

SENATE FINANCE COMMITTEE REPORT

DATE: 5/3/24

FURTHER: TODAY'S CALENDAR

DATE TURNED
IN TO OFFICE: 5/12/24

Finance Committee considered CS FOR HOUSE BILL NO. 66(FIN) am

HB 66 CONTROLLED SUB;HOMICIDE;CRIMES;SENTENCING

"An Act relating to homicide resulting from conduct involving controlled substances; relating to misconduct involving a controlled substance; relating to sentencing; and providing for an effective date."

and recommends:

☒ be replaced with SCS CS HB 66 (FIN) ☐ Same Title ☐ Technical Title Change
☒ New Title/SCR No. 15

☐ adopt previous SCS _____ (_____) ☐ Same Title ☐ Technical Title Change
☐ New Title/SCR No. _____

☐ attached amendment(s)

☐ adopt _____ Letter of Intent

☐ further referral to _____ Committee

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

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DPS			✓	17
ADM	✓			18
ADM	✓			19
COR	✓			20
LAW	✓			21

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DFC			✓	12
AJS			✓	16

☐ APPROPRIATION - no fiscal note

FISCAL INFO CONF. →

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	Wilson				✓
	KEEHL			✓	
	Merrick			x	
	Bishop			X	
CO-CHAIR:	Stroman	✓			
CO-CHAIR:	Hoffman	✓			
CO-CHAIR:	Green	✓			

Fiscal Note Continuation for (Bill Number) HB 66

[illegible]

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version:	SCS CSHB 66(JUD)
Fiscal Note Number:	12
(S) Publish Date:	5/3/2024

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				
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

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:	SCS CSHB 66(JUD)
Fiscal Note Number:	16
(S) Publish Date:	5/3/2024

Identifier: HB066CS(SJUD)-JUD-ACS-05-03-24
Title: CONTROLLED
SUB:HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Finance Committee

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

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
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? n/a
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Revised for Senate Judiciary Committee CS

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: 05/03/2024 09:00 AM
Date: 05/03/24

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

Analysis

The Senate Judiciary Committee Substitute for House Bill 66 (version N) 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*. Sec. 2. 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. The presumptive sentencing range for a first-time A felony conviction for manufacturing or delivering certain controlled substances is increased (sec. 22). Changes in classifications of offenses and increased penalties for offenses can sometimes cause a fiscal impact on the court system, but these offenses are not commonly charged and the changes are not expected to increase workload or cause any impact.

In addition, the bill creates a new crime of *assault in the presence of a child* as a new class A misdemeanor (sec. 6), makes *violating a stalking protective order* into an act of stalking itself (sec. 7), makes the *delivery of certain drugs to an incapacitated person an unclassified felony* (sec. 13), clarifies and *expands the categories of restitution* that may be ordered for a victim in a criminal case (sec. 21), and prevents the Dept. of Public Safety from *releasing certain marijuana possession records* in some background checks (secs. 26-27), and adds two additional offenses to the list of offenses that comprise the *definition of domestic violence* (sec. 34). These new and expanded crimes lead to more case filings and more litigation. The court system anticipates that it can absorb the additional work from these changes in its normal course.

The CS for House Bill 66 *changes the term "child pornography" to "child sexual abuse material"* in each statute in which that term appears (multiple sections). This wording change will have no impact on the way cases are filed or litigated, but will require CourtView and other databases that list statutory offenses to be re-programmed with the new name. The court system can accomplish this task without fiscal impact.

Other provisions of HB 66 would change multiple *requirements relating to the sex offender registry* (secs. 28-31), and would add additional offenses to the definition of "sex offense" for which a person is required to register (sec. 32). These changes are not anticipated to have a material effect of the court's caseload.

The CS for HB 66 *revises the process that takes place after a criminal defendant has been found, following an evaluation by a medical professional and a court hearing, incompetent to stand trial*. Sections 18-20 would refine the process in the criminal case when a defendant is incompetent, including adding a requirement that the prosecutor file a petition for an involuntary mental commitment before the criminal charges can be dismissed, if a defendant was charged with a felony crime against a person or felony arson. Correspondingly, the bill describes specific processes for involuntary mental commitments for those who had been found incompetent (secs. 39, 42-44), sets a timeframe for transporting a respondent in a mental commitment to an evaluation facility after the court issues an order (sec. 41), and allows for a two-year commitment in certain circumstances (sec. 45). It would allow court review of a two-year commitment every six months if the respondent requests. (sec. 47).

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. HB 66

Analysis

These new procedures will result in *more civil petitions for an involuntary hospitalization* to be filed and handled by the courts and will therefore impact operations, but are not expected to have a fiscal impact on the court system. These sections will result in more trials and hearings, but the number is not expected to be so substantial as to require additional resources at this time.

Finally, Section 51 of the CS for HB 66 would amend a court procedural rule, Criminal Rule 6(s), to provide that the evidence rules regarding hearsay do not apply in grand jury proceedings. This change would substantially change the way evidence is presented to a grand jury but would not have a fiscal impact on 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: HB066SCSCS(JUD)-FCS-API-05-04-2024
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Finance Committee

Department: Department of Family and Community Services
Appropriation: Alaska Psychiatric Institute
Allocation: Alaska Psychiatric Institute
OMB Component Number: 3311

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:

Initial version to reflect Senate Judiciary Committee substitute.

Prepared By: Matt Davidson
Division: Office of the Commissioner
Approved By: Marian Sweet, Assistant Commissioner
Agency: Department of Family and Community Services

Phone: (907)465-5808
Date: 05/04/2024
Date: 05/04/24

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. CSHB66

Analysis

HB66 allows the court to authorize criminal competency evaluations to take place at an outpatient clinic facility other than the Department of Family and Community Services (DFCS), Alaska Psychiatric Institute (API). DFCS-API has taken steps in recent years to ensure court ordered competency evaluations are conducted in a timely fashion by hiring both in-house and contracted evaluators. Alaska currently has capacity to provide forensic restoration for only 10 defendants at a time.

The department has recently developed multiple initiatives to increase the number of justice involved individuals served, including creation of outpatient and jail based restoration programs. The most acutely ill and clinically complex patients will be served at API, while other defendants can be more rapidly served in the outpatient and jail-based programs. The FY24 budget included 5 positions and \$800.0 to staff and implement these programs (\$675.0 personnel, \$125.0 services).

SB53 requires the Department of Law to file a petition seeking involuntary commitment orders for certain defendants who remain incompetent to stand trial after all criminal competency restoration orders have expired. The Department of Family and Community Services will be able to complete these evaluations using existing resources.

SB53 extends the length of time between judicial reviews that the court may order patients who have been previously found incompetent to stand trial to be held under the Title 47 civil commitment process. Current statute limits these involuntary commitment orders for up to six months, SB53 would allow the court to extend commitment orders up to two years. Because API is budgeted for full capacity of 70 civil patients, this change will not impact the API budget.

Under House Bill 172 (Ch 41, SLA 2022) the state is working to expand capacity for psychiatric evaluation, stabilization, and treatment of civil patients by allowing a new category of facility to seek designation from the department to provide involuntary commitment services, similar to current Designated Evaluation and Stabilization (DES) and Designated Evaluation and Treatment (DET) centers. The department is actively working to expand these services beyond the current 4 facilities offering DES/DET services (Bartlett Regional Hospital, Fairbanks Memorial Hospital, Mat-Su Regional Hospital, and Ketchikan Medical Center). Expansion of community-based services will help reduce the pressure on civil commitment beds at API.

The FY2024 budget included a total of \$904.0 (\$150.0 I/A Receipts (Other) and \$754.0 GF/MH (UGF) as part of the second year of HB172 implementation. No additional resources are necessary to support these programs are anticipated because of this legislation.

