
Analgesic Opioids (T402-T404)	75 (10.0)	46 (5.9)	60 (7.8)	88 (12.1)	177 (24.7)
Analgesics Excl. Other Synth. (T402-T403)	50 (6.6)	37 (4.8)	46 (6.0)	44 (5.7)	79 (10.9)
Other Opioids (T402)	46 (6.1)	33 (4.3)	41 (5.3)	37 (4.7)	72 (9.9)
Methadone (T403)	8 (1.0*)	9 (1.2*)	9 (1.2*)	8 (1.1*)	12 (1.6*)
Other Synthetic Narcotics (T404)	37 (4.8)	16 (2.0*)	23 (3.2)	61 (8.7)	150 (21.1)
Fentanyl (T404 + Fentanyl Or Analogue)	28 (3.6)	9 (1.1*)	15 (2.2*)	58 (8.2)	145 (20.4)
Other And Unspecified Narcotics (T406)	24 (3.4)	22 (2.9)	24 (3.0)	23 (3.0)	15 (2.0*)
Non-Opioids (T405, 407-409)	18 (2.3*)	11 (1.4*)	7 (0.9*)	21 (2.9)	13 (1.5*)
Cocaine (T405)	18 (2.3*)	10 (1.3*)	7 (0.9*)	21 (2.9)	11 (1.3*)
Cannabis (Derivatives) (T407)	0 (NA)	1 (**)	0 (NA)	0 (NA)	2 (**)

Table 7. Sedatives Overdose Deaths (Rates) by Drug (2017-2021)¹

Drug (ICD-10 Code)	2017	2018	2019	2020	2021
Total Sedatives (T420-T428)	39 (5.4)	26 (3.6)	26 (3.7)	26 (3.6)	20 (2.9)
Benzodiazepines (T424)	32 (4.5)	24 (3.2)	18 (2.6*)	20 (2.8)	12 (1.7*)

Table 8. Psychotropics Overdose Deaths (Rates) by Drug (2017-2021)¹

Drug (ICD-10 Code)	2017	2018	2019	2020	2021
Total Psychotropics (T430-T439)	78 (10.8)	59 (8.2)	74 (9.9)	75 (10.4)	169 (23.6)
Antidepressants (T430-T432)	13 (1.8*)	11 (1.7*)	11 (1.6*)	10 (1.3*)	13 (1.9*)
Antipsychotics (T433-T435)	7 (0.9*)	5 (**)	2 (**)	4 (**)	6 (0.9*)
Psychostimulants (T436)	64 (9.0)	49 (6.7)	64 (8.6)	67 (9.4)	159 (22.2)
Methamphetamine (T436 + Meth.)	60 (8.4)	44 (6.0)	59 (7.8)	62 (8.7)	154 (21.5)

Note: Drug categories are not mutually exclusive. A single overdose death involving multiple drugs can be counted in multiple categories.

1. Death rate per 100,000 population. Age-adjusted by U.S. Year 2000 Standard Population.

* Rates based on fewer than 20 events are statistically unreliable and should be used with caution.

** Rates based on fewer than 6 events are not reported.

Overdoses by Drug - Trends

- Total drug overdose death rates have increased annually since 2018.
 - In 2021, the overdose death rate was 35.2 deaths per 100,000, up from 17.0 in 2012.
 - Increases in overdose death rates since 2018 appear to be driven largely by increases in narcotic and psychotropic drugs, both of which have increased since 2012.
 - Sedative drug overdose rates have been relatively stable over time, decreasing slightly since 2012.

Figure 2. Overdose Death Rates by Drug (2012-2021)¹

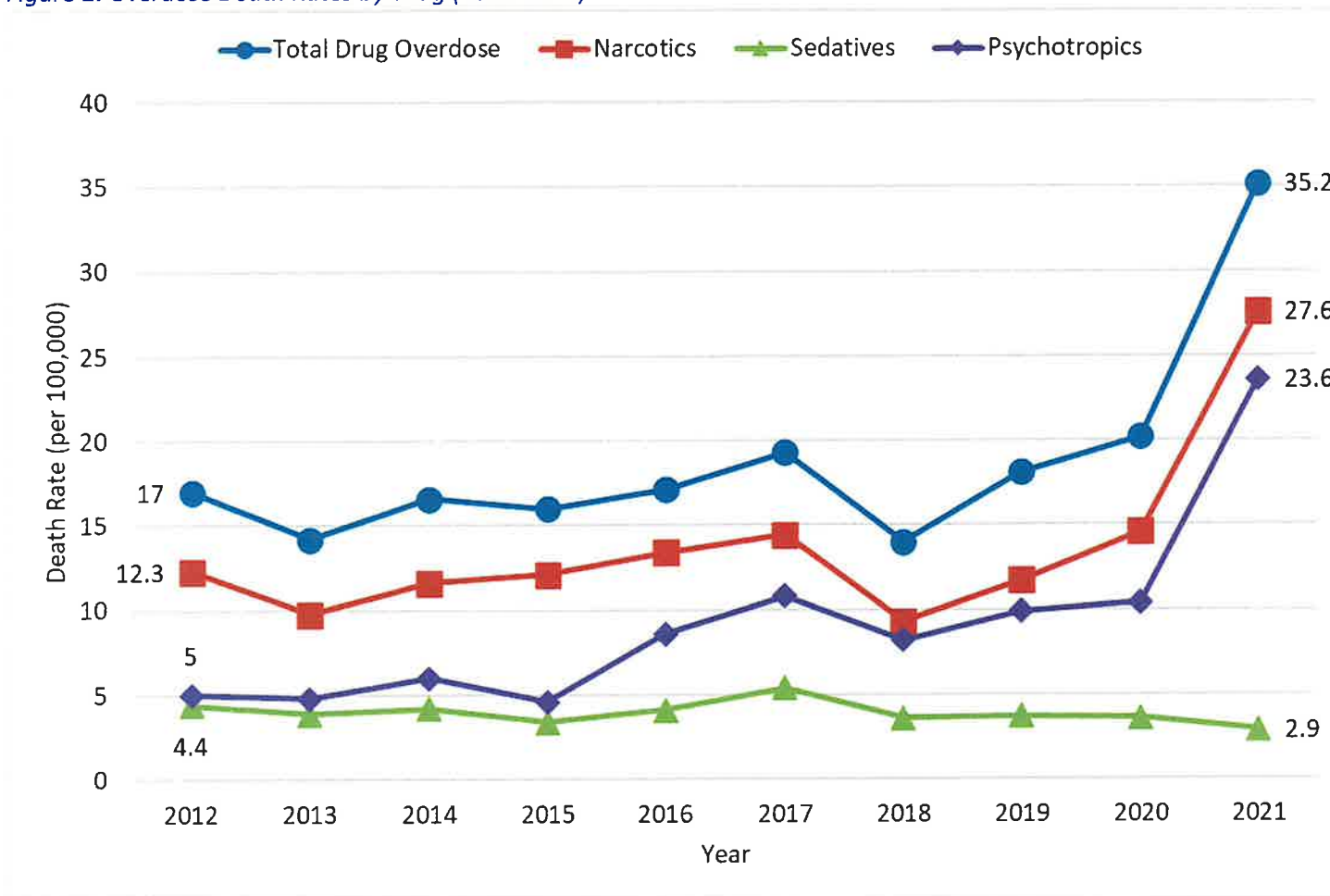


Table 9. Overdose Death Rates by Drug (2012-2021)¹

Drug	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total Drug Overdose	17	14.2	16.6	16	17.1	19.3	14	18.1	20.2	35.2
Narcotics	12.3	9.8	11.6	12.1	13.4	14.4	9.3	11.7	14.6	27.6
Sedatives	4.4	3.9	4.2	3.4	4.1	5.4	3.6	3.7	3.6	2.9
Psychotropics	5	4.8	6	4.6	8.6	10.8	8.2	9.9	10.4	23.6

Note: Drug categories are not mutually exclusive. A single overdose death involving multiple drugs can be counted in multiple categories.
 1. Death rate per 100,000 population. Age-adjusted by U.S. Year 2000 Standard Population.

Multidrug Overdoses

- Between 2017 and 2021, 37% of drug overdose deaths involved a single type of narcotic, sedative, or psychotropic drug, 25% involved two drugs, and 34% involved three or more drugs.
- Between 2017 and 2021, heroin plus psychostimulants were the two most common lethal multidrug combinations, found in 18.6% of drug overdose deaths. This was followed closely by other synthetic narcotics plus psychostimulants, found in 18.4% of deaths.

Table 10. Drug Overdose Deaths (Percentage) by Number of Drugs (2017-2021)

Drugs	2017	2018	2019	2020	2021	Total
One Drug	48 (34%)	45 (43%)	48 (36%)	57 (39%)	88 (35%)	286 (37%)
Two Drugs	39 (28%)	19 (18%)	29 (22%)	36 (25%)	69 (27%)	192 (25%)
Three or More Drugs	49 (35%)	38 (36%)	42 (32%)	43 (29%)	90 (36%)	262 (34%)
Other or Unspecified Drugs	5 (4%)	3 (3%)	14 (11%)	10 (7%)	6 (2%)	38 (5%)
Total Drug Overdoses	141 (100%)	105 (100%)	133 (100%)	146 (100%)	253 (100%)	778 (100%)

Note: Multidrug overdose deaths with drug types in selected ICD-10 code ranges for narcotic, sedative, or psychotropic drugs: T400-T409, T420-T428, T430-T439. Deaths with codes outside the selected range or where no drug was identified are classified as other or unspecified.

Table 11. Top Ten Multidrug Overdose Combinations by Deaths (2017-2021)

Rank	Drug A (ICD-10 Code)	Drug B (ICD-10 Code)	Deaths	% Total ODs (N=778)
1	Heroin (T401)	Psychostimulants (T436)	145	18.6%
2	Other Synthetic Narcotics (T404)	Psychostimulants (T436)	143	18.4%
3	Other Opioids (T402)	Psychostimulants (T436)	107	13.8%
4	Other Opioids (T402)	Other Synthetic Narcotics (T404)	90	11.6%
5	Heroin (T401)	Other And Unspecified Narcotics (T406)	76	9.8%
6	Other And Unspecified Narcotics (T406)	Psychostimulants (T436)	72	9.3%
7	Heroin (T401)	Other Synthetic Narcotics (T404)	71	9.1%
8	Heroin (T401)	Other Opioids (T402)	70	9.0%
9	Benzodiazepines (T424)	Other Opioids (T402)	52	6.7%
10	Other And Unspecified Narcotics (T406)	Other Opioids (T402)	51	6.6%

Note: Multidrug overdoses with drug types in selected ICD-10 code ranges for narcotic, sedative, or psychotropic drugs: T400-T409, T420-T428, T430-T439. Drug A and B order is arbitrary and not indicative of each drug’s level of contribution to the overdose death.

Discussion

In 2021, Alaska experienced the largest percent increase in overdose deaths of any state in the United States.¹ Between 2020–2021, drug overdose death rates increased for most drug categories examined in this report, resulting in a 74% increase in the overall drug overdose death rate. Of the drugs evaluated in the report, the largest increases were seen in overdose deaths involving fentanyl (a synthetic opioid) and methamphetamine (a psychostimulant), increasing 150% and 148%, respectively. The largest declines were seen in cocaine and benzodiazepine overdose deaths (48% and 40%, respectively). In 2021, individuals at comparatively higher risk of dying from drug overdose included men, American Indian/Alaska Native people, young adults, and those residing in the Anchorage Public Health Region. Multidrug use can be a significant driver of overdose mortality due to the physiological effects on the cardiovascular and respiratory systems when mixing categories of substances. Of the 778 total overdose deaths that occurred between 2017–2021, 58% involved drugs from more than one narcotic, sedative, or psychotropic category, including 34% that involved drugs from three or more categories.

¹ Ahmad FB, Rossen LM, Sutton P. Provisional drug overdose death counts. National Center for Health Statistics. 2021.

These data are consistent with recent national findings of most overdose deaths involving more than one substance.² 2019 data across 24 states and Washington DC revealed that fentanyl, heroin, cocaine, or methamphetamine (alone or in combination) were involved in nearly 85% of drug overdose deaths.³ Overdose deaths involving synthetic opioids excluding methadone (primarily fentanyl) are projected to have increased for the ninth straight year in 2021,⁴ as fentanyl continues to be mixed with heroin, stimulants, and counterfeit pills.⁵ In Alaska, fentanyl was involved in nearly three out of four opioid overdose deaths, and many of these fentanyl-involved overdose deaths involved an additional substance, such as methamphetamine or heroin. The high potency of fentanyl combined with the tendency for mixing or co-use with other substances complicates intervention and treatment efforts.

In Alaska, the number of overdose deaths involving methamphetamines increased by 148% in 2021. The significant number of deaths involving psychostimulants warrants an increase in available and accessible stimulant use disorder treatment, and further analysis into risk and protective factors associated with stimulant misuse and addiction. Psychostimulants were involved in the top three overdose drug combinations (with heroin, other synthetic narcotics, and other opioids being the other substances) across 778 overdose deaths in the last five years. This suggests that harm reduction strategies should be integrated across multiple venues that include naloxone distribution to people who use stimulants, and multidrug use education on the lethality of combining substances.

More than a dozen State of Alaska (SOA) programs focus on prevention, treatment, and recovery strategies to counter overdose morbidity and mortality. Several initiatives specifically address fentanyl-involved overdose deaths. Since 2017, SOA Department of Health (DOH) Office of Substance Misuse and Addiction Prevention, through Project HOPE,⁶ has distributed over 60,000 kits of naloxone to community members, a medication that has been demonstrated worldwide to reduce fatal overdose, with over 300 overdoses reversed in Alaska.^{7, 8} Currently, Project HOPE incorporates fentanyl test strips and other resources into each naloxone kit. In 2022, a new initiative called Project Gabe,⁹ supported by Project HOPE and the Section of Public Health Nursing, was launched to provide opioid misuse awareness, education, and prevention resources (including naloxone) to the fishing industry, as studies demonstrate employees in some occupational industries are at higher risk of being affected by the opioid epidemic. Finally, several public service announcements, posters, an Anchorage located bus advertisement, and website were developed and can be found at <http://opioids.alaska.gov>.

Engaging with people at high risk of overdose is key to preventing more deaths. Mobile crisis units connect people with the most appropriate resources from the onset of a behavioral health crisis through their recovery and follow up care. The Restore Hope in Linkage to Care Collaboration Program supports local behavioral health agencies, Anchorage Fire Department, and City of Fairbanks partners to connect people at point of emergency response to treatment and other social services. Since the inception of this program, 34 people engaged in treatment. The 1115 Medicaid Waiver Services is also integral to these efforts as it incorporated reimbursement rates for an increased breadth of behavioral health agencies as well as for mobile outreach and crisis response services.

SOA DOH has also been working with tribal and academic partners to incorporate a variety of provider education trainings, and tools including Project ECHO, a collaborative model of education that makes specialty knowledge more accessible to rural healthcare providers.¹⁰ Improving awareness among providers of their existing prescribing practices is important to support the

² Hedegaard, H., Bastian, B., Trinidad, J., Warner, M. (2018). "Drugs most frequently involved in drug overdose deaths: United State, 2011-2016." *National Vital Statistics Reports*, 67(9). Retrieved 22 Aug 2019 from: https://www.cdc.gov/nchs/data/nvsr/nvsr67/nvsr67_09-508.pdf.

³ O'Donnell, J., Gladden, RM., Mattson, C., et al. (2020). "Vital signs: characteristics of drug overdose deaths involving opioids and stimulants – 24 states and the District of Columbia, January-June 2019". *MMWR Morbidity and Mortality Weekly Report*, 69(35): 1189-1197.

⁴ Ahmad FB, Rossen LM, Sutton P. Provisional drug overdose death counts. National Center for Health Statistics. 2021.

⁵ Drug Enforcement Administration (DEA). "2020 National Drug Threat Assessment." Retrieved from: https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf.

⁶ Project Hope: <https://dhss.alaska.gov/health/osmap/Pages/hope.aspx>.

⁷ Chimbar, L., & Moleta, Y. (2018). "Naloxone effectiveness: a systematic review." *Journal of Addictions Nursing*, 29(3): 161-171.

⁸ B. Hanson (personal communication, November 10, 2020).

⁹ Project GABE: https://dhss.alaska.gov/health/News/Documents/press/2022/DHSS_PressRelease_DPH_ProjectGabe_20220607.pdf.

¹⁰ Project ECHO: <https://health.alaska.gov/dph/HealthPlanning/Pages/telehealth/ECHO.aspx>.

increase in training opportunities. The Alaska Medicaid Drug Utilization Program continues to promote evidence-based opioid prescribing activities and has resulted in a decrease in overall opioid prescribing within the Alaska Medicaid population. The SOA Department of Commerce, Community, and Economic Development facilitates the Prescription Drug Monitoring Program,¹¹ a system that requires all providers to report prescriptions of opioids and benzodiazepines as well as other substances. The system has seen a 41% increase in the number of registered users since 2018 and a 30% decrease in the total number of opioid prescriptions between 2017 and 2021.¹² The SOA DOH and Department of Corrections has scaled up screening, referral, linkage to care, and treatment funding and intervention through the implementation of the 1115 waiver,¹³ Alaska Prenatal Screening Program,¹⁴ and Medication Assisted Treatment training.¹⁵ Studies indicate that mortality risk is lowered when people access methadone or buprenorphine treatment.¹⁶

Aside from these examples of the SOA's efforts, a variety of state, federal, and local organizations have conducted interventions across the spectrum of prevention, treatment, and recovery. To continue to see the impact in 2023, SOA and its partners have, and will continue to, work upstream addressing social determinants of health¹⁷ and Adverse Childhood Experiences,¹⁸ availability of medication assisted treatment, and the demographic disparities in overdose mortality.