SB53 requires the Department of Family and Community Services to provide an annual report with information on the number of patients committed under this section. This reporting requirement will not have a fiscal impact on the department.

The bill also requires that the court provide the prosecuting authority 10-day notice before the department may release a person from a civil commitment if they have had a history of felony offense against a person and was previously found incompetent to stand trial. This notice will not have a fiscal impact on the department.

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66

Fiscal Note Number:

() Publish Date:

Identifier: HB066HCSCS(JUD)-LAW-CJL-5-3-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: (S) FIN

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					
Personal Services	389.5		389.5	389.5	389.5	389.5	389.5
Travel	11.0		8.0	8.0	8.0	8.0	8.0
Services	75.0		75.0	75.0	75.0	75.0	75.0
Commodities	15.0		7.5	7.5	7.5	7.5	7.5
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	490.5	0.0	480.0	480.0	480.0	480.0	480.0

Fund Source (Operating Only)

1004 Gen Fund (UGF)	490.5		480.0	480.0	480.0	480.0	480.0
Total	490.5	0.0	480.0	480.0	480.0	480.0	480.0

Positions

Full-time	3.0		3.0	3.0	3.0	3.0	3.0
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:

Updating changes made in Senate Judiciary Committee Substitute.

Prepared By: Dayna Mackey, Budget Manager
Division: Administrative Services Division
Approved By: Amber LeBlanc, Administrative Services Director
Agency: Department of Law

Phone: (907)465-3674
Date: 05/03/2024 09:15 AM
Date: 05/03/24

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. CSHB 66

Analysis

This bill makes a number of changes to the criminal code.

It increases penalties for certain offenses involving controlled substances. If a person distributes a controlled substance in violation of AS 11.71.010 and AS 11.71.021 and a person dies from ingesting that controlled substance the crime will be murder in the second degree. It also makes it misconduct involving a controlled substance in the first degree (AS 11.71.021) if a person delivers a controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered.

This legislation also makes a number of other changes to the criminal code such as making it a class A misdemeanor to assault another person in the presence of a child, amending the definition of "crime involving domestic violence" to include interfering with a report of a crime of domestic violence and unlawful contact, and allowing testifying witnesses to summarize the statements of others at the grand jury phase of a case. The bill also eliminates the phrase "child pornography" from statute and replaces it with "child sexual abuse material." This does not alter the legal status of the amended crimes. The Criminal Division does not anticipate a fiscal impact from these sections of the bill.

This legislation requires the Criminal Division to file a petition for civil involuntary commitment under AS 47.30 before dismissal of a criminal case due to the defendant being incompetent to stand trial in certain cases. For the cases where the prosecutor must then notify the Civil Division that the petition has been filed and, within 24 hours after the filing of the petition, provided the court's findings to the Civil Division. The process of filing a petition for civil involuntary commitment is not in which prosecutors are currently routinely involved. Therefore, the Criminal Division is requesting one additional attorney, one paralegal, and one associated law office assistant all located in Anchorage. Between 2020 and 2022 there were approximately 178 cases dismissed because the defendant was not competent and either not restorable or while the person was still on the restoration waitlist.

Additionally, this legislation requires the Criminal Division to notify the victim in a criminal case that was dismissed because the person was not competent to stand trial of the time and place of an involuntary commitment hearing under AS 47.30, the length of time for which the respondent is committed and the findings made by the court, and when the respondent is discharged from commitment. The Criminal Division does not currently receive this type of information and, therefore, is currently unable to notify victims. A former defendant could be civilly committed for a lengthy period of time which requires periodic hearings. Therefore, each case which requires this type of notification will require continued contact with the victim.

The expenses for the above mentioned positions include:

Personal Services:	Attorney 5, range 25, Anchorage \$215,225 Law Office Assistant 2, range 13, Anchorage \$84,908 Paralegal 1, range 14, Anchorage \$89,327
Travel:	\$1,000 per position in FY2025 for new employees to attend training, and \$8,000 per year for contested hearings
Services:	\$25,000 per position for statewide core service chargebacks such as lease space, telephones, etc.
Commodities:	\$5,000 per position in FY2025 for initial setup costs for new employees and \$2,500 per position in subsequent years for technology refresh

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 2025	FY 2025	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 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 03:00 PM
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 presense 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.

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB066SCSCS(FIN)-DPS-SWS-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: Statewide Support
Allocation: Criminal Justice Information Systems Program
OMB Component Number: 3200

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 committee substitute adopted in Senate Finance.

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 03:00 PM
Date: 05/12/24

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. SCS CSHB66

Analysis

This bill amends state law regarding sex offender registration requirements. The Department of Public Safety, Division of Statewide Services manages the state's sex offender registry. While the changes in the sex offender registration requirements will result in a workload increase, the department anticipates it will be able to absorb the added workload with existing resources and is therefore submitting a zero-fiscal note at this time.

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB066SCSCS-DOA-OPA-5-3-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Finance

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

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	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	362.9		362.9	362.9	362.9	362.9	362.9
Travel	5.5		5.5	5.5	5.5	5.5	5.5
Services	57.3		57.3	57.3	57.3	57.3	57.3
Commodities	7.0		7.0	7.0	7.0	7.0	7.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	432.7	0.0	432.7	432.7	432.7	432.7	432.7

Fund Source (Operating Only)

1004 Gen Fund (UGF)	432.7		432.7	432.7	432.7	432.7	432.7
Total	432.7	0.0	432.7	432.7	432.7	432.7	432.7

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 for current HB066SCSCS(JUD)

Prepared By: James Stinson, Director
Division: Office of Public Advocacy
Approved By: Leslie Isaacs
Agency: Department of Administration

Phone: (907)260-3500
Date: 05/03/2024 01:29 PM
Date: 05/03/24

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. HB066SCSCS(JUD)

Analysis

This bill incorporates several changes to criminal statutes and procedures previously introduced as independent legislative action and this fiscal note incorporates the combined fiscal impacts on the Agency. 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. The bill allows the presentation of hearsay evidence at grand jury and increases sex offender registry and makes modifications to sex trafficking statutes. Registry requirements are a significant factor in assessing litigation strategies and options for the accused and may increase the number of cases that are brought to trial rather than resolved through plea agreements. This legislation creates a two-year commitment term for individuals determined mentally incompetent to stand trial in felony prosecutions. Additionally, this bill changes replaces the term "child pornography" with "sexual abuse material."

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 position (range 24/C, Anchorage)

Personal Services - \$184.3

Travel - \$5.5

Indirect - \$14.8

Contractual - \$27.7

Commodities - \$3.5

Add Law Office Assistant 2 position (range 13/C, Palmer & Anchorage)

Personal Services - \$178.6

Indirect - \$14.8

Commodities - \$3.5

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB066SCSCS-DOA-PDA-5-3-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Finance

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

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	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	547.2		547.2	547.2	547.2	547.2	547.2
Travel	11.0		11.0	11.0	11.0	11.0	11.0
Services	114.6		114.6	114.6	114.6	114.6	114.6
Commodities	14.0		14.0	14.0	14.0	14.0	14.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	686.8	0.0	686.8	686.8	686.8	686.8	686.8

Fund Source (Operating Only)

1004 Gen Fund (UGF)	686.8		686.8	686.8	686.8	686.8	686.8
Total	686.8	0.0	686.8	686.8	686.8	686.8	686.8

Positions

Full-time	4.0						
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 for current HB066SCSCS(JUD)

Prepared By: Terrence Haas, Director
Division: Public Defender Agency
Approved By: Leslie Isaacs
Agency: Department of Administration

Phone: (907)334-4414
Date: 05/03/2024 01:17 PM
Date: 05/03/24

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. SCSCSHB066(JUD)

Analysis

This bill incorporates several changes to criminal statutes and procedures previously introduced as independent legislative action and this fiscal note incorporates the combined fiscal impacts on the Agency. 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. The bill allows the presentation of hearsay evidence at grand jury and increases sex offender registry and makes modifications to sex trafficking statutes. Registry requirements are a significant factor in assessing litigation strategies and options for the accused and may increase the number of cases that are brought to trial rather than resolved through plea agreements. This legislation creates a two-year commitment term for individuals determined mentally incompetent to stand trial in felony prosecutions. Additionally, this bill changes replaces the term "child pornography" with "sexual abuse material."

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. Additional staff will be needed to manage an increase in discovery and client contact. The Agency will need to handle increased commitment proceedings, monitor these clients, their treatment, and requests or petitions for early release.

The Agency will need the following positions to address the increased workload:

Add 2 Attorney 4 positions (range 24/C, Anchorage)

Personal Services - \$368.6

Travel - \$11.0

Indirect - \$29.6

Contractual - \$55.4

Commodities - \$7.0

Add 2 Law Office Assistant 2 positions (range 13/C, Palmer & Anchorage)

Personal Services - \$178.6

Indirect - \$29.6

Commodities - \$7.0

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: HB 66
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB66SCSCS(FIN)-DOC-IDO-05-12-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: (S) FIN

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	FY 2030
OPERATING EXPENDITURES							
Personal Services							
Travel							
Services	375.0						
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	375.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1004 Gen Fund (UGF)	375.0						
Total	375.0	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 with changes made in Senate Finance 5/12/2024.

Prepared By: Melissa Zura
Division: Budget Analyst
Approved By: Teri West, Administrative Services Director
Agency: Department of Corrections

Phone: (907)465-4641
Date: 05/12/2024
Date: 05/12/24

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. HB 66

Analysis

This Legislation makes a number of changes to the criminal code 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.

The DOC does not have sufficient data to project the full impacts of changes to the criminal code on the daily prison population; however, the department does not anticipate any significant fiscal impact with these changes and can absorb any increases within the current capacity and resources based on current inmate population counts.

This Legislation also requires the Department of Corrections to enter into a contract with a statewide Alaska Native Organization, identifies the make-up of the membership of the organization and a specific requirement of outreach to other agencies, in order to conduct a study of the disproportionate make-up of the Alaska Natives in Alaska prisons to the statewide Alaska Native population. It also requires a reporting of the findings to the Legislature. Based on prior studies of the inmate population, it is estimated that the cost would be approximately \$250.0 up to \$500.0. Based on information provided the department is seeking a one time increment in the amount of \$375.0.

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: 5/13/24

Referred: Today's Calendar

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

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

12 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section

1 to read:

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

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

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

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

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

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

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

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

28 (3) under circumstances not amounting to murder in the first degree
29 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
30 person commits or attempts to commit arson in the first degree, kidnapping, sexual
31 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor

1 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
 2 degree, escape in the first or second degree, robbery in any degree, or misconduct
 3 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)
 4 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
 5 in immediate flight from that crime, any person causes the death of a person other than
 6 one of the participants;

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

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

14 (A) a felony violation of AS 11.41;

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

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

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

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

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

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

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

31 (2) the defendant remained at the scene with the other person until

1 medical or law enforcement assistance arrived;

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

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

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

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

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

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

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

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

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

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

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

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

28 **Sec. 11.41.240. Assault in the presence of a child.** (a) A person commits the
29 crime of assault in the presence of a child if the person commits an assault under
30 AS 11.41.200 - 11.41.230 and the assault is a crime involving domestic violence, as
31 defined in AS 18.66.990, or commits a sexual assault under AS 11.41.410 - 11.41.427

1 with reckless disregard that, at the time of the assault, a child under 16 years of age is
 2 present in the dwelling, vehicle, or location where the assault occurs.

3 (b) In this section,

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

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

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

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

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

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

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

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

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

18 (5) the defendant has been previously convicted of a crime under this
 19 section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another
 20 jurisdiction with elements similar to a crime under this section, AS 11.41.270, or
 21 AS 11.56.740; or

22 (6) the defendant has been previously convicted of a crime, or an
 23 attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250,
 24 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120, or (B) a
 25 law or an ordinance of this or another jurisdiction with elements similar to a crime, or
 26 an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250,
 27 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, or 11.61.120,
 28 involving the same victim as the present offense.

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

30 (a) A person commits the crime of distribution of child sexual abuse material
 31 [PORNOGRAPHY] if the person distributes in this state or advertises, promotes,

1 solicits, or offers to distribute in this state any material that is proscribed under
2 AS 11.61.127.

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

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

5 (1) class B felony; or

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

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

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

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

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

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

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

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

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

26 (C) manslaughter under AS 11.41.120;

27 (D) criminally negligent homicide under AS 11.41.130;

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

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

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

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

- 1 (I) sexual assault in the first degree under AS 11.41.410;
 2 (J) sexual assault in the second degree under AS 11.41.420;
 3 (K) sexual assault in the third degree under AS 11.41.425;
 4 (L) sexual assault in the fourth degree under AS 11.41.427;
 5 (M) sexual abuse of a minor in the first degree under
 6 AS 11.41.434;
 7 (N) sexual abuse of a minor in the second degree under
 8 AS 11.41.436;
 9 (O) sexual abuse of a minor in the third degree under
 10 AS 11.41.438;
 11 (P) sexual abuse of a minor in the fourth degree under
 12 AS 11.41.440;
 13 (Q) robbery in the first degree under AS 11.41.500;
 14 (R) robbery in the second degree under AS 11.41.510;
 15 (S) extortion under AS 11.41.520;
 16 (T) coercion under AS 11.41.530;
 17 (U) distribution of child sexual abuse material
 18 [PORNOGRAPHY] under AS 11.61.125;
 19 (V) possession of child sexual abuse material
 20 [PORNOGRAPHY] under AS 11.61.127;
 21 (W) sex trafficking in the first degree under AS 11.66.110;
 22 (X) sex trafficking in the second degree under AS 11.66.120;
 23 (Y) sex trafficking in the third degree under AS 11.66.130; or
 24 (Z) sex trafficking in the fourth degree under AS 11.66.135;
 25 (2) evidence supporting the prosecution under (a)(1) of this section
 26 was obtained or discovered as a result of the person reporting the crime to law
 27 enforcement; and
 28 (3) person cooperated with law enforcement personnel.
 29 * **Sec. 13.** AS 11.71.010(a) is amended to read:
 30 (a) Except as authorized in AS 17.30, a person commits the crime of
 31 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]

(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

1 to manufacture or deliver;

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

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

5 or

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

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

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

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

15 or

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

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

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

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

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

30 (i) methamphetamine, or its salts, isomers, or salts of
31 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) murder;
- (2) attempt, solicitation, or conspiracy to commit murder or hindering the prosecution of murder;
- (3) felony sexual abuse of a minor;
- (4) sexual assault that is an unclassified, class A, or class B felony or a violation of AS 11.41.425(a)(2) - (4);
- (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458, AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person who, at the time of the offense, was under 18 years of age;
- (6) kidnapping;
- (7) distribution of child sexual abuse material [PORNOGRAPHY] in violation of AS 11.61.125;
- (8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an unclassified, class A, or class B felony or that is committed against a person who, at the time of the offense, was under 20 years of age;
- (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:

(a) If a defendant has filed a notice of intention to rely on the affirmative defense of insanity under AS 12.47.010 or has filed notice under AS 12.47.020(a), or there is reason to doubt the defendant's fitness to proceed, or there is reason to believe that a mental disease or defect of the defendant will otherwise become an issue in the case, the court shall appoint a qualified psychiatrist or psychologist [AT LEAST TWO QUALIFIED PSYCHIATRISTS OR TWO FORENSIC PSYCHOLOGISTS CERTIFIED BY THE AMERICAN BOARD OF FORENSIC PSYCHOLOGY] to examine and report on [UPON] the mental condition of the defendant. If the court

1 appoints a psychiatrist [PSYCHIATRISTS], the psychiatrist [PSYCHIATRISTS]
 2 may select psychologists to provide assistance. If the defendant has filed notice under
 3 AS 12.47.090(a), the report shall consider whether the defendant can still be
 4 committed under AS 12.47.090(c). The court may order the defendant to be committed
 5 to a secure facility for the purpose of the examination for not more than 60 days or for
 6 a [SUCH] longer period as the court determines to be necessary for the purpose and
 7 may direct that a qualified psychiatrist retained by the defendant be permitted to
 8 witness and participate in the examination.