Evidence-Based Strategies to Reduce Drug Overdose Deaths

1. Prevention:

- a. Educational campaigns.
- b. Interventions tailored to the community.
- c. Prescription drug monitoring programs.
- d. Opioid prescribing guidelines.
- e. Regulating promotion and marketing of opioids.
- f. Better mental health care.
- g. Opioid safe disposal locations.

2. Harm Reduction:

- a. Availability of fentanyl test strips.
- b. Naloxone access and training.
- c. Syringe services programs.
- d. Supervised injection sites.

3. Treatment:

- a. Increase access to treatment, including through telehealth.
- b. Medications for opioid use disorder.
- c. Expand and diversify treatment workforce.
- d. Improve health care workforce addiction training.
- e. Reduce stigma for seeking care.
- f. Access to culturally competent care.
- g. Treatment alternatives to incarceration.

4. Recovery:

¹¹ <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PrescriptionDrugMonitoringProgram.aspx>.

¹² Alaska Prescription Drug Monitoring Program. (2022). "Alaska Prescription Drug Monitoring Program report to the 32nd Alaska State Legislature (2022)." *Prepared for the 32nd Alaska Legislature on May 2, 2022*. Retrieved from: https://www.commerce.alaska.gov/web/portals/5/pub/PHA_PDMP_2022_LegislativeReport.pdf.

¹³ <https://health.alaska.gov/dbh/Pages/1115/default.aspx>.

¹⁴ Singleton, R., Slaunwhite, A., Herrick, M., Hirschfeld, M., Brunner, L., ...Rider, E. (2019). "Research and policy priorities for addressing prenatal exposure to opioids in Alaska." *International Journal of Circumpolar Health*, 78(1).

¹⁵ <https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=192562>.

¹⁶ Sordo, L., Barrio, G., Bravo, M., Indave, B., Degehardt, L., ...Pastor-Barriuso, R. (2017). "Mortality risk during and after opioid substitution treatment: systematic review and meta-analysis of cohort studies." *The BMJ*, 357.

¹⁷ Healthypeople.gov. (2019). "Substance Abuse." Retrieved 16 Sept 2019 from: <https://www.healthypeople.gov/2020/leading-health-indicators/2020-lhi-topics/Substance-Abuse/determinants>.

¹⁸ Hughes, K., Bellis, M., Hardcastle, K., Sethi, D., Butchart, A., ... Dunne, M. (2017). "The effect of multiple adverse childhood experiences on health: a systematic review and meta-analysis." *The Lancet, Public Health*, 2(8): ee356-e366.

- a. Employment opportunities for people in recovery.
 - b. Expanded access to recovery housing.
 - c. Peer counseling.
 - d. Intensive support to sustain recovery.
5. Data Collection
- a. Promote timely collection of local data, including demographics.
 - b. Make real-time, disaggregated data available for identifying at-risk groups.
 - c. Use information gathered to inform effective, community tailored strategies.

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Controlled Substance Statutes Reference Chart¹

Statute	Class and Range²	Conduct
<u>11.71.010</u> Misconduct Involving a Controlled Substance in the <i>First</i> Degree	<u>Unclassified Felony</u> 5-99 Years (Maximum 99 Years)	<ul style="list-style-type: none"> • Delivers schedule IA, IIA, or IIIA controlled substances to people under 19 years of age where the dealer is more than 3 years older; • Engages in a continued felony drug dealing enterprise.
<u>11.71.021</u> Misconduct Involving a Controlled Substance in the <i>Second</i> Degree	<u>Class A Felony</u> 4-7 Years (Maximum 20 Years)	<ul style="list-style-type: none"> • Manufactures/delivers* a schedule IA controlled substance; • Manufactures/intends to manufacture methamphetamine (including possession certain quantities of listed chemicals with intent to manufacture methamphetamine).³
<u>11.71.030</u> Misconduct Involving a Controlled Substance in the <i>Third</i> Degree	<u>Class B Felony</u> 1-3 Years (Maximum 10 Years)	<ul style="list-style-type: none"> • Delivers schedule IVA, VA, or VIA controlled substances to people under 19 years of age where the dealer is 3 years older; • Manufactures/delivers* a schedule IIA or IIIA controlled substance.
<u>11.71.040</u> Misconduct Involving a Controlled Substance in the <i>Fourth</i> Degree	<u>Class C Felony</u> 0-2 Years (Maximum 5 Years)	<ul style="list-style-type: none"> • Manufactures/delivers* a schedule IVA or VA controlled substance; • <i>Possesses</i> any amount of a schedule IA controlled substance; • Manufactures/delivers* more than one ounce of a schedule VIA controlled substance without proper permitting.
<u>11.71.050</u> Misconduct Involving a Controlled Substance in the <i>Fifth</i> Degree	<u>Class A Misdemeanor</u> 0-365 Days (Maximum 365 Days)	<ul style="list-style-type: none"> • Manufactures/delivers* less than one ounce of a schedule VIA controlled substance without proper permitting; • Possesses any amount of a schedule IA, IIA, IIIA, IVA, or VA controlled substance without a proper prescription.

*Includes possession with intent to manufacture/deliver.

¹ This sheet provides a broad overview of 11.71, it is not comprehensive and is not meant to serve as legal advice or opinion. This is not a substitute for independent review of 11.71.

² Range is provided for a first-time offender.

³ Some listed chemicals include for example hydrochloric gas and red phosphorous. For a complete list see AS 11.71.200.

Drug Classifications⁴

Schedule ⁵	Included Drugs and Examples
IA	<ul style="list-style-type: none"> a) Synthetic and Non-synthetic Opiates <ul style="list-style-type: none"> ○ Heroin ○ Oxycodone ○ Fentanyl b) Gamma-Hydroxybutyric Acid <ul style="list-style-type: none"> ○ GHB (a common date rape drug)
IIA	<ul style="list-style-type: none"> a) Psychedelics/Hallucinogens <ul style="list-style-type: none"> ○ Peyote ○ Magic Mushrooms (Psilocybin) ○ PCP (Phencyclidine) ○ Ecstasy/Molly (MDMA) b) Stimulants <ul style="list-style-type: none"> ○ Methamphetamine ○ Adderall (Amphetamine) c) Barbiturates <ul style="list-style-type: none"> ○ Amobarbital ○ Pentobarbital d) Cocaine
IIIA	<ul style="list-style-type: none"> a) Stimulants: Appetite Suppressants <ul style="list-style-type: none"> ○ Didrex (Benzphetamine) b) Depressants: Sedative-Hypnotics <ul style="list-style-type: none"> ○ Glutethimide ○ Sulfonylurea c) Certain Anesthetics <ul style="list-style-type: none"> ○ Telazol/Zoletil (Tiletamine & Zolazepam)
IVA	<ul style="list-style-type: none"> a) Benzodiazepines <ul style="list-style-type: none"> ○ Xanax (Alprazolam) ○ Ativan (Lorazepam) ○ Valium (Diazepam) b) Ketamine
VA	<ul style="list-style-type: none"> a) Buprenorphine <ul style="list-style-type: none"> ○ Suboxone b) Anabolic Steroids <ul style="list-style-type: none"> ○ Testosterone ○ Anadrol (Oxymetholone)
VIA	<ul style="list-style-type: none"> a) Marijuana

⁴ This is not a comprehensive list of the controlled substance classifications. It is not legal advice and does not serve as a substitute for independent review of 11.71.

⁵ The Alaska Controlled Substance Schedule is in AS 11.71.140-11.71.190.



HB 66 Summary of Changes Made in the House

Version S to Version S.A

The sections and concepts below were added/changed on the House Floor:

- An amendment was adopted which made deaths that occur when a controlled substance is delivered to a person in violation of misconduct involving a controlled substance in the first through third degrees (AS 11.71.010 – 11.71.030) **murder in the second degree**.
 - A death resulting from a violation of misconduct involving a controlled substance in the fourth degree for a schedule IVA controlled substance would remain as manslaughter
- An amendment was adopted that made the delivery of methamphetamine misconduct involving a controlled substance in the second degree (class A felony) and subjected that conduct to an enhanced presumptive sentencing range of seven – 11 years.

Version B to Version S

The sections and concepts below were added/changed in House Finance:

- **Section 1** of the bill was redrafted for clarity. This change was a stylistic change and made no other legal change to the meaning of the language.
- New **sections 5 and 6** were added which makes it misconduct involving a controlled substance in the third degree (class B felony) if a person delivers marijuana to a person who is under 18 years of age and at least three years younger than the person delivering the marijuana. If a person delivers marijuana to a person who is 18 years of age it would be misconduct involving a controlled substance in the fourth degree (class C felony).
- Changed the enhanced penalty for delivering a schedule IA controlled substance that was added by House Judiciary to only applying to fentanyl.

- The provision of the bill restricting good time for felony level drug delivery and manufacture was removed.

Version A to Version B

The sections and concepts below were added/changed in House Judiciary:

- **Section 2** of the bill was amended to make delivering a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered misconduct involving a controlled substance in the first degree (unclassified felony);
- **Section 3** adds definitions associated with the changes in section 2; and
- **Section 4** creates an enhanced sentencing range of 7-11 years for those who are convicted of delivering a schedule IA controlled substance.



HB 66 Summary of Changes Made in the House

Version S to Version S.A

The sections and concepts below were added/changed on the House Floor:

- An amendment was adopted which made deaths that occur when a controlled substance is delivered to a person in violation of misconduct involving a controlled substance in the first through third degrees (AS 11.71.010 – 11.71.030) **murder in the second degree**.
 - A death resulting from a violation of misconduct involving a controlled substance in the fourth degree for a schedule IVA controlled substance would remain as manslaughter
- An amendment was adopted that made the delivery of methamphetamine misconduct involving a controlled substance in the second degree (class A felony) and subjected that conduct to an enhanced presumptive sentencing range of seven – 11 years.

Version B to Version S

The sections and concepts below were added/changed in House Finance:

- **Section 1** of the bill was redrafted for clarity. This change was a stylistic change and made no other legal change to the meaning of the language.
- New **sections 5 and 6** were added which makes it misconduct involving a controlled substance in the third degree (class B felony) if a person delivers marijuana to a person who is under 18 years of age and at least three years younger than the person delivering the marijuana. If a person delivers marijuana to a person who is 18 years of age it would be misconduct involving a controlled substance in the fourth degree (class C felony).
- Changed the enhanced penalty for delivering a schedule IA controlled substance that was added by House Judiciary to only applying to fentanyl.

- The provision of the bill restricting good time for felony level drug delivery and manufacture was removed.

Version A to Version B

The sections and concepts below were added/changed in House Judiciary:

- **Section 2** of the bill was amended to make delivering a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered misconduct involving a controlled substance in the first degree (unclassified felony);
- **Section 3** adds definitions associated with the changes in section 2; and
- **Section 4** creates an enhanced sentencing range of 7-11 years for those who are convicted of delivering a schedule IA controlled substance.



**HB 66 CONTROLLED SUBSTANCES; HOMICIDE;—
SECTIONAL ANALYSIS
VERSION S.A**

May 12, 2023

Section 1. This section reclassifies a homicide resulting from conduct involving controlled substances from manslaughter to murder in the second degree. A person is guilty of murder in the second degree under this theory where the person violates misconduct involving a controlled substance in the first through third degrees and a person dies as a result of ingesting the drugs.

Section 2. This section specifies that if he person violates misconduct involving a controlled substance in the *fourth degree* for a schedule IVA controlled substance and a person dies it will remain as manslaughter.

Section 3. This section specifies that the death described in section 1 does not require a culpable mental state and defines “ingesting” as it relates to section 1 and 2. Both of these concepts are found in current law in conjunction with the language found in sec. 1 and 2.

Section 4. This section amends misconduct involving a controlled substance in the first degree (unclassified felony) to include where a person delivers a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered.

Section 5. This section adds definitions for “incapacitated” and “mentally incapable” to misconduct involving a controlled substance in the first degree. This change is related to the change made in section 4.

Section 6. This section makes the delivery of methamphetamine misconduct involving a controlled substance in the second degree (class A felony).

Section 7. This section makes it misconduct involving a controlled substance in the third degree (class B felony) to deliver marijuana to a person who is *under the age of 18* and at least three years younger than the person delivering the marijuana.

Section 8. This section makes it misconduct involving a controlled substance in the fourth degree (class C felony) to deliver marijuana to a person who *is 18 years of age* and at least three years younger than the person delivering the marijuana.

Section 9. This section creates an enhanced sentencing range of seven – 11 years for persons who are convicted of class A felony level manufacturing or delivering fentanyl or the delivery of methamphetamine.

Section 10. This section is the applicability section. This bill will apply to offenses occurring on or after the effective date.

Section 11. This section establishes the effective date as July 1, 2023.



HB 66
Homicide Involving Controlled Substances
Highlights

- **Drug related deaths plague our state¹**
 - 253 Alaskans died of a drug overdose in 2021.
 - 196 of those deaths were from opioids.
 - Alaska's overdose death rate increased by 102% from 2017 to 2021.
 - In 2021 the largest increases in overdose deaths were deaths involving fentanyl (150% increase) and methamphetamine (148% increase).
 - Between 2017 and 2021, heroin plus psychostimulants, like methamphetamine, was the most common lethal multidrug combination. This combination was found in 18.6% of drug overdose deaths.
 - Other synthetic narcotics in combination with psychostimulants were the second most common lethal multidrug combination. This combination was found in 18.4% of drug overdose deaths.
 - **Opioids (schedule IA) combined with psychostimulants (schedule IIA) are a common deadly combination.**

- **Reclassifies offense:** to combat the scourge drug related deaths are having on our state, this legislation reclassifies a homicide that occurs when a controlled substance is delivered to a person in violation of misconduct involving a controlled substance in the first through third degrees (AS 11.71.010 – 11.71.030) and the person dies from ingesting the controlled substance from **manslaughter to murder in the second degree.**
 - **A death resulting from a violation of misconduct involving a controlled substance in the fourth degree for a schedule IVA controlled substance would remain as manslaughter.**

- **Increases penalty for delivering a controlled substance to a person who is unaware that a controlled substance is being delivered**

¹ Alaska Department of Health, Division of Public Health, Drug Overdose Morality Update 2021 (2021), https://health.alaska.gov/dph/VitalStats/Documents/PDFs/DrugOverdoseMortalityUpdate_2021.pdf.

- Makes delivering a controlled substance to a person who is mentally incapable, incapacitated, or unaware that they are being given a controlled substance misconduct involving a controlled substance in the first degree.
 - Those who prey upon people who are in vulnerable states should be subject to a higher penalty than those who are purely distributing drugs.
- **Increases the presumptive penalty** for manufacturing or delivering fentanyl under AS 11.71.021 from 4-7 years to 7-11 years.
- **Increases the penalty for the delivery of methamphetamine** by making it misconduct involving a controlled substance in the second degree (class A felony) and subjecting it to an enhanced penalty of 7-11 years.

CS FOR HOUSE BILL NO. 66(FIN) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/10/23

Offered: 5/8/23

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to homicide resulting from conduct involving controlled substances;**
2 **relating to misconduct involving a controlled substance; relating to sentencing; and**
3 **providing for an effective date."**

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

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

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

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

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

13 (3) under circumstances not amounting to murder in the first degree
14 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the

1 person commits or attempts to commit arson in the first degree, kidnapping, sexual
 2 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
 3 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
 4 degree, escape in the first or second degree, robbery in any degree, or misconduct
 5 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)
 6 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
 7 in immediate flight from that crime, any person causes the death of a person other than
 8 one of the participants;

9 (4) acting with a criminal street gang, the person commits or attempts
 10 to commit a crime that is a felony and, in the course of or in furtherance of that crime
 11 or in immediate flight from that crime, any person causes the death of a person other
 12 than one of the participants; [OR]

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

16 (A) a felony violation of AS 11.41;

17 (B) in violation of a law or ordinance in another jurisdiction
 18 with elements similar to a felony under AS 11.41; [OR]

19 (C) an attempt, a solicitation, or a conspiracy to commit a
 20 crime listed in (A) or (B) of this paragraph; or

21 **(6) the person knowingly manufactures or delivers a controlled**
 22 **substance in violation of AS 11.71.010 - 11.71.030, and a person dies as a direct**
 23 **result of ingestion of the controlled substance; the death is a result that does not**
 24 **require a culpable mental state.**

25 * **Sec. 2.** AS 11.41.120(a) is amended to read:

26 (a) A person commits the crime of manslaughter if the person

27 (1) intentionally, knowingly, or recklessly causes the death of another
 28 person under circumstances not amounting to murder in the first or second degree;

29 (2) intentionally aids another person to commit suicide; or

30 (3) knowingly manufactures or delivers a controlled substance in
 31 violation of **AS 11.71.040(a)(1)** [AS 11.71.010 - 11.71.030 OR 11.71.040(a)(1)] for

1 schedule IVA controlled substances, and a person dies as a direct result of ingestion of
 2 the controlled substance; the death is a result that does not require a culpable mental
 3 state [; IN THIS PARAGRAPH, "INGESTION" MEANS VOLUNTARILY OR
 4 INVOLUNTARILY TAKING A SUBSTANCE INTO THE BODY IN ANY
 5 MANNER].

6 * Sec. 3. AS 11.41.140 is amended to read:

7 **Sec. 11.41.140. Definitions [DEFINITION].** In AS 11.41.100 - 11.41.140,

8 **(1) "ingestion" means voluntarily or involuntarily taking a**
 9 **substance into the body in any manner;**

10 **(2) "person" means,** when referring to the victim of a crime,
 11 [MEANS] a human being who has been born and was alive at the time of the criminal
 12 act; **a** [. A] person is "alive" if there is spontaneous respiratory or cardiac function or,
 13 when respiratory and cardiac functions are maintained by artificial means, there is
 14 spontaneous brain function.