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

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

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

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

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

3 (2) the defendant's mental condition;

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

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

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

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

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

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

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

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

24 (2) the defendant's mental condition;

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

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

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

30 (g) Before criminal charges against a defendant charged with a felony offense
31 against a person under AS 11.41 or felony arson are dismissed under (b) of this

1 section, the prosecutor shall

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

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

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

8 * **Sec. 21.** AS 12.55.125(c) is amended to read:

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

13 (1) if the offense is a first felony conviction and does not involve
14 circumstances described in (2) of this subsection, four to seven years;

15 (2) if the offense is a first felony conviction

16 (A) and the defendant possessed a firearm, used a dangerous
17 instrument, or caused serious physical injury or death during the commission
18 of the offense, or knowingly directed the conduct constituting the offense at a
19 uniformed or otherwise clearly identified peace officer, firefighter, correctional
20 employee, emergency medical technician, paramedic, ambulance attendant, or
21 other emergency responder who was engaged in the performance of official
22 duties at the time of the offense, seven to 11 years;

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

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

29 (ii) in the course of manufacturing or in preparation for
30 manufacturing, the defendant obtained the assistance of one or more
31 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;

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

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

(i) A defendant convicted of

(1) sexual assault 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, unlawful exploitation of a minor under AS 11.41.455(c)(2), 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) less than 13 years of age, 25 to 35 years;

(ii) 13 years of age or older, 20 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, 30 to 40 years;

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

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

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

1 first degree under AS 11.41.458(b)(2), distribution of child sexual abuse material
 2 [PORNOGRAPHY] under AS 11.61.125(e)(2), or attempt, conspiracy, or solicitation
 3 to commit sexual assault in the first degree under AS 11.41.410(a)(1)(B) may be
 4 sentenced to a definite term of imprisonment of not more than 99 years and shall be
 5 sentenced to a definite term within the following presumptive ranges, subject to
 6 adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

16 (4) sexual assault in the third degree, sexual abuse of a minor in the
 17 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under
 18 AS 11.41.458(b)(1), indecent viewing or production of a picture under
 19 AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR (2)], possession of child sexual
 20 abuse material [PORNOGRAPHY], distribution of child sexual abuse material
 21 [PORNOGRAPHY] under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation
 22 to commit sexual assault in the second degree, sexual abuse of a minor in the second
 23 degree, unlawful exploitation of a minor, or distribution of child sexual abuse
 24 material [PORNOGRAPHY], may be sentenced to a definite term of imprisonment of
 25 not more than 99 years and shall be sentenced to a definite term within the following
 26 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

30 (B) if the offense is a first felony conviction under
 31 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 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

(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

1 crimes;

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

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

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

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

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

25 (C) all aliases used;

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

28 (E) the description, license numbers, and vehicle identification
29 numbers of motor vehicles, including watercraft, aircraft, motorcycles, and
30 recreational vehicles, the sex offender or child kidnapper has access to,
31 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 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. 27.** 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.

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

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

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

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

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

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

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

(i) one aggravated sex offense; or

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

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

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

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

1 (iii) sexual abuse of a minor in the first degree; or
 2 (iv) sexual abuse of a minor in the second degree;
 3 (C) a crime, or an attempt, solicitation, or conspiracy to commit
 4 a crime, under the following statutes or a similar law of another jurisdiction:
 5 (i) AS 11.41.410 - 11.41.438;
 6 (ii) AS 11.41.440(a)(2);
 7 (iii) AS 11.41.450 - 11.41.458;
 8 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent
 9 exposure is before a person under 16 years of age and the offender has
 10 previously been convicted under AS 11.41.460 or AS 26.05.900(c);
 11 (v) AS 11.61.125 - 11.61.128;
 12 (vi) [AS 11.66.110,] 11.66.130(a)(2)(B), or
 13 AS 26.05.900(b) if the person who was induced or caused to engage in
 14 prostitution was under 20 years of age at the time of the offense;
 15 (vii) former AS 11.15.120, former 11.15.134, or assault
 16 with the intent to commit rape under former AS 11.15.160, former
 17 AS 11.40.110, or former 11.40.200;
 18 (viii) AS 11.61.118(a)(2) if the offender has a previous
 19 conviction for that offense;
 20 (ix) AS 11.66.100(a)(2) if the offender is subject to
 21 punishment under AS 11.66.100(e);
 22 (x) AS 26.05.890 if the person engaged in sexual
 23 penetration or sexual contact with the victim;
 24 (xi) AS 26.05.890 if, at the time of the offense, the
 25 victim is under a duty to obey the lawful orders of the offender,
 26 regardless of whether the offender is in the direct chain of command
 27 over the victim;
 28 (xii) AS 26.05.893 if the person engaged in sexual
 29 penetration or sexual contact with the victim;
 30 (xiii) AS 26.05.900(a) [AS 26.05.900(a)(1) - (4)] if the
 31 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. 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:

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

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

8 (B) the minor's alleged commission of

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

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

14 (iii) arson under AS 11.46.400 - 11.46.410;

15 (iv) burglary under AS 11.46.300;

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

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

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

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

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

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

31 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this

1 section, the department shall disclose information to the public, on request, concerning
 2 a minor subject to this chapter who was at least 13 years of age at the time of
 3 commission of

- 4 (1) a felony offense against a person under AS 11.41;
- 5 (2) arson in the first or second degree;
- 6 (3) burglary in the first degree;
- 7 (4) distribution of child **sexual abuse material** [PORNOGRAPHY];
- 8 (5) sex trafficking in the first degree;
- 9 (6) misconduct involving a controlled substance in the first, second, or
 10 third degrees involving distribution or possession with intent to deliver; or
- 11 (7) misconduct involving weapons in the first through fourth degrees.

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

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

- 25 (1) ensure that investigations involving child abuse or neglect are
- 26 coordinated and conducted by trained investigators;
- 27 (2) take and recommend steps to avoid duplicative interviews of
- 28 children;
- 29 (3) assist in the reduction of trauma to a child and family involved in
- 30 an investigation of child abuse or neglect; and
- 31 (4) review records, provide consultation, and make recommendations

1 to the department pertaining to a child-in-need-of-aid case under AS 47.10 referred to
 2 the team by a team member.

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

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

5 If a person who has been charged with a felony offense against a person under
 6 AS 11.41 or felony arson has been found incompetent to proceed under AS 12.47,
 7 before the charges are dismissed, an attorney with the Department of Law shall
 8 petition a court to have the person delivered to the nearest evaluation facility for an
 9 evaluation under AS 47.30.710.

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

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

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

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

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

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

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

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

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

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

- (1) the length of time the person has been detained;
- (2) the reason the person has not yet been transported;
- (3) the person's current medical and psychiatric condition;

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

3 (5) whether the person is receiving treatment at the person's current
4 placement.