15 * Sec. 4. AS 11.71.010(a) is amended to read:

16 (a) Except as authorized in AS 17.30, a person commits the crime of
 17 misconduct involving a controlled substance in the first degree if the person

18 (1) delivers any amount of a schedule IA controlled substance to a
 19 person under 19 years of age who is at least three years younger than the person
 20 delivering the substance;

21 (2) delivers any amount of a schedule IIA or IIIA controlled substance
 22 to a person under 19 years of age who is at least three years younger than the person
 23 delivering the substance; [OR]

24 (3) engages in a continuing criminal enterprise; **or**

25 **(4) delivers any amount of a schedule IA, IIA, IIIA, or IVA**
 26 **controlled substance to a person who is**

27 **(A) mentally incapable;**

28 **(B) incapacitated; or**

29 **(C) unaware that a controlled substance is being delivered.**

30 * Sec. 5. AS 11.71.010(b) is amended to read:

31 (b) For purposes of this section,

- 1 **(1)** a person is engaged in a "continuing criminal enterprise" if
- 2 **(A)** [(1)] the person commits a violation of this chapter which
- 3 is punishable as a felony; and
- 4 **(B)** [(2)] that violation is a part of a continuing series of five or
- 5 more violations of this chapter
- 6 **(i)** [(A)] which the person undertakes in concert with at
- 7 least five other persons organized, supervised, or otherwise managed by
- 8 the person; and
- 9 **(ii)** [(B)] from which the person obtains substantial
- 10 income or resources;
- 11 **(2) "incapacitated" has the meaning given in AS 11.41.470;**
- 12 **(3) "mentally incapable" has the meaning given in AS 11.41.470.**

13 * **Sec. 6.** AS 11.71.021(a) is amended to read:

14 (a) Except as authorized in AS 17.30, a person commits the crime of

15 misconduct involving a controlled substance in the second degree if the person

16 (1) manufactures or delivers any amount of a schedule IA controlled

17 substance or possesses any amount of a schedule IA controlled substance with intent

18 to manufacture or deliver;

19 (2) manufactures any material, compound, mixture, or preparation that

20 contains

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

22 or

23 (B) an immediate precursor of methamphetamine, or its salts,

24 isomers, or salts of isomers;

25 (3) possesses an immediate precursor of methamphetamine, or the

26 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,

27 with the intent to manufacture any material, compound, mixture, or preparation that

28 contains methamphetamine, or its salts, isomers, or salts of isomers;

29 (4) possesses a listed chemical with intent to manufacture any material,

30 compound, mixture, or preparation that contains

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

1 or

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

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

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

8 (A) an immediate precursor of methamphetamine, or the salts,
9 isomers, or salts of isomers of the immediate precursor of methamphetamine,
10 to another person with reckless disregard that the precursor will be used to
11 manufacture any material, compound, mixture, or preparation that contains
12 methamphetamine, or its salts, isomers, or salts of isomers; [OR]

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

16 (i) methamphetamine, or its salts, isomers, or salts of
17 isomers;

18 (ii) an immediate precursor of methamphetamine, or its
19 salts, isomers, or salts of isomers; or

20 (iii) methamphetamine, or its salts, isomers, or salts of
21 isomers in an organic solution; or

22 (C) methamphetamine, or its salts, isomers, or salts of
23 isomers.

24 * Sec. 7. AS 11.71.030(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 third degree if the person

27 (1) [REPEALED]

28 (2) delivers any amount of a

29 (A) schedule IVA or [,] VA [, OR VIA] controlled substance to
30 a person under 19 years of age who is at least three years younger than the
31 person delivering the substance; or

- 1 (A) with reckless disregard that the possession occurs
 2 (i) on or within 500 feet of school grounds; or
 3 (ii) at or within 500 feet of a recreation or youth center;

4 or

- 5 (B) on a school bus;

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

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

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

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

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

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

24 (11) [REPEALED]

25 (12) violates AS 11.71.050(a)(4) and, within the preceding 10 years,
 26 has been previously convicted of a crime under AS 11.71.050(a)(4), or a law or
 27 ordinance in this or another jurisdiction with elements similar to AS 11.71.050(a)(4);

28 or

29 **(13) delivers any amount of a schedule VIA controlled substance to**
 30 **a person who is 18 years of age who is at least three years younger than the**
 31 **person delivering the substance.**

1 * **Sec. 9.** AS 12.55.125(c) is amended to read:

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

6 (1) if the offense is a first felony conviction and does not involve
7 circumstances described in (2) of this subsection, four to seven years;

8 (2) if the offense is a first felony conviction

9 (A) and the defendant possessed a firearm, used a dangerous
10 instrument, or caused serious physical injury or death during the commission
11 of the offense, or knowingly directed the conduct constituting the offense at a
12 uniformed or otherwise clearly identified peace officer, firefighter, correctional
13 employee, emergency medical technician, paramedic, ambulance attendant, or
14 other emergency responder who was engaged in the performance of official
15 duties at the time of the offense, seven to 11 years;

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

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

22 (ii) in the course of manufacturing or in preparation for
23 manufacturing, the defendant obtained the assistance of one or more
24 children under 18 years of age or one or more children were present;

25 **(C) and the conviction is for manufacturing or delivery**
26 **under AS 11.71.021(a)(1) related to a schedule IA controlled substance set**
27 **out in AS 11.71.140(c)(29) or under AS 11.71.021(a)(6) related to a**
28 **schedule IIA controlled substance set out in AS 11.71.150(e)(2), seven to 11**
29 **years;**

30 (3) if the offense is a second felony conviction, 10 to 14 years;

31 (4) if the offense is a third felony conviction and the defendant is not

1 subject to sentencing under (I) of this section, 15 to 20 years.

2 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **APPLICABILITY.** AS 11.41.110(a), as amended by sec. 1 of this Act, AS 11.41.120(a), as
5 amended by sec. 2 of this Act, AS 11.41.140, as amended by sec. 3 of this Act,
6 AS 11.71.010(a), as amended by sec. 4 of this Act, AS 11.71.010(b), as amended by sec. 5 of
7 this Act, AS 11.71.021(a), as amended by sec. 6 of this Act, AS 11.71.030(a), as amended by
8 sec. 7 of this Act, AS 11.71.040(a), as amended by sec. 8 of this Act, and AS 12.55.125(c), as
9 amended by sec. 9 of this Act, apply to offenses committed on or after the effective date of
10 this Act.

11 * **Sec. 11.** This Act takes effect July 1, 2023.

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500



550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907-269-7450

Governor Mike Dunleavy
STATE OF ALASKA

February 7, 2023

The Honorable Cathy Tilton
Speaker of the House
Alaska State Legislature
State Capitol Room 208
Juneau, AK 99801-1182

Dear Speaker Tilton:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to penalties for drug distribution and using controlled substances.

Drugs and drug overdoses have had a devastating effect on our state. According to the Department of Health's 2021 Drug Overdose Mortality Update, between 2020 and 2021, Alaska experienced the largest percent increase of drug overdose deaths of any state. In 2021, Alaska recorded over 100 deaths more than the previous year. Unfortunately, fentanyl, a highly potent opioid, makes up a large percentage of these drug related deaths. Increasingly, those who distribute drugs are mixing fentanyl with other types of drugs in order to cultivate addiction and attract buyers. These buyers may not necessarily know that fentanyl is mixed in with their drug of choice, increasing the risks associated with drug use.

This legislation attacks the problem at the point of distribution, making it second degree murder when a person distributes or manufactures a controlled substance and a person dies as a direct result of ingesting that substance. This legislation further serves to protect our communities by ensuring offenders convicted of distributing or manufacturing drugs will not be subject to early release due to a "good time" deduction from their sentence. Those who choose to manufacture or distribute drugs illegally should be put on notice that there are significant consequences for the harm they cause.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Dunleavy".

Mike Dunleavy
Governor

Enclosure

CS FOR HOUSE BILL NO. 66(FIN) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/10/23

Offered: 5/8/23

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to homicide resulting from conduct involving controlled substances;**
2 **relating to misconduct involving a controlled substance; relating to sentencing; and**
3 **providing for an effective date."**

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

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

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

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

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

13 (3) under circumstances not amounting to murder in the first degree
14 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the

1 person commits or attempts to commit arson in the first degree, kidnapping, sexual
 2 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
 3 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
 4 degree, escape in the first or second degree, robbery in any degree, or misconduct
 5 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)
 6 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
 7 in immediate flight from that crime, any person causes the death of a person other than
 8 one of the participants;

9 (4) acting with a criminal street gang, the person commits or attempts
 10 to commit a crime that is a felony and, in the course of or in furtherance of that crime
 11 or in immediate flight from that crime, any person causes the death of a person other
 12 than one of the participants; [OR]

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

16 (A) a felony violation of AS 11.41;

17 (B) in violation of a law or ordinance in another jurisdiction
 18 with elements similar to a felony under AS 11.41; [OR]

19 (C) an attempt, a solicitation, or a conspiracy to commit a
 20 crime listed in (A) or (B) of this paragraph; or

21 **(6) the person knowingly manufactures or delivers a controlled**
 22 **substance in violation of AS 11.71.010 - 11.71.030, and a person dies as a direct**
 23 **result of ingestion of the controlled substance; the death is a result that does not**
 24 **require a culpable mental state.**

25 * **Sec. 2.** AS 11.41.120(a) is amended to read:

26 (a) A person commits the crime of manslaughter if the person

27 (1) intentionally, knowingly, or recklessly causes the death of another
 28 person under circumstances not amounting to murder in the first or second degree;

29 (2) intentionally aids another person to commit suicide; or

30 (3) knowingly manufactures or delivers a controlled substance in
 31 violation of **AS 11.71.040(a)(1)** [AS 11.71.010 - 11.71.030 OR 11.71.040(a)(1)] for

1 schedule IVA controlled substances, and a person dies as a direct result of ingestion of
 2 the controlled substance; the death is a result that does not require a culpable mental
 3 state [; IN THIS PARAGRAPH, "INGESTION" MEANS VOLUNTARILY OR
 4 INVOLUNTARILY TAKING A SUBSTANCE INTO THE BODY IN ANY
 5 MANNER].

6 * **Sec. 3.** AS 11.41.140 is amended to read:

7 **Sec. 11.41.140. Definitions [DEFINITION].** In AS 11.41.100 - 11.41.140,

8 **(1) "ingestion" means voluntarily or involuntarily taking a**
 9 **substance into the body in any manner;**

10 **(2) "person" means,** when referring to the victim of a crime,
 11 [MEANS] a human being who has been born and was alive at the time of the criminal
 12 act; **a** [. A] person is "alive" if there is spontaneous respiratory or cardiac function or,
 13 when respiratory and cardiac functions are maintained by artificial means, there is
 14 spontaneous brain function.

15 * **Sec. 4.** AS 11.71.010(a) is amended to read:

16 (a) Except as authorized in AS 17.30, a person commits the crime of
 17 misconduct involving a controlled substance in the first degree if the person

18 (1) delivers any amount of a schedule IA controlled substance to a
 19 person under 19 years of age who is at least three years younger than the person
 20 delivering the substance;

21 (2) delivers any amount of a schedule IIA or IIIA controlled substance
 22 to a person under 19 years of age who is at least three years younger than the person
 23 delivering the substance; [OR]

24 (3) engages in a continuing criminal enterprise; **or**

25 **(4) delivers any amount of a schedule IA, IIA, IIIA, or IVA**
 26 **controlled substance to a person who is**

27 **(A) mentally incapable;**

28 **(B) incapacitated; or**

29 **(C) unaware that a controlled substance is being delivered.**

30 * **Sec. 5.** AS 11.71.010(b) is amended to read:

31 (b) For purposes of this section,

- 1 **(1)** a person is engaged in a "continuing criminal enterprise" if
- 2 **(A)** [(1)] the person commits a violation of this chapter which
- 3 is punishable as a felony; and
- 4 **(B)** [(2)] that violation is a part of a continuing series of five or
- 5 more violations of this chapter
- 6 **(i)** [(A)] which the person undertakes in concert with at
- 7 least five other persons organized, supervised, or otherwise managed by
- 8 the person; and
- 9 **(ii)** [(B)] from which the person obtains substantial
- 10 income or resources;
- 11 **(2) "incapacitated" has the meaning given in AS 11.41.470;**
- 12 **(3) "mentally incapable" has the meaning given in AS 11.41.470.**

13 * **Sec. 6.** AS 11.71.021(a) is amended to read:

- 14 (a) Except as authorized in AS 17.30, a person commits the crime of
- 15 misconduct involving a controlled substance in the second degree if the person
- 16 (1) manufactures or delivers any amount of a schedule IA controlled
- 17 substance or possesses any amount of a schedule IA controlled substance with intent
- 18 to manufacture or deliver;
- 19 (2) manufactures any material, compound, mixture, or preparation that
- 20 contains
- 21 (A) methamphetamine, or its salts, isomers, or salts of isomers;
- 22 or
- 23 (B) an immediate precursor of methamphetamine, or its salts,
- 24 isomers, or salts of isomers;
- 25 (3) possesses an immediate precursor of methamphetamine, or the
- 26 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,
- 27 with the intent to manufacture any material, compound, mixture, or preparation that
- 28 contains methamphetamine, or its salts, isomers, or salts of isomers;
- 29 (4) possesses a listed chemical with intent to manufacture any material,
- 30 compound, mixture, or preparation that contains
- 31 (A) methamphetamine, or its salts, isomers, or salts of isomers;

1 or

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

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

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

8 (A) an immediate precursor of methamphetamine, or the salts,
9 isomers, or salts of isomers of the immediate precursor of methamphetamine,
10 to another person with reckless disregard that the precursor will be used to
11 manufacture any material, compound, mixture, or preparation that contains
12 methamphetamine, or its salts, isomers, or salts of isomers; [OR]

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

16 (i) methamphetamine, or its salts, isomers, or salts of
17 isomers;

18 (ii) an immediate precursor of methamphetamine, or its
19 salts, isomers, or salts of isomers; or

20 (iii) methamphetamine, or its salts, isomers, or salts of
21 isomers in an organic solution; or

22 (C) methamphetamine, or its salts, isomers, or salts of
23 isomers.

24 * Sec. 7. AS 11.71.030(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 third degree if the person

27 (1) [REPEALED]

28 (2) delivers any amount of a

29 (A) schedule IVA or [,] VA [, OR VIA] controlled substance to
30 a person under 19 years of age who is at least three years younger than the
31 person delivering the substance; or

1 (B) schedule VIA controlled substance to a person under 18
 2 years of age who is at least three years younger than the person delivering
 3 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) [REPEALED]

11 (5) [REPEALED]

12 (6) [REPEALED]

13 (7) [REPEALED]

14 (8) [REPEALED]

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

19 * **Sec. 8.** AS 11.71.040(a) is amended to read:

20 (a) Except as authorized in AS 17.30 and AS 17.38, a person commits the
 21 crime of misconduct involving a controlled substance in the fourth degree if the person

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

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

29 (3) possesses any amount of a schedule IA controlled substance listed
 30 in AS 11.71.140(e);

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

- 1 (A) with reckless disregard that the possession occurs
 2 (i) on or within 500 feet of school grounds; or
 3 (ii) at or within 500 feet of a recreation or youth center;
 4 or
 5 (B) on a school bus;
 6 (5) knowingly keeps or maintains any store, shop, warehouse,
 7 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for
 8 keeping or distributing controlled substances in violation of a felony offense under this
 9 chapter or AS 17.30;
 10 (6) makes, delivers, or possesses a punch, die, plate, stone, or other
 11 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
 12 mark, imprint, or device of another or any likeness of any of these on a drug, drug
 13 container, or labeling so as to render the drug a counterfeit substance;
 14 (7) knowingly uses in the course of the manufacture or distribution of a
 15 controlled substance a registration number that is fictitious, revoked, suspended, or
 16 issued to another person;
 17 (8) knowingly furnishes false or fraudulent information in or omits
 18 material information from any application, report, record, or other document required
 19 to be kept or filed under AS 17.30;
 20 (9) obtains possession of a controlled substance by misrepresentation,
 21 fraud, forgery, deception, or subterfuge;
 22 (10) affixes a false or forged label to a package or other container
 23 containing any controlled substance;
 24 (11) [REPEALED]
 25 (12) violates AS 11.71.050(a)(4) and, within the preceding 10 years,
 26 has been previously convicted of a crime under AS 11.71.050(a)(4), or a law or
 27 ordinance in this or another jurisdiction with elements similar to AS 11.71.050(a)(4);
 28 or
 29 (13) delivers any amount of a schedule VIA controlled substance to
 30 a person who is 18 years of age who is at least three years younger than the
 31 person delivering the substance.

1 * **Sec. 9.** AS 12.55.125(c) is amended to read:

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

6 (1) if the offense is a first felony conviction and does not involve
7 circumstances described in (2) of this subsection, four to seven years;

8 (2) if the offense is a first felony conviction

9 (A) and the defendant possessed a firearm, used a dangerous
10 instrument, or caused serious physical injury or death during the commission
11 of the offense, or knowingly directed the conduct constituting the offense at a
12 uniformed or otherwise clearly identified peace officer, firefighter, correctional
13 employee, emergency medical technician, paramedic, ambulance attendant, or
14 other emergency responder who was engaged in the performance of official
15 duties at the time of the offense, seven to 11 years;

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

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

22 (ii) in the course of manufacturing or in preparation for
23 manufacturing, the defendant obtained the assistance of one or more
24 children under 18 years of age or one or more children were present;

25 **(C) and the conviction is for manufacturing or delivery**
26 **under AS 11.71.021(a)(1) related to a schedule IA controlled substance set**
27 **out in AS 11.71.140(c)(29) or under AS 11.71.021(a)(6) related to a**
28 **schedule IIA controlled substance set out in AS 11.71.150(e)(2), seven to 11**
29 **years;**

30 (3) if the offense is a second felony conviction, 10 to 14 years;

31 (4) if the offense is a third felony conviction and the defendant is not

1 subject to sentencing under (I) of this section, 15 to 20 years.