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

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

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

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

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

30 (1) the Department of Law shall notify a victim in the dismissed
31 criminal case

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) to remain silent;

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

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

Sec. 47.30.771. Additional two-year commitment. (a) The respondent shall be released from involuntary treatment at the expiration of 180 days unless the professional person in charge or the attorney general's office files an additional 180-

1 day petition or a petition for a commitment of up to two years conforming to the
2 requirements of AS 47.30.740(a) except that all references to "30-day commitment"
3 shall be read as "the previous 180-day commitment" and all references to "90-day
4 commitment" shall be read as "two-year commitment."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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];

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

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

4 (A) AS 12.63.020(a)(1), as amended by sec. 83, ch. 4, FSSLA
 5 2019;

6 (B) AS 12.63.100(7)(C), as amended by sec. 85, ch. 4,
 7 FSSLA 2019 [OF THIS ACT].

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

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

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

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

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

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

29 (ii) THE CHILD IS UNDER 10 YEARS OF AGE
 30 WHEN THE HEARSAY EVIDENCE IS SOUGHT TO BE
 31 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
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 (2)
[(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 uncoded law of the State of Alaska is amended by adding a new section to
read:

INVESTIGATION AND RECOMMENDATIONS. (a) The Department of
Corrections shall contract with a statewide Alaska Native organization whose membership

1 consists of villages, Alaska Native corporations, and tribal consortiums to conduct a study on
2 the reasons Alaska Natives make up 40 percent of the state's prison population, yet make up
3 just 14 percent of the general population. The contract shall require outreach to federal, state,
4 local, and tribal governments, and private stakeholders to inform the study and make
5 recommendations.

6 (b) The Department of Corrections and the contractor shall present to the governor
7 and the legislature not later than the first day of the First Regular Session of the Thirty-Fourth
8 Alaska State Legislature findings and recommendations for specific actions that can be taken
9 to reduce initial encounters with the prison system and recidivism rates following the release
10 of Alaska Native prisoners. The recommendations may include ways that Alaska Native
11 entities that are primarily federally funded can

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

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

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

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

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

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

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

28 (8) identify federal grant programs at the Department of Justice, the
29 Department of Health and Human Services, including the Indian Health Service and
30 Substance Abuse and Mental Health Services Administration, the Department of the Interior,
31 the Department of Labor, and other federal agencies that could be used to fund

1 implementation of the recommendations, with a particular emphasis on juveniles and young
2 adults.

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

5 **APPLICABILITY.** (a) AS 11.41.110, as amended by sec. 2 of this Act,
6 AS 11.41.110(c), enacted by sec. 3 of this Act, AS 11.41.120(a), as amended by sec. 4 of this
7 Act, AS 11.41.140, as amended by sec. 5 of this Act, AS 11.41.240, enacted by sec. 6 of this
8 Act, AS 11.41.260(a), as amended by sec. 7 of this Act, AS 11.71.010(a), as amended by sec.
9 13 of this Act, AS 11.71.010(b), as amended by sec. 14 of this Act, AS 11.71.021(a), as
10 amended by sec. 15 of this Act, AS 12.55.125(c), as amended by sec. 21 of this Act,
11 AS 12.55.127(c), as amended by sec. 23 of this Act, and AS 18.66.990(3), as amended by sec.
12 32 of this Act, apply to offenses committed on or after the effective date of secs. 2 - 7, 13 - 15,
13 21, 23, and 32 of this Act.

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

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

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

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

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

1 * **Sec. 53.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

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

6 * **Sec. 54.** Section 48 of this Act takes effect immediately under AS 01.10.070(c).

7 * **Sec. 55.** Except as provided in sec. 54 of this Act, this Act takes effect January 1, 2025.

adopted 5-12-24

33-GH1482\T.5
C. Radford
5/11/24

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;**"

adopted 5.12.24

33-GH1482\T.6
C. Radford
5/11/24

AMENDMENT #9

OFFERED IN THE SENATE

BY SENATOR *Olson*

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 uncoded 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."

adopted 5.12.24

AMENDMENT

Amendment 11

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 uncoded 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"

adopted 3.12.24

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 uncoded 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;

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

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

8 (A) a felony violation of AS 11.41;

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

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

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

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

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

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

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

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

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

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

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

(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;

(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]

(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,

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

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

(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

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;

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

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

(i) A defendant convicted of

(1) sexual assault 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, unlawful exploitation of a minor under AS 11.41.455(c)(2), 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) less than 13 years of age, 25 to 35 years;

(ii) 13 years of age or older, 20 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, 30 to 40 years;

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

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

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

1 in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a
2 minor in the first degree, 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) under 13 years of age, 20 to 30 years;

10 (ii) 13 years of age or older, 15 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, 25 to 35 years;

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

18 (E) if the offense is a third felony conviction, the offense does
19 not involve circumstances described in (F) of this paragraph, and the defendant
20 is not subject to sentencing under (I) of this section, 35 to 50 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 (3) sexual assault in the second degree, sexual abuse of a minor in the
25 second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the
26 first degree under AS 11.41.458(b)(2), distribution of child sexual abuse material
27 [PORNOGRAPHY] under AS 11.61.125(e)(2), or attempt, conspiracy, or solicitation
28 to commit sexual assault in the first degree under AS 11.41.410(a)(1)(B) may be
29 sentenced to a definite term of imprisonment of not more than 99 years and shall be
30 sentenced to a definite term within the following presumptive ranges, subject to
31 adjustment as provided in AS 12.55.155 - 12.55.175:

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

10 (4) sexual assault in the third degree, sexual abuse of a minor in the
11 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under
12 AS 11.41.458(b)(1), indecent viewing or production of a picture under
13 AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR (2)], possession of child sexual
14 abuse material [PORNOGRAPHY], distribution of child sexual abuse material
15 [PORNOGRAPHY] under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation
16 to commit sexual assault in the second degree, sexual abuse of a minor in the second
17 degree, unlawful exploitation of a minor, or distribution of child sexual abuse
18 material [PORNOGRAPHY], may be sentenced to a definite term of imprisonment of
19 not more than 99 years and shall be sentenced to a definite term within the following
20 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

27 (C) if the offense is a first felony conviction under
28 AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create
29 a mechanism for multi-party sharing or distribution of child sexual abuse
30 material [PORNOGRAPHY], or received a financial benefit or had a financial
31 interest in a child sexual abuse material [PORNOGRAPHY] sharing or

1 distribution mechanism, six to 14 years;

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

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

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

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

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

11 (c) If the defendant is being sentenced for

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

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

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

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

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

23 (i) manslaughter; or

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

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

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

(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

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

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

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

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

19 (C) all aliases used;

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

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

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

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

31 (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. 27.** 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.

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

(g) If a sex offender or child kidnapper plans to leave the state for international travel after having registered under (a) of this section, the sex offender or child kidnapper shall provide to the department or a municipal police department in 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

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

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

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

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

15 (7) "sex offense" means

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

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

24 (i) sexual assault in the first degree;

25 (ii) sexual assault in the second degree;

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

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

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

30 (i) AS 11.41.410 - 11.41.438;

31 (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 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. 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:

(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**

[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

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

(B) the minor's alleged commission of

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

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

(iii) arson under AS 11.46.400 - 11.46.410;

(iv) burglary under AS 11.46.300;

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

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

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

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

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

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

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

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

(2) arson in the first or second degree;

(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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) to remain silent;

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

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

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

(b) The procedures for service of the petition, notification of rights, and 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:

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

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

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

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

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

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

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

(1) computations of a 72-hour [EVALUATION] period under AS 47.30.706, 47.30.708, [AS 47.30.708] or 47.30.715 or a 48-hour [DETENTION] period under AS 47.30.685 do not include Saturdays, Sundays, legal holidays, or any period of time necessary to transport the respondent to the treatment facility, except that if the exclusion of Saturdays, Sundays, and legal holidays from the computation of a 72-hour evaluation period or 48-hour detention period would result in the

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

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

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

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

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

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

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

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

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 uncoded 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 uncoded 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

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 uncoded 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).

1

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

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR KIEHL

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

1 Page 1, line 1, following "Act":

2 Insert "**relating to criminal law and procedure;**"

3

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

5 Delete all material and insert:

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

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

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

11 (1) Evidence which would be legally admissible at trial shall be
12 admissible before the grand jury. In appropriate cases, however, witnesses may be
13 presented to summarize admissible evidence if the admissible evidence will be
14 available at trial. Except as stated in subparagraphs (2), (3), and (6), hearsay evidence
15 shall not be presented to the grand jury absent compelling justification for its
16 introduction. If hearsay evidence is presented to the grand jury, the reasons for its use
17 shall be stated on the record.

18 (2) In a prosecution for an offense under AS 11.46.400 or 11.46.410,
19 an offense listed in AS 12.45.018(b), or a sex offense as defined in AS 12.63.100,
20 or a prosecution for which one of the offenses charged is an offense under
21 AS 11.46.400 or 11.46.410, an offense listed in AS 12.45.018(b), or a sex offense as
22 defined in AS 12.63.100 [AS 11.41.410 - 11.41.458], hearsay evidence of a statement
23 related to the offense, not otherwise admissible, made by a [CHILD WHO IS THE]

1 victim of or witness to the offense may be admitted into evidence before the grand
2 jury [IF

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

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

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

10 (iv) THE CHILD TESTIFIES AT THE GRAND JURY
11 PROCEEDING OR THE CHILD WILL BE AVAILABLE TO
12 TESTIFY AT TRIAL].

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

15 (i) the individual presenting the hearsay evidence is a
16 peace officer involved in the investigation; and

17 (ii) the hearsay evidence consists of the statement and
18 observations made by another peace officer in the course of an
19 investigation; and

20 (iii) additional evidence is introduced to corroborate the
21 statement.

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

27 (5) In this section "statement" means an oral or written assertion or
28 nonverbal conduct if the nonverbal conduct is intended as an assertion.

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

1 (7) If hearsay evidence is admitted into evidence before the grand
2 jury under paragraph (2) of this section in a prosecution for which one of the
3 offenses charged is an offense under AS 11.46.400 or 11.46.410, an offense listed
4 in AS 12.45.018(b), or a sex offense as defined in AS 12.63.100 and the offense
5 under AS 11.46.400 or 11.46.410, the offense listed in AS 12.45.018(b), or sex
6 offense as defined in AS 12.63.100 is later dismissed, the dismissal is not grounds
7 to dismiss the indictment for the other offense."

adopted 5-10-24

33-GH1567/T
Dunmire
5/10/24

SENATE CS FOR CS FOR HOUSE BILL NO. 50(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 carbon storage on state land; relating to the powers and duties of the
2 Alaska Oil and Gas Conservation Commission; relating to deposits into the permanent
3 fund; establishing the carbon storage closure trust fund and carbon dioxide storage
4 facility administrative fund; relating to carbon storage exploration licenses; relating to
5 carbon storage leases; relating to carbon storage operator permits; relating to enhanced
6 oil or gas recovery; relating to long-term monitoring and maintenance of storage
7 facilities; relating to carbon oxide sequestration tax credits; relating to the Regulatory
8 Commission of Alaska and regulation of the service of natural gas storage; relating to
9 the regulation of liquefied natural gas import facilities; relating to the oil and gas
10 production tax; relating to the duties of the Department of Natural Resources; relating
11 to carbon dioxide pipelines; relating to an audit of carbon storage leases conducted by
12 the legislative audit division; and providing for an effective date."

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

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

SHORT TITLE. This Act may be known as the Carbon Capture, Utilization, and Storage Act.

* **Sec. 2.** AS 31.05.027 is amended to read:

Sec. 31.05.027. Land subject to commission's authority. The authority of the commission applies to all land in the state lawfully subject to its police powers, including land of the United States and land subject to the jurisdiction of the United States. The authority of the commission further applies to all land included in a voluntary cooperative or unit plan of development or operation entered into in accordance with AS 38.05.180(p) or 38.05.725.

* **Sec. 3.** AS 31.05.030(m) is amended to read:

(m) The commission has jurisdiction and authority over all persons and property, public and private, necessary to carry out the purposes and intent of AS 41.06, except for provisions in AS 41.06.005 - 41.06.060 and 41.06.305 [AS 41.06] for which the Department of Natural Resources has jurisdiction.

* **Sec. 4.** AS 37.05.146(c) is amended by adding new paragraphs to read:

(86) carbon dioxide storage facility administrative fund
(AS 41.06.160);

(87) carbon storage closure trust fund (AS 37.14.850).

* **Sec. 5.** AS 37.13.010(a) is amended to read:

(a) Under art. IX, sec. 15, of the state constitution, there is established as a separate fund the Alaska permanent fund. The Alaska permanent fund consists of

(1) 25 percent of all mineral lease rentals, royalties, royalty sale proceeds, net profit shares under AS 38.05.180(f) and (g), and federal mineral revenue sharing payments received by the state from mineral leases issued on or before December 1, 1979, and 25 percent of all bonuses received by the state from mineral leases issued on or before February 15, 1980;

(2) 50 percent of all mineral lease rentals, royalties, royalty sale proceeds, net profit shares under AS 38.05.180(f) and (g), carbon storage injection

1 royalties required under AS 38.05.705(c)(3)(B), and federal mineral revenue sharing
2 payments received by the state from mineral leases issued after December 1, 1979, and
3 50 percent of all bonuses received by the state from mineral leases issued after
4 February 15, 1980; and

5 (3) any other money appropriated to or otherwise allocated by law or
6 former law to the Alaska permanent fund.

7 * **Sec. 6.** AS 37.14 is amended by adding a new section to read:

8 **Article 11. Carbon Storage Closure Trust Fund.**

9 **Sec. 37.14.850. Carbon storage closure trust fund.** (a) The carbon storage
10 closure trust fund is established as a separate trust fund of the state outside and
11 separate from the general fund. The legislature may appropriate the principal and
12 earnings of the fund for the purpose of protecting the public interest in maintaining
13 and closing carbon storage facilities in the state. Money in the fund does not lapse.

14 (b) The carbon storage closure trust fund consists of payments received under
15 AS 41.06.175 and earnings on the fund. The payments received for each storage
16 facility shall be separately accounted for under AS 37.05.142. The commissioner of
17 revenue is a fiduciary of the fund. The commissioner of revenue shall manage and
18 invest the fund assets as provided in AS 37.10.071.

19 (c) The commissioner of natural resources may make expenditures from the
20 carbon storage closure trust fund for the purpose of conducting long-term monitoring
21 and maintenance of a storage facility under AS 41.06.305. If a storage operator is
22 unable to fulfill the storage operator's duties and the financial assurance provided by
23 the storage operator under AS 41.06.110(c)(2) is exhausted or insufficient, the Alaska
24 Oil and Gas Conservation Commission may make expenditures from the fund for the
25 purposes allowed under AS 41.06.105 - 41.06.210.

26 (d) Nothing in this section creates a dedicated fund.

27 (e) In this section,

28 (1) "fund" means the carbon storage closure trust fund;

29 (2) "storage facility" and "storage operator" have the meanings given
30 in AS 41.06.210.

31 * **Sec. 7.** AS 38.05.069(e) is amended to read:

(e) Nothing in (c) of this section affects the disposal of minerals under AS 38.05.135 - 38.05.183 or carbon storage under AS 38.05.700 - 38.05.795.

* **Sec. 8.** AS 38.05.070(a) is amended to read:

(a) Land, including tide, submerged, or shoreland, to which the state holds title or to which the state [IT] may become entitled, may be leased, except for the extraction of natural resources and for carbon storage under AS 38.05.700 - 38.05.795, in the manner provided in AS 38.05.070 - 38.05.105.