2 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **APPLICABILITY.** AS 11.41.110(a), as amended by sec. 1 of this Act, AS 11.41.120(a), as
5 amended by sec. 2 of this Act, AS 11.41.140, as amended by sec. 3 of this Act,
6 AS 11.71.010(a), as amended by sec. 4 of this Act, AS 11.71.010(b), as amended by sec. 5 of
7 this Act, AS 11.71.021(a), as amended by sec. 6 of this Act, AS 11.71.030(a), as amended by
8 sec. 7 of this Act, AS 11.71.040(a), as amended by sec. 8 of this Act, and AS 12.55.125(c), as
9 amended by sec. 9 of this Act, apply to offenses committed on or after the effective date of
10 this Act.

11 * **Sec. 11.** This Act takes effect July 1, 2023.

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500



550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907-269-7450

Governor Mike Dunleavy
STATE OF ALASKA

February 7, 2023

The Honorable Cathy Tilton
Speaker of the House
Alaska State Legislature
State Capitol Room 208
Juneau, AK 99801-1182

Dear Speaker Tilton:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to penalties for drug distribution and using controlled substances.

Drugs and drug overdoses have had a devastating effect on our state. According to the Department of Health's 2021 Drug Overdose Mortality Update, between 2020 and 2021, Alaska experienced the largest percent increase of drug overdose deaths of any state. In 2021, Alaska recorded over 100 deaths more than the previous year. Unfortunately, fentanyl, a highly potent opioid, makes up a large percentage of these drug related deaths. Increasingly, those who distribute drugs are mixing fentanyl with other types of drugs in order to cultivate addiction and attract buyers. These buyers may not necessarily know that fentanyl is mixed in with their drug of choice, increasing the risks associated with drug use.

This legislation attacks the problem at the point of distribution, making it second degree murder when a person distributes or manufactures a controlled substance and a person dies as a direct result of ingesting that substance. This legislation further serves to protect our communities by ensuring offenders convicted of distributing or manufacturing drugs will not be subject to early release due to a "good time" deduction from their sentence. Those who choose to manufacture or distribute drugs illegally should be put on notice that there are significant consequences for the harm they cause.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Dunleavy".

Mike Dunleavy
Governor

Enclosure

From: Mike Coons <[REDACTED]>
Sent: Monday, May 01, 2023 2:46 PM
To: House Finance
Subject: Support HB 66

I strongly support HB 66

As a Paramedic, I have had to treat many patients on drugs. We have had to use Narcan on patients that were on the verge of dying, then having to deal with them fighting us since we took away their fix.

Those same patients all got this poison from a pusher. The pushers know this can and will kill. Thankfully I didn't have to deal with the new more deadlier drugs of today, Fentanyl and others. All not just kill the user but put EMS and Law Enforcement at risk of dying having to touch even small quantities of drugs like Fentanyl!

In reading the bill, I don't see an attempted murder charge in pushing this poison. Maybe we can't get to that level, but we should be able to make an attempted murder charge involving EMS and Law Enforcement if they are harmed by exposure to these drugs.

These pushers of this poison should be behind bars for life, if I had my way, but this is a great start. Maybe when we have a stronger legislature in the future, this can be elevated to first degree and life with no chance of parole!

Mike Coons
Palmer AK

--

Using Opera's mail client:

[https://urldefense.com/v3/__http://www.opera.com/mail/__;!!LdQKC6s!O6qcNTK92WpcdXPOyBdKgJHMvqyCXpc0ipuTAN7mh40dV4MpXu4OZ5dJbK2RzxlEgS44yq9wgm6OCWv2vWY9U\\$](https://urldefense.com/v3/__http://www.opera.com/mail/__;!!LdQKC6s!O6qcNTK92WpcdXPOyBdKgJHMvqyCXpc0ipuTAN7mh40dV4MpXu4OZ5dJbK2RzxlEgS44yq9wgm6OCWv2vWY9U$)

From: Jonathan Pistotnik <jpistotnik@nwalaska.org>
Sent: Tuesday, May 02, 2023 10:52 PM
To: House Finance
Subject: HB 66, Section 5

House Finance Members,

HB 66 proposes to eliminate good time credits for particular drug-related offenses. Please remove this Section from the bill as it removes a tool that can be leveraged by the State of Alaska Dept. of Corrections to promote rehabilitation, encourage good behavior within our correctional facilities, and help contribute to safe environments for corrections staff.

The removal of good time credits in this instance is a punitive measure, and is intended to serve as a deterrent from engaging in certain criminal acts. However, this form of a sanction occurs too far in the future from the time of the crime to have any meaning or weight. It presupposes that people engaged in these behaviors are rational thinkers. As Professor Dr. Mark Keleiman stated in his book *When Brute Force Fails: Strategic Thinking For Crime Control*, many criminal offenders are not rational thinkers but rather "impulsive, myopic, and ill-informed."

As it pertains to the removal of good time credits, the bill sponsor is incorrectly applying a sanction to a behavior that is not proximate, and therefore is likely meaningless as a crime deterrent. It would further solidify Alaska as a state interested in purely punitive policy actions, rather than substantive and smart solutions to crime prevention.

In this instance we are talking about good time credits that would be applied as an incentive inside a prison years after a conviction and sentence has been handed down. Good time credit is a tool in the tool box of DOC intended to promote safety inside Alaska's prison. Do not further inhibit the use of this tool, and remove this language from HB 66.

Respectfully,

Jonathan Pistotnik

Jonathan Pistotnik (he/him), MPH
Coalition Coordinator
Anchorage Reentry Coalition
Office: 907-677-8412
jpistotnik@nwalaska.org
[Anchorage Reentry Coalition Partner & Resource Database](#)





JUNEAU REENTRY COALITION

*Promoting Success After Incarceration
To Reduce Recidivism and Increase Public Safety*

May 3, 2023

Alaska State Legislature
Housing Finance Committee

Dear House Finance Committee:

The Juneau Reentry Coalition urges the Alaska House Finance Committee to delete Section 5 of CSHB 66 (JUD) related to Good Time.

Good Time is positive reinforcement for correct behavior. Using positive reinforcement to incentivize acceptable behavior is a well-established physiological concept and method for changing behavior. Many effective behavioral treatments and services are founded on this principle.

Incarcerated individuals demonstrating reformative behavior in the Alaska correctional system are incentivized with Good Time. Conversely, incarcerated individuals that display unwanted institutional behaviors lose Good Time. The idea of incentives and sanctions for violations within the correctional setting is so profound that former DOC Commissioner Nancy Dahlstrom implemented Policy 901.16 in the department, providing that all Probation / Parole Officers shall investigate and respond to positive and negative behaviors swiftly and in proportion to the behavior.

Good Time helps make communities safer. When an individual is released under the Good Time provision, they do so under parole supervision. It is commonly understood, backed by research, that effective rehabilitation and incentives to engage in rehabilitative activities (such as substance abuse treatment, education and training, etc.) are more effective strategies for reducing criminal behavior than longer sentences. Removing Good Time is effectively the opposite of this understanding.

The Juneau Reentry Coalition's mission is to promote public safety within the community by identifying and implementing strategies that increase all justice-involved individuals' success and reduces the likelihood of recidivism. The coalition supports strategies, such as Good Time, for meeting these goals.

Please amend CSHB 66 (JUD) by removing Section 5.

Sincerely yours,



Teri Tibbett
Community Co-chair



Don Habeger
Coalition Coordinator



May 8, 2023

The Honorable Neal Foster
Chair, House Finance Committee
Alaska State Legislature
State Capitol Bldg. Room 511
Juneau, AK 99801-1182

Sent via email: House.Finance@akleg.gov

Dear Chair Foster,

This letter serves as the Department of Corrections' (DOC) written response to questions asked during the House Finance Committee hearing held on HB 66 Controlled Substance; Homicide; Good Time Deduction. The DOC responses are as follows:

- *How many offenders are currently incarcerated under drug convictions?*

As of May 1, 2023 there were 96 persons incarcerated within DOC with the highest conviction being a MICS 1 thru MICS 5. This is broken out as follows:

- One person incarcerated under MICS 1
- Four persons incarcerated under MICS 2
- 22 persons incarcerated under MICS 3
- 24 persons incarcerated under MICS 4
- 45 persons incarcerated under MICS 5

- *How many offenders are incarcerated annually with a drug conviction?*

The following graph shows the annual number of persons incarcerated with a conviction of a MICS 1 thru MICS 6 that were incarcerated within a DOC facility:

	CY 2023	CY 2022	CY 2021	CY 2020
MISC 1	1	1	1	0
MISC 2	4	18	21	38
MISC 3	22	46	38	33
MISC 4	24	74	96	120
MISC 5	45	186	208	135
MISC 6	0	0	2	5
Total Annual Convictions :	96	325	366	331

- *How many drug offenders receive good time?*

Currently, anyone convicted and sentenced under a MICS 1 thru MICS 6 receive good time consisting of a credit of 1/3 of their total sentence length.

- *What is the number of persons incarcerated with a Substance Abuse disorder?*

DOC follows two different processes when assessing the substance use disorder (SUD) treatment needs of the offender population.

The initial process happens during the booking process where a series of questions are asked related to an individual's substance use. Although this does not provide an actual diagnosis, it helps staff to prioritize this population and proactively reach out to and determine if additional services are required. This process shows that approximately 50 percent of all individuals entering DOC self-report some sort of substance use.

The second part of the process is to formally screen and assess individuals for a substance use disorder. These individuals are either self-referrals, staff referrals or outside agency referrals. Year to date, DOC has screened approximately 1,127 individuals for a substance use disorder. Of these, approximately 1,000 meet diagnostic criteria for a substance use disorder or approximately 88 of the people who are formally assessed are diagnosed with a substance use disorder within the DOC.

- *What are the total Substance Abuse Program costs?*

The total costs associated with the Substance Abuse Program have historically been sufficient for the incarcerated population and vendor availability. The Substance Abuse Treatment 5-year budget is:

FY2024 Gov Amnd.	FY2023 Mgt. Plan	FY2022 Mgt. Plan	FY2021 Mgt. Plan	FY2020 Mgt. Plan
\$5,826.8	\$5,693.7	\$5,697.8	\$5,662.0	\$5,584.7

- *What Substance Abuse Programs are available in the Institutions?*

The DOC offers substance abuse programming both within the facilities as well as in the Community. This includes both residential and outpatient services depending on the offenders needs. A detailed listing of treatment services is located at: [ADOC Substance Use Disorder Treatment Services \(alaska.gov\)](https://www.adoc.alaska.gov/substance-abuse-treatment-services).

Additionally, the Department makes every effort to engage volunteers in the provision of NA/AA groups. Volunteers are currently meeting with individuals at the following locations which includes both facilities and community corrections locations.

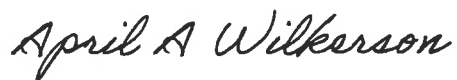
- Anchorage Correctional Complex
- Anvil Mountain Correction Center
- Goose Creek Correctional Center
- Mat-Su Pretrial
- Hiland Mountain Correctional Center
- Spring Creek Correctional Center
- Wildwood Correctional Center
- Yukon Kuskokwim Correctional Center
- Community Residential Centers:
 - Cordova Center (Anchorage)
 - Parkview Center (Anchorage)
 - Midtown Center (Anchorage)
 - Seaside Center (Nome)

These services are based on availability of volunteers within the communities the facilities are located. We continue to make every effort in partnering with statewide NA/AA representatives to build additional resources at other facilities throughout the state.

Additional information on available programs offered can be found at:
[Health & Rehabilitation Services | Alaska Department of Corrections](#)

Thank you for your continued support of the Department of Corrections.

Sincerely,



April A. Wilkerson
Deputy Commissioner
Department of Corrections



May 8, 2023

The Honorable Neal Foster
Chair, House Finance Committee
Alaska State Legislature
State Capitol Bldg. Room 511
Juneau, AK 99801-1182

Sent via email: House.Finance@akleg.gov

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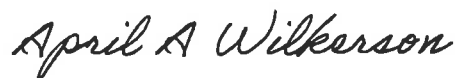
- Anchorage Correctional Complex
- Anvil Mountain Correction Center
- Goose Creek Correctional Center
- Mat-Su Pretrial
- Hiland Mountain Correctional Center
- Spring Creek Correctional Center
- Wildwood Correctional Center
- Yukon Kuskokwim Correctional Center
- Community Residential Centers:
 - Cordova Center (Anchorage)
 - Parkview Center (Anchorage)
 - Midtown Center (Anchorage)
 - Seaside Center (Nome)

These services are based on availability of volunteers within the communities the facilities are located. We continue to make every effort in partnering with statewide NA/AA representatives to build additional resources at other facilities throughout the state.

Additional information on available programs offered can be found at:
[Health & Rehabilitation Services | Alaska Department of Corrections](#)

Thank you for your continued support of the Department of Corrections.

Sincerely,



April A. Wilkerson
Deputy Commissioner
Department of Corrections

AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE STAPP

1 Page 2, line 22, following "a":

2 Insert "schedule IA, IIA, IIIA, or IVA"

3

4 Page 2, lines 23 - 24:

5 Delete "AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule IVA controlled
6 substances"

7 Insert "AS 11.71.010 - 11.71.040"

AMENDMENT #2

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE COULOMBE

1 Page 2, lines 23 - 24:

2 Delete "or 11.71.040(a)(1) for schedule IVA controlled substances"

3 Insert "that is not a schedule IVA, VA, or VIA controlled substance"

4

5 Page 2, following line 27:

6 Insert a new bill section to read:

7 **** Sec. 2.** AS 11.41.120(a) is amended to read:

8 (a) A person commits the crime of manslaughter if the person

9 (1) intentionally, knowingly, or recklessly causes the death of another
10 person under circumstances not amounting to murder in the first or second degree;

11 (2) intentionally aids another person to commit suicide; or

12 (3) knowingly manufactures or delivers a schedule IVA controlled
13 substance in violation of AS 11.71.010(a)(4), 11.71.030(a)(2), or 11.71.040(a)(1)

14 [AS 11.71.010 - 11.71.030 OR 11.71.040(a)(1) FOR SCHEDULE IVA
15 CONTROLLED SUBSTANCES], and a person dies as a direct result of ingestion of

16 the controlled substance; the death is a result that does not require a culpable mental
17 state; in this paragraph, "ingestion" means voluntarily or involuntarily taking a
18 substance into the body in any manner."

19

20 Renumber the following bill sections accordingly.

21

22 Page 5, line 11:

23 Delete all material.

1

2 Renumber the following bill sections accordingly.

3

4 Page 5, line 14, following "Act,":

5 Insert "AS 11.41.120(a), as amended by sec. 2 of this Act,"

6

7 Page 5, line 15:

8 Delete "sec. 2"

9 Insert "sec. 3"

10 Delete "sec. 3"

11 Insert "sec. 4"

12

13 Page 5, line 16:

14 Delete "sec. 4"

15 Insert "sec. 5"

16

17 Page 5, line 17:

18 Delete "sec. 5"

19 Insert "sec. 6"

AMENDMENT **#3**

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE ORTIZ

1 Page 2, line 13:

2 Delete "or"

3 Insert "[OR]"

4

5 Page 2, lines 22 - 27:

6 Delete all material and insert:

7 "(6) another person dies as a direct result of ingesting a controlled
8 substance that is knowingly manufactured or delivered by the person in violation
9 of

10 (A) AS 11.71.010 - 11.71.030; or

11 (B) AS 11.71.040(a)(1) for schedule IVA controlled
12 substances.

13 * **Sec. 2.** AS 11.41.110 is amended by adding new subsections to read:

14 (c) A death under (a)(6) of this section is a result that does not require a
15 culpable mental state.

16 (d) In (a)(6) of this section, "ingesting" means voluntarily or involuntarily
17 taking a substance into the body in any manner."

18

19 Renumber the following bill sections accordingly.

20

21 Page 5, line 14, following "Act,":

22 Insert "AS 11.41.110(c) and (d), added by sec. 2 of this Act,"

23

1 Page 5, line 15:

2 Delete "sec. 2"

3 Insert "sec. 3"

4 Delete "sec. 3"

5 Insert "sec. 4"

6

7 Page 5, line 16:

8 Delete "sec. 4"

9 Insert "sec. 5"

10

11 Page 5, line 17:

12 Delete "sec. 5"

13 Insert "sec. 6"

AMENDMENT #4

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE JOSEPHSON

1 Page 1, line 2:

2 Delete "in the first degree"

3

4 Page 3, following line 25:

5 Insert new bill sections to read:

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

7 (a) Except as authorized in AS 17.30, a person commits the crime of
8 misconduct involving a controlled substance in the third degree if the person

9 (1) [REPEALED]

10 (2) delivers any amount of a

11 (A) schedule IVA or [,] VA [, OR VIA] controlled substance to
12 a person under 19 years of age who is at least three years younger than the
13 person delivering the substance; or

14 (B) schedule VIA controlled substance to a person under 18
15 years of age who is at least three years younger than the person delivering
16 the substance;

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

18 (A) with reckless disregard that the possession occurs

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

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

21 or

22 (B) on a school bus;

23 (4) [REPEALED]

1 (5) [REPEALED]

2 (6) [REPEALED]

3 (7) [REPEALED]

4 (8) [REPEALED]

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

9 * Sec. 5. AS 11.71.040(a) is amended to read:

10 (a) Except as authorized in AS 17.30 and AS 17.38, a person commits the
11 crime of misconduct involving a controlled substance in the fourth degree if the person

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

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

19 (3) possesses any amount of a schedule IA controlled substance listed
20 in AS 11.71.140(e);

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

22 (A) with reckless disregard that the possession occurs

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

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

25 or

26 (B) on a school bus;

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

31 (6) makes, delivers, or possesses a punch, die, plate, stone, or other

1 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
 2 mark, imprint, or device of another or any likeness of any of these on a drug, drug
 3 container, or labeling so as to render the drug a counterfeit substance;

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

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

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

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

14 (11) [REPEALED]

15 (12) violates AS 11.71.050(a)(4) and, within the preceding 10 years,
 16 has been previously convicted of a crime under AS 11.71.050(a)(4), or a law or
 17 ordinance in this or another jurisdiction with elements similar to AS 11.71.050(a)(4);
 18 or

19 (13) delivers any amount of a schedule VIA controlled substance to
 20 a person who is 18 years of age who is at least three years younger than the
 21 person delivering the substance."