* **Sec. 9.** AS 38.05.130 is amended to read:

Sec. 38.05.130. Damages and posting of bond. Rights may not be exercised by the state, its lessees, successors, or assigns under the reservation as set out in AS 38.05.125 until the state, its lessees, successors, or assigns make provision to pay the owner of the land full payment for all damages sustained by the owner, by reason of entering onto [UPON] the land. If the owner for any cause refuses or neglects to settle the damages, the state, its lessees, successors, assigns, or an applicant for a lease or contract from the state for the purpose of prospecting for valuable minerals, or option, contract, or lease for carbon storage or mining coal or a lease for extracting geothermal resources, petroleum, or natural gas, may enter onto [UPON] the land in the exercise of the reserved rights after posting a surety bond determined by the director, after notice and an opportunity to be heard, to be sufficient as to form, amount, and security to secure to the owner payment for damages, and may institute legal proceedings in a court where the land is located, as may be necessary to determine the damages that [WHICH] the owner may suffer.

* **Sec. 10.** AS 38.05.135(a) is amended to read:

(a) Except as otherwise provided, valuable mineral deposits in land belonging to the state shall be open to exploration, development, and the extraction of minerals. All land, together with tide, submerged, or shoreland, to which the state holds title to or to which the state may become entitled, may be obtained by permit or lease for the purpose of exploration, development, and the extraction of minerals. Except as specifically limited by AS 38.05.131 - 38.05.181 and 38.05.700 - 38.05.795, land may be withheld from lease application on a first-come, first-served basis, and offered only on a competitive bid basis when determined by the commissioner to be in the best

interests of the state.

* **Sec. 11.** AS 38.05.135(c) is amended to read:

(c) Payment of a royalty or a net profit share payment to the state under a lease issued under AS 38.05.135 - 38.05.181 or an injection charge under AS 38.05.700 - 38.05.795 becomes due on the date and in the manner specified in the lease or in a regulation adopted by the commissioner.

* **Sec. 12.** AS 38.05.135(d) is amended to read:

(d) If a royalty or net profit share payment to which the state is entitled under AS 38.05.135 - 38.05.181 or an injection charge under AS 38.05.700 - 38.05.795 is not paid or is underpaid when it becomes due under (c) of this section, the unpaid amount of the royalty, [OR] net profit share payment, or injection charge bears interest in a calendar quarter at the rate of five percentage points above the annual rate charged member banks for advances by the 12th Federal Reserve District as of the first day of that calendar quarter, or at the annual rate of 11 percent, whichever is greater, compounded quarterly as of the last day of that quarter.

* **Sec. 13.** AS 38.05.135(e) is amended to read:

(e) If a royalty or net profit share payment to which the state is entitled under AS 38.05.135 - 38.05.181 or an injection charge under AS 38.05.700 - 38.05.795 is overpaid, interest at the rate and compounded in the manner provided in (d) of this section shall be allowed and paid on the overpayment. The interest allowance is subject to the following:

(1) if the state grants a credit against future payments for the overpayment, the state shall pay interest on the overpayment

(A) from the date that is the later of the date the overpayment was

(i) due; or

(ii) received;

(B) to the date that is the earlier of the date

(i) of notice to the lessee of the credit; or

(ii) on which the lessee actually takes the credit;

(2) if the state refunds the overpayment, the state shall pay interest on

1 the overpayment

2 (A) from the date that is the later of the date the overpayment

3 was

4 (i) due; or

5 (ii) received;

6 (B) to the date the state issues the refund.

7 * **Sec. 14.** AS 38.05.140(a) is amended to read:

8 (a) A person may not take or hold coal leases or permits during the life of coal
9 leases on state land exceeding an aggregate of 92,160 acres, except that a person may
10 apply for coal leases or permits for acreage in addition to 92,160 acres, not exceeding
11 a total of 5,120 additional acres of state land. The additional area applied for shall be
12 in multiples of 40 acres, and the application shall contain a statement that the granting
13 of a lease for additional land is necessary for the person to carry on business
14 economically and is in the public interest. On the filing of the application, except as
15 provided by AS 38.05.180(ff)(3) or 38.05.180(gg) and 38.05.700 - 38.05.795, the coal
16 deposits in the land covered by the application shall be temporarily set aside and
17 withdrawn from all other forms of disposal provided under AS 38.05.135 - 38.05.181.

18 * **Sec. 15.** AS 38.05.184 is amended by adding a new subsection to read:

19 (h) A department or other state agency may not issue a carbon storage license
20 or lease on state-owned land and water seaward of the mean higher high water line,
21 beginning at Anchor Point; then around the perimeter of Kachemak Bay, to Point
22 Pogibshi; then west to the three mile limit of state land and water; then north to a point
23 three miles west of Anchor Point; then east to the mean higher high water line of
24 Anchor Point, the point of beginning.

25 * **Sec. 16.** AS 38.05 is amended by adding new sections to read:

26 **Article 15A. Carbon Storage Exploration Licenses; Leases.**

27 **Sec. 38.05.700. Applicability; regulations.** (a) The provisions of
28 AS 38.05.700 - 38.05.795 apply to the licensing of state land for carbon storage
29 exploration and the leasing of state land for carbon storage.

30 (b) The commissioner may adopt regulations necessary to implement
31 AS 38.05.700 - 38.05.795.

1 **Sec. 38.05.705. Carbon storage exploration licensing.** (a) The commissioner
2 may issue carbon storage exploration licenses on state land.

3 (b) A carbon storage exploration license gives the licensee
4 (1) the exclusive right to explore, for carbon storage purposes, the state
5 land described in the license for a five-year term; and

6 (2) the option to convert the license for all or part of the state land
7 described in the license into a carbon storage lease after the licensee complies with the
8 lease conversion process described in AS 38.05.715.

9 (c) A carbon storage exploration license must
10 (1) be conditioned on the posting of a bond or other security acceptable
11 to the department and in favor of the state;

12 (2) be conditioned on an obligation by the licensee to fulfill a specified
13 work commitment as set out in the license; the work commitment must include
14 mandatory provisions for

15 (A) an annual fee paid by the licensee to the department in an
16 amount that is at least \$20 an acre, subject to the license; and

17 (B) an annual report describing the licensee's exploration
18 activities in the previous calendar year, which the licensee shall provide to the
19 department; and

20 (3) include proposed commercial terms that apply if the license is
21 converted into a carbon storage lease, which must, at a minimum, provide for

22 (A) an annual rent of at least \$20 an acre; and

23 (B) a charge on injected volumes of carbon dioxide of at least
24 \$10 a ton.

25 (d) The commissioner may revoke a carbon storage exploration license before
26 the termination of the five-year term of the license if the licensee fails to comply with
27 the requirements of (c) of this section or applicable regulations.

28 (e) The department may renew a carbon storage exploration license for a term
29 sufficient to determine whether the licensee's permit application will be accepted
30 under AS 41.06.105 - 41.06.210 if the licensee

31 (1) before the expiration of the license, applies for a permit under

1 AS 41.06.120;

2 (2) is in compliance with the conditions of the license;

3 (3) provides documentation acceptable to the department of the
4 pending permit application; and

5 (4) submits to the department an executed renewal form affirming the
6 original terms of the license for the term of the renewed license.

7 (f) A carbon storage exploration license that has been renewed under (e) of
8 this section terminates immediately if the Alaska Oil and Gas Conservation
9 Commission denies the licensee's permit application under AS 41.06.105 - 41.06.210.

10 (g) The dollar amounts in (c) of this section shall increase every five years in
11 proportion to the Consumer Price Index for urban consumers for urban Alaska, as
12 determined by the United States Department of Labor, Bureau of Labor Statistics. The
13 index for January 2024 is the reference base index.

14 (h) A charge on injected volumes of carbon dioxide required under (c)(3)(B)
15 of this section or as altered by the commissioner under AS 38.05.715(c) is a royalty
16 for the purposes of the Alaska permanent fund under AS 37.13.010.