22
 23 Renumber the following bill sections accordingly.

24
 25 Page 5, line 16:

26 Following the first occurrence of "Act,":

27 Insert "AS 11.71.030(a), as amended by sec. 4 of this Act, AS 11.71.040(a), as
 28 amended by sec. 5 of this Act,"

29 Delete "sec. 4"

30 Insert "sec. 6"

31

- 1 Page 5, line 17:
- 2 Delete "sec. 5"
- 3 Insert "sec. 7"

AMENDMENT #5

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE TOMASZEWSKI

- 1 Page 3, line 28:
- 2 Delete "20"
- 3 Insert "21 [20]"
- 4
- 5 Page 4, line 21:
- 6 Delete "10 to 14"
- 7 Insert "12 to 16 [10 TO 14]"
- 8
- 9 Page 4, line 23:
- 10 Delete "15 to 20"
- 11 Insert "17 to 21 [15 TO 20]"

AMENDMENT **#6**

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE JOSEPHSON

- 1 Page 4, line 19, following "delivery":
- 2 Insert "under AS 11.71.021(a)(1)"
- 3
- 4 Page 4, line 20, following "substance":
- 5 Insert "set out in AS 11.71.140(c)(29)"

AMENDMENT **#7**

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE ORTIZ

1 Page 1, line 3:

2 Delete "relating to the computation of good time;"

3

4 Page 4, line 24, through page 5, line 10:

5 Delete all material.

6

7 Renumber the following bill sections accordingly.

8

9 Page 5, line 16, following the first occurrence of "Act,":

10 Insert "and"

11

12 Page 5, lines 16 - 17:

13 Delete "and AS 33.20.010(a), as amended by sec. 5 of this Act,"

AMENDMENT #8

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE HANNAN

- 1 Page 1, line 3:
- 2 Delete "relating to the computation of good time;"
- 3
- 4 Page 4, line 24, through page 5, line 10:
- 5 Delete all material.
- 6
- 7 Renumber the following bill sections accordingly.
- 8
- 9 Page 5, line 16, following the first occurrence of "Act,":
- 10 Insert "and"
- 11
- 12 Page 5, lines 16 - 17:
- 13 Delete "and AS 33.20.010(a), as amended by sec. 5 of this Act,"

AMENDMENT **#9**

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE JOSEPHSON

- 1 Page 5, line 8:
- 2 Delete "AS 11.71.010 - 11.71.040"
- 3 Insert "AS 11.71.010 - 11.71.030"

AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE STAPP

1 Page 2, line 22, following "a":

2 Insert "schedule IA, IIA, IIIA, or IVA"

3

4 Page 2, lines 23 - 24:

5 Delete "AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule IVA controlled
6 substances"

7 Insert "AS 11.71.010 - 11.71.040"

AMENDMENT #2

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE COULOMBE

1 Page 2, lines 23 - 24:

2 Delete "or 11.71.040(a)(1) for schedule IVA controlled substances"

3 Insert "that is not a schedule IVA, VA, or VIA controlled substance"

4

5 Page 2, following line 27:

6 Insert a new bill section to read:

7 **** Sec. 2.** AS 11.41.120(a) is amended to read:

8 (a) A person commits the crime of manslaughter if the person

9 (1) intentionally, knowingly, or recklessly causes the death of another
10 person under circumstances not amounting to murder in the first or second degree;

11 (2) intentionally aids another person to commit suicide; or

12 (3) knowingly manufactures or delivers a schedule IVA controlled
13 substance in violation of AS 11.71.010(a)(4), 11.71.030(a)(2), or 11.71.040(a)(1)

14 [AS 11.71.010 - 11.71.030 OR 11.71.040(a)(1) FOR SCHEDULE IVA

15 CONTROLLED SUBSTANCES], and a person dies as a direct result of ingestion of

16 the controlled substance; the death is a result that does not require a culpable mental

17 state; in this paragraph, "ingestion" means voluntarily or involuntarily taking a

18 substance into the body in any manner."
19

19

20 Renumber the following bill sections accordingly.

21

22 Page 5, line 11:

23 Delete all material.

1

2 Renumber the following bill sections accordingly.

3

4 Page 5, line 14, following "Act,":

5 Insert "AS 11.41.120(a), as amended by sec. 2 of this Act,"

6

7 Page 5, line 15:

8 Delete "sec. 2"

9 Insert "sec. 3"

10 Delete "sec. 3"

11 Insert "sec. 4"

12

13 Page 5, line 16:

14 Delete "sec. 4"

15 Insert "sec. 5"

16

17 Page 5, line 17:

18 Delete "sec. 5"

19 Insert "sec. 6"

AMENDMENT **#3**

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE ORTIZ

1 Page 2, line 13:

2 Delete "or"

3 Insert "[OR]"

4

5 Page 2, lines 22 - 27:

6 Delete all material and insert:

7 "(6) another person dies as a direct result of ingesting a controlled
8 substance that is knowingly manufactured or delivered by the person in violation
9 of

10 (A) AS 11.71.010 - 11.71.030; or

11 (B) AS 11.71.040(a)(1) for schedule IVA controlled
12 substances.

13 * Sec. 2. AS 11.41.110 is amended by adding new subsections to read:

14 (c) A death under (a)(6) of this section is a result that does not require a
15 culpable mental state.

16 (d) In (a)(6) of this section, "ingesting" means voluntarily or involuntarily
17 taking a substance into the body in any manner."

18

19 Renumber the following bill sections accordingly.

20

21 Page 5, line 14, following "Act,":

22 Insert "AS 11.41.110(c) and (d), added by sec. 2 of this Act,"

23

1 Page 5, line 15:

2 Delete "sec. 2"

3 Insert "sec. 3"

4 Delete "sec. 3"

5 Insert "sec. 4"

6

7 Page 5, line 16:

8 Delete "sec. 4"

9 Insert "sec. 5"

10

11 Page 5, line 17:

12 Delete "sec. 5"

13 Insert "sec. 6"

AMENDMENT #4

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE JOSEPHSON

1 Page 1, line 2:

2 Delete "in the first degree"

3

4 Page 3, following line 25:

5 Insert new bill sections to read:

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

7 (a) Except as authorized in AS 17.30, a person commits the crime of
8 misconduct involving a controlled substance in the third degree if the person

9 (1) [REPEALED]

10 (2) delivers any amount of a

11 (A) schedule IVA or [,] VA [, OR VIA] controlled substance to
12 a person under 19 years of age who is at least three years younger than the
13 person delivering the substance; or

14 (B) schedule VIA controlled substance to a person under 18
15 years of age who is at least three years younger than the person delivering
16 the substance;

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

18 (A) with reckless disregard that the possession occurs

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

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

21 or

22 (B) on a school bus;

23 (4) [REPEALED]

1 (5) [REPEALED]

2 (6) [REPEALED]

3 (7) [REPEALED]

4 (8) [REPEALED]

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

9 * Sec. 5. AS 11.71.040(a) is amended to read:

10 (a) Except as authorized in AS 17.30 and AS 17.38, a person commits the
11 crime of misconduct involving a controlled substance in the fourth degree if the person

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

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

19 (3) possesses any amount of a schedule IA controlled substance listed
20 in AS 11.71.140(e);

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

22 (A) with reckless disregard that the possession occurs

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

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

25 or

26 (B) on a school bus;

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

31 (6) makes, delivers, or possesses a punch, die, plate, stone, or other

1 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
 2 mark, imprint, or device of another or any likeness of any of these on a drug, drug
 3 container, or labeling so as to render the drug a counterfeit substance;

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

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

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

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

14 (11) [REPEALED]

15 (12) violates AS 11.71.050(a)(4) and, within the preceding 10 years,
 16 has been previously convicted of a crime under AS 11.71.050(a)(4), or a law or
 17 ordinance in this or another jurisdiction with elements similar to AS 11.71.050(a)(4);
 18 or

19 (13) delivers any amount of a schedule VIA controlled substance to
 20 a person who is 18 years of age who is at least three years younger than the
 21 person delivering the substance."

22
 23 Renumber the following bill sections accordingly.

24
 25 Page 5, line 16:

26 Following the first occurrence of "Act,":

27 Insert "AS 11.71.030(a), as amended by sec. 4 of this Act, AS 11.71.040(a), as
 28 amended by sec. 5 of this Act,"

29 Delete "sec. 4"

30 Insert "sec. 6"

31

- 1 Page 5, line 17:
- 2 Delete "sec. 5"
- 3 Insert "sec. 7"

AMENDMENT #5

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE TOMASZEWSKI

- 1 Page 3, line 28:
- 2 Delete "20"
- 3 Insert "21 [20]"
- 4
- 5 Page 4, line 21:
- 6 Delete "10 to 14"
- 7 Insert "12 to 16 [10 TO 14]"
- 8
- 9 Page 4, line 23:
- 10 Delete "15 to 20"
- 11 Insert "17 to 21 [15 TO 20]"

AMENDMENT **#6**

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE JOSEPHSON

- 1 Page 4, line 19, following "delivery":
- 2 Insert "under AS 11.71.021(a)(1)"
- 3
- 4 Page 4, line 20, following "substance":
- 5 Insert "set out in AS 11.71.140(c)(29)"

AMENDMENT **#7**

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE ORTIZ

- 1 Page 1, line 3:
- 2 Delete "relating to the computation of good time;"
- 3
- 4 Page 4, line 24, through page 5, line 10:
- 5 Delete all material.
- 6
- 7 Renumber the following bill sections accordingly.
- 8
- 9 Page 5, line 16, following the first occurrence of "Act,":
- 10 Insert "and"
- 11
- 12 Page 5, lines 16 - 17:
- 13 Delete "and AS 33.20.010(a), as amended by sec. 5 of this Act,"

AMENDMENT #8

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE HANNAN

- 1 Page 1, line 3:
- 2 Delete "relating to the computation of good time;"
- 3
- 4 Page 4, line 24, through page 5, line 10:
- 5 Delete all material.
- 6
- 7 Renumber the following bill sections accordingly.
- 8
- 9 Page 5, line 16, following the first occurrence of "Act,":
- 10 Insert "and"
- 11
- 12 Page 5, lines 16 - 17:
- 13 Delete "and AS 33.20.010(a), as amended by sec. 5 of this Act,"

AMENDMENT **#9**

OFFERED IN THE HOUSE
TO: CSHB 66(JUD)

BY REPRESENTATIVE JOSEPHSON

- 1 Page 5, line 8:
- 2 Delete "AS 11.71.010 - 11.71.040"
- 3 Insert "AS 11.71.010 - 11.71.030"

Braes letter

I was asked to write something about the loss of my son, Braeden, and how his death from a fentanyl poisoning has affected me and my family but I can tell you, it's hard to put into words.

There's nothing that can fill the hole that has been left behind for me, my family, and many friends. His absence is deeply felt, every day.

He was only 20 years old when he died. Six foot six and a smile as bright as the sun that would light up any room when he entered. He was looking forward to traveling and exploring the world as soon as Covid restrictions were lifted but that never happened for him.

I went to his apartment on a Monday morning to wake him for work and found him slumped over, expired in his chair. I didn't know what to do but try to lift him out of it and perform CPR, even though I knew it was too late.

His skin was purple and there was a slight bit of blood coming from his nose. He had hemorrhaged from being in that position too long.

It was hard to move him because he was so much taller than me, but I managed and as I laid him down, I heard the last little bit of breath that was trapped in his lungs escape and that was it, I started screaming.

My only son was gone. Just like that.

I was there for his first breath, and I was there for his last. Most of me died that day, right along with Brae and I don't know that I'll ever recover.

To see him lying there in the funeral home days later was surreal, it shouldn't have been happening, but it was and it did.

Sometimes, I have to remind myself that he was real, he was here and that I didn't imagine the best part of my life. He was a bright spot in all of our lives, and it was snuffed out by someone who didn't care about him or anyone else they were poisoning, all for the sake of money.

Meanwhile, we are all left behind, wondering what we could have done or said that would have made a difference in Braedens life and guided the trajectory of it down a different path, but he was in an experimental phase, trying to figure himself out and was robbed of the opportunity to correct himself because of the desperation and greed of a drug dealer.

The lengths that drug makers or dealers will go to get people hooked and using are endless and the lack of care and respect for life is obvious.

It is time for them to be put on notice and make it known that we will not stand for their dealings in death any longer. There needs to be serious consequences for this complete disregard of life, and they need to know how their actions affect the communities they live in. They destroy more than just the person who uses the drugs they provide; it devastates entire families.

I ask God every day, why He took my boy from me and the world.

I may never have the answer, but I feel like we can make a difference and use his story and others, as an example to change laws and bring some justice for those who have been lost needlessly but not pointlessly.

Braedens memory lives on.

Thank you for your time.
Forever grieving,
Athena Fulton

--



**HB 66 Summary of Changes
Version A to Version B**

The sections and concepts below were added in House Judiciary:

- **Section 2** of the bill was amended to make delivering a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered misconduct involving a controlled substance in the first degree (unclassified felony);
- **Section 3** adds definitions associated with the changes in section 2; and
- **Section 4** creates an enhanced sentencing range of 7-11 years for those who are convicted of delivering a schedule IA controlled substance.



**HB 66 CONTROLLED SUBSTANCES; HOMICIDE; GOOD TIME DEDUCTION –
SECTIONAL ANALYSIS
VERSION B**

March 28, 2023

Section 1. This section reclassifies a homicide resulting from conduct involving controlled substances from manslaughter to murder in the second degree. A person is guilty of murder in the second degree under this theory where the person violates misconduct involving a controlled substance in the first, second, third, or fourth degree for a schedule IVA controlled substance, and a person dies as a result of ingesting the drugs.

Section 2. This section amends misconduct involving a controlled substance in the first degree (unclassified felony) if a person delivers a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered.

Section 3. This section adds definitions for “incapacitated” and “mentally incapable” to misconduct involving a controlled substance in the first degree. This change is related to the change made in section 2.

Section 4. This section creates an enhanced sentencing range of seven – 11 years for persons who are convicted of class A felony level manufacturing or delivering a schedule IA controlled substance.

Section 5. This section amends computation of good time to preclude individuals convicted of misconduct involving a controlled substance in the first, second, third, and fourth degree from receiving a good time deduction from their sentence where the conduct involves manufacturing or delivering or possessing with the intent to manufacture or deliver a controlled substance.

Section 6. This section is the repealer section.

Section 7. This section is the applicability section. This bill will apply to offenses occurring on or after the effective date.

Section 8. This section establishes the effective date as July 1, 2023.



Alaska Department of Health
Division of Public Health
Health Analytics and Vital Records Section
HealthAnalytics@Alaska.Gov
Office of Substance Misuse and Addiction Prevention
OSMAP@Alaska.Gov



Alaska Facts and Figures

2021 Drug Overdose Mortality Update (July 25th, 2022)

Background

Drug overdoses are a significant contributor to mortality in Alaska and represent an ongoing public health concern. Deaths by overdose have been increasing annually since 2018. This report is designed to provide an update on the current state of Alaska drug overdose mortality through 2021. Data from 2021 may be incomplete and should be considered provisional and subject to change.

Methods

The Alaska Health Analytics and Vital Records Section's Electronic Vital Records System was queried for Alaska resident or non-resident certificates of death occurring in-state between 2012 and 2021. Overdoses are identified using the International Classification of Disease, 10th Revision (ICD-10) codes for unintentional (X40-X44), suicide (X60-X64), homicide (X85), or undetermined intent (Y10-Y14) drug poisoning. Overdose deaths are tabulated based on the decedent's underlying cause of death (defined as the condition or injury that initiated the train of morbid events leading directly to death). Deaths due to alcohol-poisoning or drug-related traumatic injuries such as motor vehicle accidents are not included.

Overdose deaths are further categorized by the multiple contributing causes of death (defined as all other causes in the train of morbid events) in order to identify select types of illicit drugs. This includes selected ICD-10 codes for narcotic and psychodysleptic (hallucinogen) drugs ("narcotics": T400-T409), antiepileptic, sedative-hypnotic and antiparkinsonism drugs ("sedatives": T420-T428) and psychotropic drugs, not elsewhere classified ("psychotropics": T430-T439). The literal text of the cause of death descriptions are also analyzed to identify additional drugs not directly captured using ICD-10 codes. This includes fentanyl and its analogues and methamphetamine, which are classified as sub-categories of other synthetic narcotic (T404) and psychostimulant (T436) drugs, respectively. Tabulations of overdose deaths by drug type are not mutually exclusive and a single overdose involving multiple drugs can be counted in multiple drug categories. Multidrug overdoses and the top fatal drug combinations are also examined.

Data are stratified by the demographic and regional characteristics of the decedent, including sex, bridged race, ethnicity, age, and Public Health Region where the death occurred. Death rates per 100,000 are calculated using population estimates from the Alaska Department of Labor and Workforce Development. If any population estimates were not available at the time of analysis, values were substituted using the previous year's estimate. Rates are age-adjusted by U.S. Standard Year 2000 Population levels, when possible, to correct for natural differences in the age distribution of the population. Results have not been tested for statistical significance and are subject to change.

Results

Overdose Summary

- 1,382 drug overdose deaths have occurred in Alaska between 2012 and 2021 (an average of about 138 deaths per year).
 - In 2021, there were 253 overdose deaths, up from 146 in 2020.
 - In 2021, the overdose death rate was 35.2 deaths per 100,000, up from 20.2 in 2020.
- By sex, men typically experience higher overdose death rates than women.
 - In 2021, the overdose death rate for men was 42.9 deaths per 100,000, compared to 26.9 for women.
- By race, American Indian/Alaska Native (AI/AN) people typically experience higher overdose death rates than other races.
 - In 2021, the overdose death rate for AI/AN people was 77.7 deaths per 100,000, compared to 40.1 in 2020.
 - In 2021, the overdose death rate for White people was 28.8 deaths per 100,000, compared to 15.6 in 2020.
 - In 2021, Asian/PI, Black, and Hispanic (of any race) people experienced fewer than 20 overdose deaths, making rate estimates statistically unreliable.
- By age, young adults and middle-aged people between 25 to 54 years old typically experience higher overdose death rates than other ages.
 - In 2021, the overdose death rate was highest among people aged 25 to 34 years old, at 64.6 deaths per 100,000. This was followed closely by people aged 45 to 54 years old and aged 35 to 44 years old, at 63.4 and 57.2 deaths per 100,000, respectively.
- By geography, the Anchorage Public Health Region had the state’s highest overdose death rate in 2021, at 49.3 deaths per 100,000, up from 31.4 in 2020.

Figure 1. Overdose Deaths by Year (2012-2021)

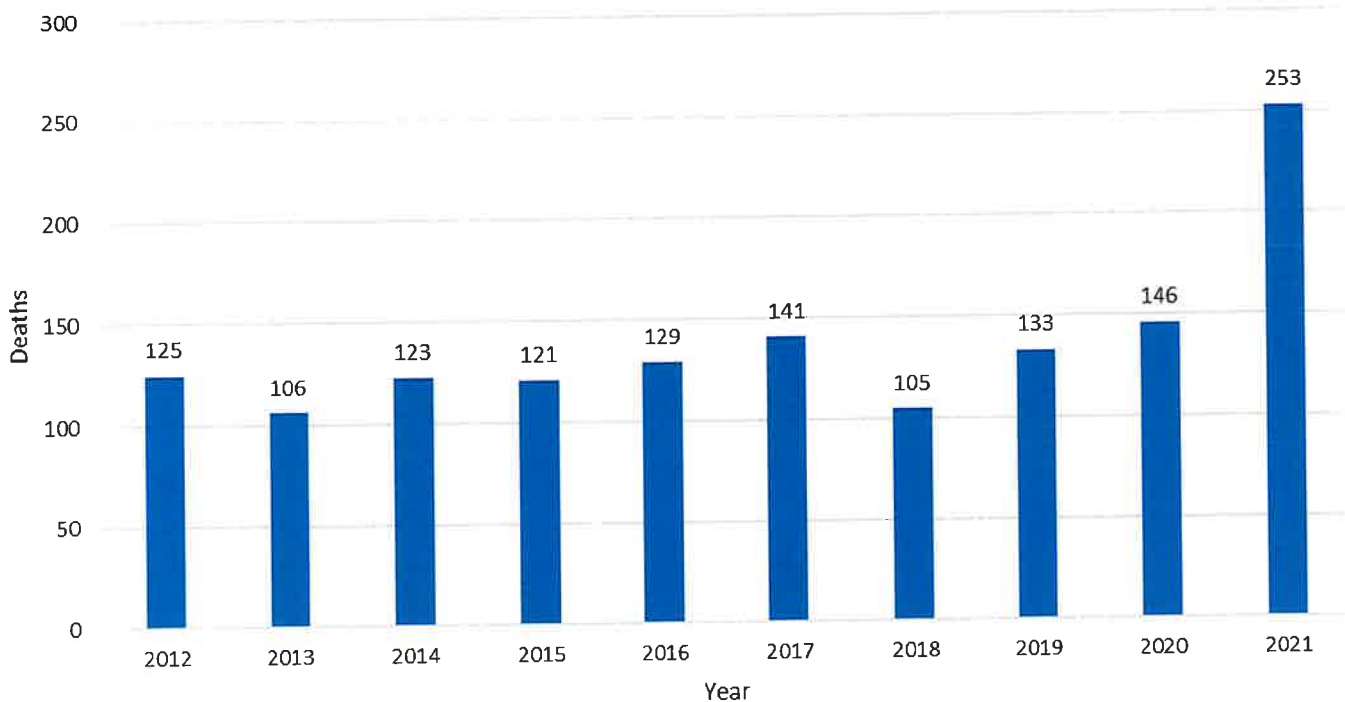


Table 1. Overdose Deaths by Year (2012-2021)

Underlying Cause	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total
Drug Overdose	125	106	123	121	129	141	105	133	146	253	1,382

Note: Drug poisoning (overdose) underlying cause of death ICD-10 codes: X40-X44, X60-X64, X85, Y10-Y14.

2021 Drug Overdose Mortality Update

Table 2. Overdose Deaths (Rates) by Sex (2017-2021)¹

Sex	2017	2018	2019	2020	2021
Male	82 (22.3)	60 (15.1)	93 (24.4)	94 (25.3)	159 (42.9)
Female	59 (16.1)	45 (12.7)	40 (11.3)	52 (14.8)	94 (26.9)

Table 3. Overdose Deaths (Rates) by Race/Ethnicity (2017-2021)¹

Race/Ethnicity	2017	2018	2019	2020	2021
White	94 (18.3)	73 (13.5)	80 (15.3)	80 (15.6)	146 (28.8)
AI/AN	36 (30.7)	22 (20.7)	40 (34.8)	45 (40.1)	90 (77.7)
Asian/PI	2 (**)	1 (**)	5 (**)	4 (**)	2 (**)
Black	7 (24.2*)	8 (21.8*)	8 (27.0*)	12 (34.7*)	13 (39.4*)
Hispanic (Any Race)	8 (16.2*)	3 (**)	1 (**)	4 (**)	6 (11.3*)

Table 4. Overdose Deaths (Rates) by Age (2017-2021)¹

Age	2017	2018	2019	2020	2021
<5 Years	0 (NA)	0 (NA)	1 (**)	0 (NA)	0 (NA)
5-14 Years	0 (NA)	0 (NA)	0 (NA)	0 (NA)	0 (NA)
15-24 Years	11 (11.4*)	10 (10.5*)	7 (7.5*)	18 (19.5*)	27 (29.2)
25-34 Years	35 (30.4)	22 (19.5)	46 (41.0)	33 (30.0)	71 (64.6)
35-44 Years	32 (34.1)	23 (24.1)	34 (35.0)	36 (36.1)	57 (57.2)
45-54 Years	36 (39.2)	23 (26.0)	19 (22.2*)	29 (34.7)	53 (63.4)
55-64 Years	21 (21.1)	24 (24.3)	17 (17.4*)	24 (25.3)	32 (33.7)
65-74 Years	4 (**)	3 (**)	7 (11.3*)	5 (**)	10 (15.5*)
75-84 Years	2 (**)	0 (NA)	2 (**)	1 (**)	3 (**)
85+ Years	0 (NA)	0 (NA)	0 (NA)	0 (NA)	0 (NA)

Table 5. Overdose Deaths (Rates) by Region (2017-2021)¹

Region	2017	2018	2019	2020	2021
Anchorage	81 (27.3)	51 (16.5)	57 (19.3)	90 (31.4)	142 (49.3)
Gulf Coast	10 (13.1*)	15 (17.7*)	16 (18.8*)	12 (12.8*)	30 (40.3)
Interior	17 (14.8*)	12 (10.3*)	22 (19.3)	10 (8.2*)	19 (15.9*)
Mat-Su	13 (12.4*)	15 (14.1*)	15 (15.0*)	20 (19.0)	27 (24.5)
Northern	0 (NA)	1 (**)	5 (**)	3 (**)	3 (**)
Southeast	15 (20.5*)	7 (9.0*)	11 (15.3*)	7 (10.8*)	24 (35.0)
Southwest	5 (**)	4 (**)	7 (16.9*)	4 (**)	8 (21.1*)
Statewide	141 (19.3)	105 (14.0)	133 (18.1)	146 (20.2)	253 (35.2)

Note: Drug poisoning (overdose) underlying cause of death ICD-10 codes: X40-X44, X60-X64, X85, Y10-Y14.

1. Death rate per 100,000 population. Age-adjusted by U.S. Year 2000 Standard Populations for Sex, Race/Ethnicity, and Region.

* Rates based on fewer than 20 events are statistically unreliable and should be used with caution.

* Rates based on fewer than 6 events are not reported.

Overdoses by Drug

- 778 total drug overdose deaths occurred in Alaska between 2017 and 2021.
- 546 opioid overdose deaths occurred in Alaska between 2017 and 2021 (an average of about 109 deaths per year).
 - In 2021, there were 196 opioid overdose deaths, up from 102 in 2020.
 - In 2021, the opioid overdose death rate was 27.3 deaths per 100,000, up from 14.0 in 2020.
 - Other synthetic narcotics, a category that includes synthetic opioids such as fentanyl, were involved in 150 deaths.
- 403 psychostimulant overdose deaths occurred in Alaska between 2017 and 2021 (an average of about 81 deaths per year).
 - In 2021, there were 159 psychostimulant overdose deaths, up from 67 in 2020.
 - In 2021, the psychostimulant overdose death rate was 22.2 deaths per 100,000, up from 9.4 in 2020.

Table 6. Narcotics Overdose Deaths (Rates) by Drug (2017-2021)¹

Drug (ICD-10 Code)	2017	2018	2019	2020	2021
Total Narcotics (T400-T409)	107 (14.4)	72 (9.3)	88 (11.7)	107 (14.6)	199 (27.6)
Opioids (T400-T404, T406)	100 (13.6)	65 (8.4)	83 (11.0)	102 (14.0)	196 (27.3)
Heroin (T401)	36 (4.9)	28 (3.7)	45 (6.0)	31 (4.3)	65 (9.0)
Analgesic Opioids (T402-T404)	75 (10.0)	46 (5.9)	60 (7.8)	88 (12.1)	177 (24.7)
Analgesics Excl. Other Synth. (T402-T403)	50 (6.6)	37 (4.8)	46 (6.0)	44 (5.7)	79 (10.9)
Other Opioids (T402)	46 (6.1)	33 (4.3)	41 (5.3)	37 (4.7)	72 (9.9)
Methadone (T403)	8 (1.0*)	9 (1.2*)	9 (1.2*)	8 (1.1*)	12 (1.6*)
Other Synthetic Narcotics (T404)	37 (4.8)	16 (2.0*)	23 (3.2)	61 (8.7)	150 (21.1)
Fentanyl (T404 + Fentanyl Or Analogue)	28 (3.6)	9 (1.1*)	15 (2.2*)	58 (8.2)	145 (20.4)
Other And Unspecified Narcotics (T406)	24 (3.4)	22 (2.9)	24 (3.0)	23 (3.0)	15 (2.0*)
Non-Opioids (T405, 407-409)	18 (2.3*)	11 (1.4*)	7 (0.9*)	21 (2.9)	13 (1.5*)
Cocaine (T405)	18 (2.3*)	10 (1.3*)	7 (0.9*)	21 (2.9)	11 (1.3*)
Cannabis (Derivatives) (T407)	0 (NA)	1 (**)	0 (NA)	0 (NA)	2 (**)

Table 7. Sedatives Overdose Deaths (Rates) by Drug (2017-2021)¹

Drug (ICD-10 Code)	2017	2018	2019	2020	2021
Total Sedatives (T420-T428)	39 (5.4)	26 (3.6)	26 (3.7)	26 (3.6)	20 (2.9)
Benzodiazepines (T424)	32 (4.5)	24 (3.2)	18 (2.6*)	20 (2.8)	12 (1.7*)

Table 8. Psychotropics Overdose Deaths (Rates) by Drug (2017-2021)¹

Drug (ICD-10 Code)	2017	2018	2019	2020	2021
Total Psychotropics (T430-T439)	78 (10.8)	59 (8.2)	74 (9.9)	75 (10.4)	169 (23.6)
Antidepressants (T430-T432)	13 (1.8*)	11 (1.7*)	11 (1.6*)	10 (1.3*)	13 (1.9*)
Antipsychotics (T433-T435)	7 (0.9*)	5 (**)	2 (**)	4 (**)	6 (0.9*)
Psychostimulants (T436)	64 (9.0)	49 (6.7)	64 (8.6)	67 (9.4)	159 (22.2)
Methamphetamine (T436 + Meth.)	60 (8.4)	44 (6.0)	59 (7.8)	62 (8.7)	154 (21.5)

Note: Drug categories are not mutually exclusive. A single overdose death involving multiple drugs can be counted in multiple categories.

1. Death rate per 100,000 population. Age-adjusted by U.S. Year 2000 Standard Population.

* Rates based on fewer than 20 events are statistically unreliable and should be used with caution.

** Rates based on fewer than 6 events are not reported.

Overdoses by Drug - Trends

- Total drug overdose death rates have increased annually since 2018.
 - In 2021, the overdose death rate was 35.2 deaths per 100,000, up from 17.0 in 2012.
 - Increases in overdose death rates since 2018 appear to be driven largely by increases in narcotic and psychotropic drugs, both of which have increased since 2012.
 - Sedative drug overdose rates have been relatively stable over time, decreasing slightly since 2012.

Figure 2. Overdose Death Rates by Drug (2012-2021)¹

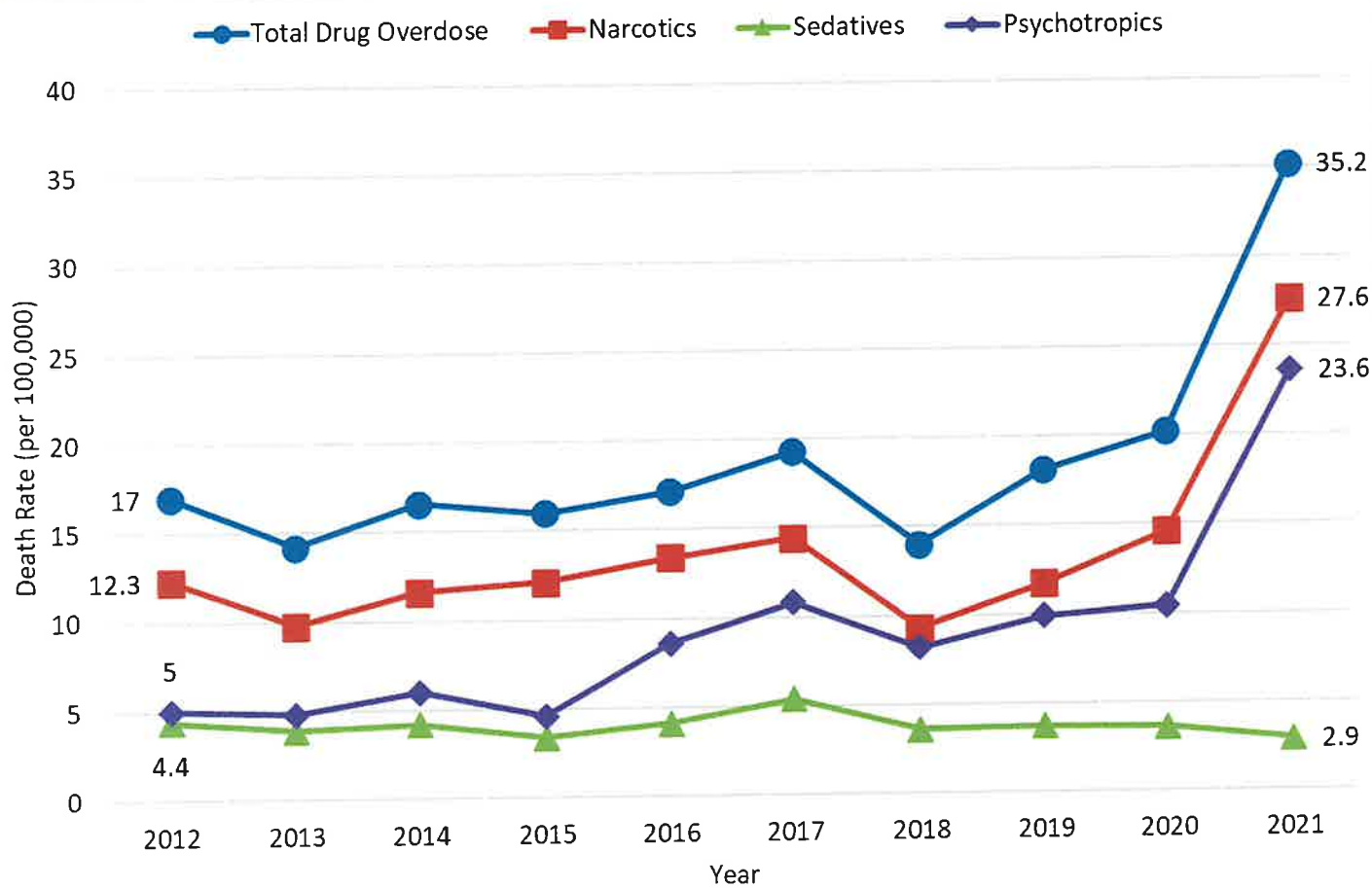


Table 9. Overdose Death Rates by Drug (2012-2021)¹

Drug	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total Drug Overdose	17	14.2	16.6	16	17.1	19.3	14	18.1	20.2	35.2
Narcotics	12.3	9.8	11.6	12.1	13.4	14.4	9.3	11.7	14.6	27.6
Sedatives	4.4	3.9	4.2	3.4	4.1	5.4	3.6	3.7	3.6	2.9
Psychotropics	5	4.8	6	4.6	8.6	10.8	8.2	9.9	10.4	23.6

Note: Drug categories are not mutually exclusive. A single overdose death involving multiple drugs can be counted in multiple categories.
 1. Death rate per 100,000 population. Age-adjusted by U.S. Year 2000 Standard Population.

Multidrug Overdoses

- Between 2017 and 2021, 37% of drug overdose deaths involved a single type of narcotic, sedative, or psychotropic drug, 25% involved two drugs, and 34% involved three or more drugs.
- Between 2017 and 2021, heroin plus psychostimulants were the two most common lethal multidrug combinations, found in 18.6% of drug overdose deaths. This was followed closely by other synthetic narcotics plus psychostimulants, found in 18.4% of deaths.

Table 10. Drug Overdose Deaths (Percentage) by Number of Drugs (2017-2021)

Drugs	2017	2018	2019	2020	2021	Total
One Drug	48 (34%)	45 (43%)	48 (36%)	57 (39%)	88 (35%)	286 (37%)
Two Drugs	39 (28%)	19 (18%)	29 (22%)	36 (25%)	69 (27%)	192 (25%)
Three or More Drugs	49 (35%)	38 (36%)	42 (32%)	43 (29%)	90 (36%)	262 (34%)
Other or Unspecified Drugs	5 (4%)	3 (3%)	14 (11%)	10 (7%)	6 (2%)	38 (5%)
Total Drug Overdoses	141 (100%)	105 (100%)	133 (100%)	146 (100%)	253 (100%)	778 (100%)

Note: Multidrug overdose deaths with drug types in selected ICD-10 code ranges for narcotic, sedative, or psychotropic drugs: T400-T409, T420-T428, T430-T439. Deaths with codes outside the selected range or where no drug was identified are classified as other or unspecified.

Table 11. Top Ten Multidrug Overdose Combinations by Deaths (2017-2021)

Rank	Drug A (ICD-10 Code)	Drug B (ICD-10 Code)	Deaths	% Total ODs (N=778)
1	Heroin (T401)	Psychostimulants (T436)	145	18.6%
2	Other Synthetic Narcotics (T404)	Psychostimulants (T436)	143	18.4%
3	Other Opioids (T402)	Psychostimulants (T436)	107	13.8%
4	Other Opioids (T402)	Other Synthetic Narcotics (T404)	90	11.6%
5	Heroin (T401)	Other And Unspecified Narcotics (T406)	76	9.8%
6	Other And Unspecified Narcotics (T406)	Psychostimulants (T436)	72	9.3%
7	Heroin (T401)	Other Synthetic Narcotics (T404)	71	9.1%
8	Heroin (T401)	Other Opioids (T402)	70	9.0%
9	Benzodiazepines (T424)	Other Opioids (T402)	52	6.7%
10	Other And Unspecified Narcotics (T406)	Other Opioids (T402)	51	6.6%

Note: Multidrug overdoses with drug types in selected ICD-10 code ranges for narcotic, sedative, or psychotropic drugs: T400-T409, T420-T428, T430-T439. Drug A and B order is arbitrary and not indicative of each drug's level of contribution to the overdose death.

Discussion

In 2021, Alaska experienced the largest percent increase in overdose deaths of any state in the United States.¹ Between 2020–2021, drug overdose death rates increased for most drug categories examined in this report, resulting in a 74% increase in the overall drug overdose death rate. Of the drugs evaluated in the report, the largest increases were seen in overdose deaths involving fentanyl (a synthetic opioid) and methamphetamine (a psychostimulant), increasing 150% and 148%, respectively. The largest declines were seen in cocaine and benzodiazepine overdose deaths (48% and 40%, respectively). In 2021, individuals at comparatively higher risk of dying from drug overdose included men, American Indian/Alaska Native people, young adults, and those residing in the Anchorage Public Health Region. Multidrug use can be a significant driver of overdose mortality due to the physiological effects on the cardiovascular and respiratory systems when mixing categories of substances. Of the 778 total overdose deaths that occurred between 2017–2021, 58% involved drugs from more than one narcotic, sedative, or psychotropic category, including 34% that involved drugs from three or more categories.

¹ Ahmad FB, Rossen LM, Sutton P. Provisional drug overdose death counts. National Center for Health Statistics. 2021.

These data are consistent with recent national findings of most overdose deaths involving more than one substance.² 2019 data across 24 states and Washington DC revealed that fentanyl, heroin, cocaine, or methamphetamine (alone or in combination) were involved in nearly 85% of drug overdose deaths.³ Overdose deaths involving synthetic opioids excluding methadone (primarily fentanyl) are projected to have increased for the ninth straight year in 2021,⁴ as fentanyl continues to be mixed with heroin, stimulants, and counterfeit pills.⁵ In Alaska, fentanyl was involved in nearly three out of four opioid overdose deaths, and many of these fentanyl-involved overdose deaths involved an additional substance, such as methamphetamine or heroin. The high potency of fentanyl combined with the tendency for mixing or co-use with other substances complicates intervention and treatment efforts.

In Alaska, the number of overdose deaths involving methamphetamines increased by 148% in 2021. The significant number of deaths involving psychostimulants warrants an increase in available and accessible stimulant use disorder treatment, and further analysis into risk and protective factors associated with stimulant misuse and addiction. Psychostimulants were involved in the top three overdose drug combinations (with heroin, other synthetic narcotics, and other opioids being the other substances) across 778 overdose deaths in the last five years. This suggests that harm reduction strategies should be integrated across multiple venues that include naloxone distribution to people who use stimulants, and multidrug use education on the lethality of combining substances.

More than a dozen State of Alaska (SOA) programs focus on prevention, treatment, and recovery strategies to counter overdose morbidity and mortality. Several initiatives specifically address fentanyl-involved overdose deaths. Since 2017, SOA Department of Health (DOH) Office of Substance Misuse and Addiction Prevention, through Project HOPE,⁶ has distributed over 60,000 kits of naloxone to community members, a medication that has been demonstrated worldwide to reduce fatal overdose, with over 300 overdoses reversed in Alaska.^{7, 8} Currently, Project HOPE incorporates fentanyl test strips and other resources into each naloxone kit. In 2022, a new initiative called Project Gabe,⁹ supported by Project HOPE and the Section of Public Health Nursing, was launched to provide opioid misuse awareness, education, and prevention resources (including naloxone) to the fishing industry, as studies demonstrate employees in some occupational industries are at higher risk of being affected by the opioid epidemic. Finally, several public service announcements, posters, an Anchorage located bus advertisement, and website were developed and can be found at <http://opioids.alaska.gov>.

Engaging with people at high risk of overdose is key to preventing more deaths. Mobile crisis units connect people with the most appropriate resources from the onset of a behavioral health crisis through their recovery and follow up care. The Restore Hope in Linkage to Care Collaboration Program supports local behavioral health agencies, Anchorage Fire Department, and City of Fairbanks partners to connect people at point of emergency response to treatment and other social services. Since the inception of this program, 34 people engaged in treatment. The 1115 Medicaid Waiver Services is also integral to these efforts as it incorporated reimbursement rates for an increased breadth of behavioral health agencies as well as for mobile outreach and crisis response services.

SOA DOH has also been working with tribal and academic partners to incorporate a variety of provider education trainings, and tools including Project ECHO, a collaborative model of education that makes specialty knowledge more accessible to rural healthcare providers.¹⁰ Improving awareness among providers of their existing prescribing practices is important to support the

² Hedegaard, H., Bastian, B., Trinidad, J., Warner, M. (2018). "Drugs most frequently involved in drug overdose deaths: United State, 2011-2016." *National Vital Statistics Reports*, 67(9). Retrieved 22 Aug 2019 from: https://www.cdc.gov/nchs/data/nvsr/nvsr67/nvsr67_09-508.pdf.

³ O'Donnell, J., Gladden, RM., Mattson, C., et al. (2020). "Vital signs: characteristics of drug overdose deaths involving opioids and stimulants – 24 states and the District of Columbia, January-June 2019". *MMWR Morbidity and Mortality Weekly Report*, 69(35): 1189-1197.

⁴ Ahmad FB, Rossen LM, Sutton P. Provisional drug overdose death counts. National Center for Health Statistics. 2021.

⁵ Drug Enforcement Administration (DEA). "2020 National Drug Threat Assessment." Retrieved from: https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf.

⁶ Project Hope: <https://dhss.alaska.gov/health/osmap/Pages/hope.aspx>.

⁷ Chimbar, L., & Moleta, Y. (2018). "Naloxone effectiveness: a systematic review." *Journal of Addictions Nursing*, 29(3): 161-171.

⁸ B. Hanson (personal communication, November 10, 2020).

⁹ Project GABE: https://dhss.alaska.gov/health/News/Documents/press/2022/DHSS_PressRelease_DPH_ProjectGabe_20220607.pdf.

¹⁰ Project ECHO: <https://health.alaska.gov/dph/HealthPlanning/Pages/telehealth/ECHO.aspx>.

increase in training opportunities. The Alaska Medicaid Drug Utilization Program continues to promote evidence-based opioid prescribing activities and has resulted in a decrease in overall opioid prescribing within the Alaska Medicaid population. The SOA Department of Commerce, Community, and Economic Development facilitates the Prescription Drug Monitoring Program,¹¹ a system that requires all providers to report prescriptions of opioids and benzodiazepines as well as other substances. The system has seen a 41% increase in the number of registered users since 2018 and a 30% decrease in the total number of opioid prescriptions between 2017 and 2021.¹² The SOA DOH and Department of Corrections has scaled up screening, referral, linkage to care, and treatment funding and intervention through the implementation of the 1115 waiver,¹³ Alaska Prenatal Screening Program,¹⁴ and Medication Assisted Treatment training.¹⁵ Studies indicate that mortality risk is lowered when people access methadone or buprenorphine treatment.¹⁶

Aside from these examples of the SOA's efforts, a variety of state, federal, and local organizations have conducted interventions across the spectrum of prevention, treatment, and recovery. To continue to see the impact in 2023, SOA and its partners have, and will continue to, work upstream addressing social determinants of health¹⁷ and Adverse Childhood Experiences,¹⁸ availability of medication assisted treatment, and the demographic disparities in overdose mortality.

Evidence-Based Strategies to Reduce Drug Overdose Deaths

1. Prevention:

- a. Educational campaigns.
- b. Interventions tailored to the community.
- c. Prescription drug monitoring programs.
- d. Opioid prescribing guidelines.
- e. Regulating promotion and marketing of opioids.
- f. Better mental health care.
- g. Opioid safe disposal locations.

2. Harm Reduction:

- a. Availability of fentanyl test strips.
- b. Naloxone access and training.
- c. Syringe services programs.
- d. Supervised injection sites.

3. Treatment:

- a. Increase access to treatment, including through telehealth.
- b. Medications for opioid use disorder.
- c. Expand and diversify treatment workforce.
- d. Improve health care workforce addiction training.
- e. Reduce stigma for seeking care.
- f. Access to culturally competent care.
- g. Treatment alternatives to incarceration.

4. Recovery:

¹¹ <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PrescriptionDrugMonitoringProgram.aspx>.

¹² Alaska Prescription Drug Monitoring Program. (2022). "Alaska Prescription Drug Monitoring Program report to the 32nd Alaska State Legislature (2022)." *Prepared for the 32nd Alaska Legislature on May 2, 2022*. Retrieved from: https://www.commerce.alaska.gov/web/portals/5/pub/PHA_PDMP_2022_LegislativeReport.pdf.

¹³ <https://health.alaska.gov/dbh/Pages/1115/default.aspx>.

¹⁴ Singleton, R., Slaunwhite, A., Herrick, M., Hirschfeld, M., Brunner, L., ...Rider, E. (2019). "Research and policy priorities for addressing prenatal exposure to opioids in Alaska." *International Journal of Circumpolar Health*, 78(1).

¹⁵ <https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=192562>.

¹⁶ Sordo, L., Barrio, G., Bravo, M., Indave, B., Degehardt, L., ...Pastor-Barrusio, R. (2017). "Mortality risk during and after opioid substitution treatment: systematic review and meta-analysis of cohort studies." *The BMJ*, 357.

¹⁷ Healthypeople.gov. (2019). "Substance Abuse." Retrieved 16 Sept 2019 from: <https://www.healthypeople.gov/2020/leading-health-indicators/2020-lhi-topics/Substance-Abuse/determinants>.

¹⁸ Hughes, K., Bellis, M., Hardcastle, K., Sethi, D., Butchart, A., ... Dunne, M. (2017). "The effect of multiple adverse childhood experiences on health: a systematic review and meta-analysis." *The Lancet, Public Health*, 2(8): ee356-e366.

- a. Employment opportunities for people in recovery.
 - b. Expanded access to recovery housing.
 - c. Peer counseling.
 - d. Intensive support to sustain recovery.
5. Data Collection
- a. Promote timely collection of local data, including demographics.
 - b. Make real-time, disaggregated data available for identifying at-risk groups.
 - c. Use information gathered to inform effective, community tailored strategies.

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Homicide Involving Controlled Substances Highlights

- **Drug related deaths plague our state¹**
 - 253 Alaskans died of a drug overdose in 2021.
 - 196 of those deaths were from opioids.
 - Synthetic opioids, like fentanyl, account for 3 out of 4 opioid overdose deaths.
 - Alaska's overdose death rate increased by 102% from 2017 to 2021.
 - Alaska's fentanyl deaths increased by 417% from 2017 to 2021.

- **Increases penalty for delivering a controlled substance to a person who is unaware that a controlled substance is being delivered**
 - Makes delivering a controlled substance to a person who is mentally incapable, incapacitated, or unaware that they are being given a controlled substance misconduct involving a controlled substance in the first degree.
 - Those who prey upon people who are in vulnerable states should be subject to a higher penalty than those who are purely distributing drugs.

- **Reclassifies offense:** to combat the scourge drug related deaths are having on our state, this legislation reclassifies a homicide that occurs when a controlled substance is delivered to a person and the person dies from ingesting the controlled substance from manslaughter to murder in the second degree.

- **Precludes "good time" deductions for certain drug dealers**
 - Good time deductions are precluded for individuals convicted of felony drug dealing.

¹ Alaska Department of Health, Division of Public Health, Drug Overdose Morality Update 2021 (2021), https://health.alaska.gov/dph/VitalStats/Documents/PDFs/DrugOverdoseMortalityUpdate_2021.pdf.

AMENDMENT #4

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRAY

TO: CSHB 66(JUD), Draft Version "B"

1 Page 1, line 1, following "substances;":

2 Insert "relating to manslaughter;"

3

4 Page 2, line 24, following "substances":

5 Insert "that contains or is combined with a schedule IA controlled substance set
6 out in AS 11.71.140(c)(29)"

7

8 Page 2, lines 26 - 27:

9 Delete "; in this paragraph, "ingestion" means voluntarily or involuntarily taking
10 a substance into the body in any manner"

11

12 Page 2, following line 27:

13 Insert new bill sections to read:

14 **** Sec. 2.** AS 11.41.120(a) is amended to read:

15 (a) A person commits the crime of manslaughter if the person

16 (1) intentionally, knowingly, or recklessly causes the death of another
17 person under circumstances not amounting to murder in the first or second degree;

18 (2) intentionally aids another person to commit suicide; or

19 (3) under circumstances not amounting to murder in the second
20 degree under AS 11.41.110(a)(6), knowingly manufactures or delivers a controlled

21 substance in violation of AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule

22 IVA controlled substances, and a person dies as a direct result of ingestion of the

23 controlled substance; the death is a result that does not require a culpable mental state

1 [; IN THIS PARAGRAPH, "INGESTION" MEANS VOLUNTARILY OR
2 INVOLUNTARILY TAKING A SUBSTANCE INTO THE BODY IN ANY
3 MANNER].

4 * Sec. 3. AS 11.41.140 is amended to read:

5 Sec. 11.41.140. Definitions [DEFINITION]. In AS 11.41.100 - 11.41.140₁

6 (1) "ingestion" means voluntarily or involuntarily taking a
7 substance into the body in any manner;

8 (2) "person", when referring to the victim of a crime, means a human
9 being who has been born and was alive at the time of the criminal act. A person is
10 "alive" if there is spontaneous respiratory or cardiac function or, when respiratory and
11 cardiac functions are maintained by artificial means, there is spontaneous brain
12 function."

13

14 Renumber the following bill sections accordingly.

15

16 Page 5, line 11:

17 Delete all material.

18

19 Renumber the following bill sections accordingly.

20

21 Page 5, line 14, following "Act,":

22 Insert "AS 11.41.120(a), as amended by sec. 2 of this Act, AS 11.41.140, as amended
23 by sec. 3 of this Act,"

24

25 Page 5, line 15:

26 Delete "sec. 2"

27 Insert "sec. 4"

28 Delete "sec. 3"

29 Insert "sec. 5"

30

31 Page 3, line 16:

1 Delete "sec. 4"

2 Insert "sec. 6"

3

4 Page 3, line 17:

5 Delete "sec. 5"

6 Insert "sec. 7"

AMENDMENT #3

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRAY

TO: CSHB 66(JUD), Draft Version "B"

1 Page 1, line 3:

2 Delete "relating to the computation of good time;"

3

4 Page 4, line 24, through page 5, line 10:

5 Delete all material.

6

7 Renumber the followings bill sections accordingly.

8

9 Page 5, line 16, following the first occurrence of "Act,":

10 Insert "and"

11

12 Page 5, lines 16 - 17:

13 Delete "and AS 33.20.010(a), as amended by sec. 5 of this Act,"

CS FOR HOUSE BILL NO. 66(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to homicide resulting from conduct involving controlled substances;
2 relating to misconduct involving a controlled substance in the first degree; relating to
3 sentencing; relating to the computation of good time; and providing for an effective
4 date."

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

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

- 7 (a) A person commits the crime of murder in the second degree if
 - 8 (1) with intent to cause serious physical injury to another person or
 - 9 knowing that the conduct is substantially certain to cause death or serious physical
 - 10 injury to another person, the person causes the death of any person;
 - 11 (2) the person knowingly engages in conduct that results in the death
 - 12 of another person under circumstances manifesting an extreme indifference to the
 - 13 value of human life;
 - 14 (3) under circumstances not amounting to murder in the first degree

1 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
 2 person commits or attempts to commit arson in the first degree, kidnapping, sexual
 3 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
 4 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
 5 degree, escape in the first or second degree, robbery in any degree, or misconduct
 6 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)
 7 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
 8 in immediate flight from that crime, any person causes the death of a person other than
 9 one of the participants;

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

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

17 (A) a felony violation of AS 11.41;

18 (B) in violation of a law or ordinance in another jurisdiction
 19 with elements similar to a felony under AS 11.41; [OR]

20 (C) an attempt, a solicitation, or a conspiracy to commit a
 21 crime listed in (A) or (B) of this paragraph; or

22 **(6) the person knowingly manufactures or delivers a controlled**
 23 **substance in violation of AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule**
 24 **IVA controlled substances, and a person dies as a direct result of ingestion of the**
 25 **controlled substance; the death is a result that does not require a culpable mental**
 26 **state; in this paragraph, "ingestion" means voluntarily or involuntarily taking a**
 27 **substance into the body in any manner.**

28 * Sec. 2. AS 11.71.010(a) is amended to read:

29 (a) Except as authorized in AS 17.30, a person commits the crime of
 30 misconduct involving a controlled substance in the first degree if the person

31 (1) delivers any amount of a schedule IA controlled substance to a

1 person under 19 years of age who is at least three years younger than the person
2 delivering the substance;

3 (2) delivers any amount of a schedule IIA or IIIA controlled substance
4 to a person under 19 years of age who is at least three years younger than the person
5 delivering the substance; [OR]

6 (3) engages in a continuing criminal enterprise; or

7 (4) delivers any amount of a schedule IA, IIA, IIIA, or IVA
8 controlled substance to a person who is

9 (A) mentally incapable;

10 (B) incapacitated; or

11 (C) unaware that a controlled substance is being delivered.

12 * **Sec. 3.** AS 11.71.010(b) is amended to read:

13 (b) For purposes of this section,

14 (1) a person is engaged in a "continuing criminal enterprise" if

15 (A) [(1)] the person commits a violation of this chapter which
16 is punishable as a felony; and

17 (B) [(2)] that violation is a part of a continuing series of five or
18 more violations of this chapter

19 (i) [(A)] which the person undertakes in concert with at
20 least five other persons organized, supervised, or otherwise managed by
21 the person; and

22 (ii) [(B)] from which the person obtains substantial
23 income or resources;

24 (2) "incapacitated" has the meaning given in AS 11.41.470;

25 (3) "mentally incapable" has the meaning given in AS 11.41.470.

26 * **Sec. 4.** AS 12.55.125(c) is amended to read:

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

31 (1) if the offense is a first felony conviction and does not involve

1 circumstances described in (2) of this subsection, four to seven years;

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

3 (A) and the defendant possessed a firearm, used a dangerous
4 instrument, or caused serious physical injury or death during the commission
5 of the offense, or knowingly directed the conduct constituting the offense at a
6 uniformed or otherwise clearly identified peace officer, firefighter, correctional
7 employee, emergency medical technician, paramedic, ambulance attendant, or
8 other emergency responder who was engaged in the performance of official
9 duties at the time of the offense, seven to 11 years;

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

12 (i) the manufacturing occurred in a building with
13 reckless disregard that the building was used as a permanent or
14 temporary home or place of lodging for one or more children under 18
15 years of age or the building was a place frequented by children; or

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

19 **(C) and the conviction is for manufacturing or delivery**
20 **related to a schedule IA controlled substance, seven to 11 years;**

21 (3) if the offense is a second felony conviction, 10 to 14 years;

22 (4) if the offense is a third felony conviction and the defendant is not
23 subject to sentencing under (1) of this section, 15 to 20 years.

24 * Sec. 5. AS 33.20.010(a) is amended to read:

25 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner
26 convicted of an offense against the state or a political subdivision of the state and
27 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction
28 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner
29 follows the rules of the correctional facility in which the prisoner is confined. A
30 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

31 (1) to a mandatory 99-year term of imprisonment under

1 AS 12.55.125(a) after June 27, 1996;

2 (2) to a definite term under AS 12.55.125(l);

3 (3) for a sexual felony under AS 12.55.125(i)

4 (A) and has one or more prior sexual felony convictions as
5 determined under AS 12.55.145(a)(4); [OR]

6 (B) that is an unclassified or a class A felony; or

7 (4) for an unclassified felony under AS 11.41.100 or 11.41.110; or

8 **(5) for a felony under AS 11.71.010 - 11.71.040 for conduct**
9 **involving manufacturing or delivering, or possessing with the intent to**
10 **manufacture or deliver, a controlled substance.**

11 * **Sec. 6.** AS 11.41.120(a)(3) is repealed.

12 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 APPLICABILITY. AS 11.41.110(a), as amended by sec. 1 of this Act,
15 AS 11.71.010(a), as amended by sec. 2 of this Act, AS 11.71.010(b), as amended by sec. 3 of
16 this Act, AS 12.55.125(c), as amended by sec. 4 of this Act, and AS 33.20.010(a), as amended
17 by sec. 5 of this Act, apply to offenses committed on or after the effective date of this Act.

18 * **Sec. 8.** This Act takes effect July 1, 2023.

AMENDMENT # 5

OFFERED IN THE HOUSE
TO: HB 66

BY REPRESENTATIVE GRAY

1 Page 1, line 1, following "substances;":

2 Insert "relating to manslaughter;"

3

4 Page 2, line 22, following "substances":

5 Insert "that contains or is combined with a schedule IA controlled substance set
6 out in AS 11.71.140(c)(29)."

7

8 Page 2, lines 24 - 25:

9 Delete "; in this paragraph, "ingestion" mean voluntarily or involuntarily taking
10 a substance into the body in any manner"

11

12 Page 2, following line 25:

13 Insert new bill sections to read:

14 **"* Sec. 2. AS 11.41.120(a) is amended to read:**

15 (a) A person commits the crime of manslaughter if the person

16 (1) intentionally, knowingly, or recklessly causes the death of another
17 person under circumstances not amounting to murder in the first or second degree;

18 (2) intentionally aids another person to commit suicide; or

19 (3) under circumstances not amounting to murder in the second
20 degree under AS 11.41.110(a)(6), knowingly manufactures or delivers a controlled
21 substance in violation of AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule
22 IVA controlled substances, and a person dies as a direct result of ingestion of the
23 controlled substance; the death is a result that does not require a culpable mental state

1 [; IN THIS PARAGRAPH, "INGESTION" MEANS VOLUNTARILY OR
2 INVOLUNTARILY TAKING A SUBSTANCE INTO THE BODY IN ANY
3 MANNER].

4 * Sec. 3. AS 11.41.140 is amended to read:

5 **Sec. 11.41.140. Definitions [DEFINITION].** In AS 11.41.100 - 11.41.140,

6 **(1) "ingestion" means voluntarily or involuntarily taking a**
7 **substance into the body in any manner;**

8 **(2) "person", when referring to the victim of a crime, means a human**
9 being who has been born and was alive at the time of the criminal act. A person is
10 "alive" if there is spontaneous respiratory or cardiac function or, when respiratory and
11 cardiac functions are maintained by artificial means, there is spontaneous brain
12 function."

13
14 Renumber the following bill sections accordingly.

15
16 Page 3, line 13:

17 Delete all material.

18
19 Renumber the following bill sections accordingly.

20
21 Page 3, line 16, following "Act,":

22 Insert "AS 11.41.120(a), as amended by sec. 2 of this Act, AS 11.41.140, as amended
23 by sec. 3 of this Act,"

24
25 Page 3, line 17:

26 Delete "sec. 2"

27 Insert "sec. 4"

#4

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 66

BY REPRESENTATIVE GRAY

1 Page 1, line 2:

2 Delete "relating to the computation of good time;"

3

4 Page 2, line 26, through page 3, line 12:

5 Delete all material.

6

7 Renumber the following bill sections accordingly.

8

9 Page 3, lines 16 - 17:

10 Delete "and AS 33.20.010(a), as amended by sec. 2 of this Act, apply"

11 Insert "applies"

#3

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 66

BY REPRESENTATIVE VANCE

1 Page 3, lines 11 - 12:

2 Delete ", or possessing with the intent to manufacture or deliver."

#2

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 66

BY REPRESENTATIVE JOHNSON, C.

1 Page 1, line 1, following "substances;":

2 Insert "relating to sentencing;"

3

4 Page 2, following line 25:

5 Insert a new bill section to read:

6 **"* Sec. 2. AS 12.55.125(c) is amended to read:**

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

11 (1) if the offense is a first felony conviction and does not involve
12 circumstances described in (2) of this subsection, four to seven years;

13 (2) if the offense is a first felony conviction

14 (A) and the defendant possessed a firearm, used a dangerous
15 instrument, or caused serious physical injury or death during the commission
16 of the offense, or knowingly directed the conduct constituting the offense at a
17 uniformed or otherwise clearly identified peace officer, firefighter, correctional
18 employee, emergency medical technician, paramedic, ambulance attendant, or
19 other emergency responder who was engaged in the performance of official
20 duties at the time of the offense, seven to 11 years;

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

23 (i) the manufacturing occurred in a building with

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reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18 years of age or the building was a place frequented by children; or

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

(C) and the conviction is for manufacturing or delivery related to fentanyl under AS 11.71.021(a)(1), seven to 11 years;

(3) if the offense is a second felony conviction, 10 to 14 years;

(4) if the offense is a third felony conviction and the defendant is not subject to sentencing under (1) of this section, 15 to 20 years."

Renumber the following bill sections accordingly.

Page 3, line 16, following "Act,":

Insert "AS 12.55.125(c), as amended by sec. 2 of this Act,"

Page 3, line 17:

Delete "sec. 2"

Insert "sec. 3"

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 66

BY REPRESENTATIVE JOHNSON, C.

1 Page 1, line 1, following "substances;":

2 Insert "relating to misconduct involving a controlled substance in the first
3 degree;"

4

5 Page 2, following line 25:

6 Insert new bill sections to read:

7 **** Sec. 2.** AS 11.71.010(a) is amended to read:

8 (a) Except as authorized in AS 17.30, a person commits the crime of
9 misconduct involving a controlled substance in the first degree if the person

10 (1) delivers any amount of a schedule IA controlled substance to a
11 person under 19 years of age who is at least three years younger than the person
12 delivering the substance;

13 (2) delivers any amount of a schedule IIA or IIIA controlled substance
14 to a person under 19 years of age who is at least three years younger than the person
15 delivering the substance; [OR]

16 (3) engages in a continuing criminal enterprise; or

17 (4) delivers any amount of a schedule IA, IIA, or IIIA controlled
18 substance to a person who is

19 (A) mentally incapable;

20 (B) incapacitated; or

21 (C) unaware that a controlled substance is being delivered.

22 * **Sec. 3.** AS 11.71.010(b) is amended to read:

23 (b) For purposes of this section,

- 1 **(1)** a person is engaged in a "continuing criminal enterprise" if
- 2 **(A)** [(1)] the person commits a violation of this chapter which
- 3 is punishable as a felony; and
- 4 **(B)** [(2)] that violation is a part of a continuing series of five or
- 5 more violations of this chapter
- 6 **(i)** [(A)] which the person undertakes in concert with at
- 7 least five other persons organized, supervised, or otherwise managed by
- 8 the person; and
- 9 **(ii)** [(B)] from which the person obtains substantial
- 10 income or resources;
- 11 **(2) "incapacitated" has the meaning given in AS 11.41.470;**
- 12 **(3) "mentally incapable" has the meaning given in AS 11.41.470."**

13

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

15

16 **Page 3, line 16, following "Act,":**

17 **Insert "AS 11.71.010(a), as amended by sec. 2 of this Act, AS 11.71.010(b), as**

18 **amended by sec. 3 of this Act,"**

19

20 **Page 3, line 17:**

21 **Delete "sec. 2"**

22 **Insert "sec. 4"**



Homicide Involving Controlled Substances Highlights

- **Drug related deaths plague our state¹**
 - 253 Alaskans died of a drug overdose in 2021.
 - 196 of those deaths were from opioids.
 - Synthetic opioids, like fentanyl, account for 3 out 4 opioid overdose deaths.
 - Alaska's overdose death rate increased by 102% from 2017 to 2021.
 - Alaska's fentanyl deaths increased by 417% from 2017 to 2021.
- **Reclassifies offense:** to combat the scourge drug related deaths are having on our state, this legislation reclassifies a homicide resulting from conduct involving a controlled substance from manslaughter to murder in the second degree.
 - When a person illegally manufactures or delivers a controlled substance and a person dies as a result of ingesting the drugs, the person is guilty of murder in the second degree.
- **Precludes "good time" deductions for certain drug dealers**
 - Good time deductions are precluded for individuals convicted of felony drug dealing.

¹ Alaska Department of Health, Division of Public Health, Drug Overdose Morality Update 2021 (2021), https://health.alaska.gov/dph/VitalStats/Documents/PDFs/DrugOverdoseMortalityUpdate_2021.pdf.



**HB 66 PENALTIES CONTROLLED SUBSTANCES –
SECTIONAL ANALYSIS**

February 8, 2023

Section 1. This section reclassifies a homicide resulting from conduct involving controlled substances from manslaughter to murder in the second degree. A person is guilty of murder in the second degree under this theory where the person violates misconduct involving a controlled substance in the first, second, third, or fourth degree for a schedule IVA controlled substance, and a person dies as a result of ingesting the drugs. The person must knowingly manufacture or deliver the controlled substance but there is no required mental state for the death.

Section 2. This section amends computation of good time to preclude individuals convicted of misconduct involving a controlled substance in the first, second, third, and fourth degree from receiving a good time deduction from their sentence.

Section 3. This section is the repealer section.

Section 4. This section is the applicability section. This bill will apply to offenses occurring on or after the effective date.

Section 5. This section establishes the effective date as July 1, 2023.

HOUSE BILL NO. 66

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/8/23

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to homicide resulting from conduct involving controlled substances;**
2 **relating to the computation of good time; and providing for an effective date."**

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

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

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

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

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

12 (3) under circumstances not amounting to murder in the first degree
13 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
14 person commits or attempts to commit arson in the first degree, kidnapping, sexual

1 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
2 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
3 degree, escape in the first or second degree, robbery in any degree, or misconduct
4 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)
5 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
6 in immediate flight from that crime, any person causes the death of a person other than
7 one of the participants;

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

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

15 (A) a felony violation of AS 11.41;

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

18 (C) an attempt, a solicitation, or a conspiracy to commit a
19 crime listed in (A) or (B) of this paragraph;

20 **(6) the person knowingly manufactures or delivers a controlled**
21 **substance in violation of AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule**
22 **IVA controlled substances, and a person dies as a direct result of ingestion of the**
23 **controlled substance; the death is a result that does not require a culpable mental**
24 **state; in this paragraph, "ingestion" mean voluntarily or involuntarily taking a**
25 **substance into the body in any manner.**

15-99 yrs

common
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giving to
someone

26 * Sec. 2. AS 33.20.010(a) is amended to read:

27 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner
28 convicted of an offense against the state or a political subdivision of the state and
29 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction
30 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner
31 follows the rules of the correctional facility in which the prisoner is confined. A

7-11-2017
K. R. ...

1 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

2 (1) to a mandatory 99-year term of imprisonment under
3 AS 12.55.125(a) after June 27, 1996;

4 (2) to a definite term under AS 12.55.125(l);

5 (3) for a sexual felony under AS 12.55.125(i)

6 (A) and has one or more prior sexual felony convictions as
7 determined under AS 12.55.145(a)(4); or

8 (B) that is an unclassified or a class A felony; or

9 (4) for an unclassified felony under AS 11.41.100 or 11.41.110; or

10 (5) for a felony under AS 11.71.010 - 11.71.040 for conduct
11 involving manufacturing or delivering, or possessing with the intent to
12 manufacture or deliver, a controlled substance.

13 * Sec. 3. AS 11.41.120(a)(3) is repealed. *newslawguy*

14 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 APPLICABILITY. AS 11.41.110(a), as amended by sec. 1 of this Act, and
17 AS 33.20.010(a), as amended by sec. 2 of this Act, apply to offenses committed on or after
18 the effective date of this Act.

19 * Sec. 5. This Act takes effect July 1, 2023.

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500



550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907-269-7450

Governor Mike Dunleavy
STATE OF ALASKA

February 7, 2023

The Honorable Cathy Tilton
Speaker of the House
Alaska State Legislature
State Capitol Room 208
Juneau, AK 99801-1182

Dear Speaker Tilton:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to penalties for drug distribution and using controlled substances.

Drugs and drug overdoses have had a devastating effect on our state. According to the Department of Health's 2021 Drug Overdose Mortality Update, between 2020 and 2021, Alaska experienced the largest percent increase of drug overdose deaths of any state. In 2021, Alaska recorded over 100 deaths more than the previous year. Unfortunately, fentanyl, a highly potent opioid, makes up a large percentage of these drug related deaths. Increasingly, those who distribute drugs are mixing fentanyl with other types of drugs in order to cultivate addiction and attract buyers. These buyers may not necessarily know that fentanyl is mixed in with their drug of choice, increasing the risks associated with drug use.

This legislation attacks the problem at the point of distribution, making it second degree murder when a person distributes or manufactures a controlled substance and a person dies as a direct result of ingesting that substance. This legislation further serves to protect our communities by ensuring offenders convicted of distributing or manufacturing drugs will not be subject to early release due to a "good time" deduction from their sentence. Those who choose to manufacture or distribute drugs illegally should be put on notice that there are significant consequences for the harm they cause.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Dunleavy".

Mike Dunleavy
Governor

Enclosure