17 **Sec. 38.05.710. License procedures.** (a) To apply for a carbon storage
18 exploration license under AS 38.05.705, an applicant shall submit to the commissioner
19 a proposal that

20 (1) identifies the specific area to be subject to the license;

21 (2) proposes minimum work commitments;

22 (3) proposes commercial terms applicable to a carbon storage lease
23 that satisfy the requirements of AS 38.05.705(c)(3);

24 (4) demonstrates the applicant's ability to assume responsibility of a
25 carbon storage lease;

26 (5) describes how the applicant meets the minimum qualifications for a
27 licensee under applicable regulations; and

28 (6) includes an attestation of the applicant's ability to perform the
29 requirements of (2) - (4) of this subsection.

30 (b) The commissioner shall publish notice of a proposal received under (a) of
31 this section. The notice must include a solicitation for competing proposals. The

1 commissioner shall send a copy of the published notice to each lessee under
2 AS 38.05.135 - 38.05.181 within one-half mile of the area proposed for the
3 exploration license. Any person may submit a competing proposal, including a
4 proposal for the authorization of subsurface storage of oil or gas under
5 AS 38.05.180(u), under the process established by the commissioner in regulation.
6 The regulations must require that a competing proposal be submitted not later than 90
7 days after the commissioner's notice is published.

8 (c) After the period for submission of competing proposals has passed, the
9 commissioner shall issue a written finding determining whether issuance of a carbon
10 storage exploration license is in the best interests of the state. If the commissioner
11 determines that issuance of a carbon storage exploration license is in the best interests
12 of the state, the finding must

13 (1) describe the limitations, stipulations, and conditions of the license
14 and any changes to the conditions detailed in the proposal submitted under (a) of this
15 section, or a competing proposal, that are required before issuance of the exploration
16 license;

17 (2) set out the commercial terms required for the eventual conversion
18 of the exploration license into a carbon storage lease;

19 (3) if there are competing proposals from multiple applicants, identify
20 which applicants are qualified for the issuance of the exploration license and include
21 information about the competitive bid process as set out in (e) of this section; and

22 (4) include a copy of the exploration license to be issued and the form
23 of lease that will be used for any portion of the exploration license area that is later
24 converted to a lease under AS 38.05.715.

25 (d) If the commissioner determines that issuance of a carbon storage
26 exploration license is in the best interests of the state and that only one applicant is
27 qualified for a license, the applicant may accept or reject the exploration license, as
28 limited or conditioned by the terms of the finding made under (c) of this section and in
29 the form of lease attached to the finding, not later than 30 days after the date the
30 finding was issued. The applicant shall accept or reject the issuance of the carbon
31 storage exploration license in writing. If an applicant fails to respond within 30 days

1 after the finding was issued, the commissioner shall consider the applicant's failure to
2 respond as a rejection of the license.

3 (e) If the commissioner determines that issuance of a carbon storage
4 exploration license is in the best interests of the state and that more than one applicant
5 is qualified for a license, the commissioner shall issue a request for competitive sealed
6 bids, under procedures adopted by regulation, to determine which qualified applicants
7 will receive a license. If the commissioner determines that a competitive bid process is
8 necessary, the best interest finding made under (c) of this section must include notice
9 that the commissioner intends to request competitive bids.

10 (f) The commissioner shall establish in regulation the criteria for the
11 assessment of competitive bids under (e) of this section and for the determination of a
12 successful bidder.

13 (g) If a lessee under AS 38.05.135 - 38.05.181 in the area covered by a
14 proposed carbon storage exploration license participates in a competitive bid process
15 under (e) of this section and is not the successful bidder, before issuing the license, the
16 commissioner shall provide the lessee an opportunity to match the successful bid. If
17 the lessee matches the successful bid, the commissioner shall issue a carbon storage
18 exploration license to the lessee.

19 (h) A carbon storage exploration license issued under this section and a carbon
20 storage lease under AS 38.05.715 or 38.05.720 must include

21 (1) a covenant from the licensee or lessee not to unreasonably interfere
22 with the rights of a lessee under AS 38.05.135 - 38.05.181; and

23 (2) a clause by which the licensee or lessee indemnifies the state for
24 any unreasonable interference the licensee or lessee might cause to the rights of a
25 lessee under AS 38.05.135 - 38.05.181.

26 (i) When notice is required under this section, the
27 department shall follow the requirements for notice under
28 AS 38.05.945(b) and (c).

29 **Sec. 38.05.715. Conversion to lease by licensee.** (a) The commissioner may
30 convert a carbon storage exploration license to a carbon storage lease if the licensee
31 complies with (b) of this section.

(b) To convert a carbon storage exploration license to a carbon storage lease, a licensee shall provide to the commissioner a copy of the permit obtained under AS 41.06.120. After receiving a copy of the permit, the commissioner may issue a carbon storage lease for those areas of the exploration license approved for carbon storage by the permit if the licensee has

(1) fulfilled the work commitments set out in the license;

(2) demonstrated the ability to meet the commercial terms for the lease as set out in the license.

(c) Notwithstanding (b) of this section, if the commissioner determines that a carbon storage project is in the best interests of the state and would not be economically feasible under the commercial terms set by the license, the commissioner may issue the carbon storage lease under alternative commercial terms. A lease issued under this subsection must be supported by a written finding that contains specific factual details justifying the decision, an explanation of the commissioner's reasons for issuing the lease, and a description of the original terms and the alternative terms of the lease. The finding must be published on the commissioner's publicly available Internet website.

(d) A lease issued under this section must include

(1) commercial terms for the lease;

(2) the agreements required under AS 38.05.710(h); and

(3) any other condition or obligation the commissioner considers necessary or that is required by regulation.

Sec. 38.05.720. Transition from enhanced oil recovery operations to carbon storage operations. (a) A lessee under AS 38.05.180 shall acquire a carbon storage lease before engaging in carbon storage activity that is not associated with enhanced oil or gas recovery.

(b) At the commissioner's discretion, the commissioner may issue a carbon storage lease to a lessee under AS 38.05.180 if the lessee is in compliance with regulations adopted under AS 41.06.185(b). The commissioner may consider the qualifications and abilities of the lessee to meet the commercial requirements of a carbon storage lease and whether issuance of the lease is in the best interests of the

1 state.

2 (c) A carbon storage lease issued under this section must include

3 (1) commercial terms acceptable to the department that satisfy the
4 requirements of AS 38.05.705(c)(3);

5 (2) the agreements required under AS 38.05.710(h);

6 (3) any other condition or obligation the commissioner considers
7 necessary or that is required by regulation.

8 (d) Before a carbon storage lease issued under this section may be transferred
9 or assigned to an entity that is not the responsible party under the existing oil and gas
10 lease under AS 38.05.180, the assuming party must provide financial assurance
11 acceptable to the department that the obligations of the lease can be met.

12 (e) The department may adopt regulations that allow all or part of a lease
13 issued under AS 38.05.180 to be transitioned to a lease under this section upon the
14 receipt of a permit issued under AS 41.06.185.

15 **Sec. 38.05.725. Plan of development and operations; unitization.** (a) The
16 commissioner shall require the filing and approval of a plan of development and
17 operation for a carbon storage lease.

18 (b) To prevent or assist in preventing waste, and to protect the correlative
19 rights of persons owning interest in the tracts of land affected, with the approval of the
20 commissioner, a group of lessees may validly integrate the lessees' interests to provide
21 for the unitized management, development, and operation of the tracts of land as a
22 unit. The commissioner may suspend or modify a development plan approved under
23 (a) of this section in accordance with the unit agreement. In this subsection, "unit
24 agreement" means an agreement by lessees with an interest in the unit, the state, and
25 any other carbon storage lessor with an interest in the unit.

26 (c) A lease operated under a plan approved or prescribed by the commissioner
27 under this section is excepted from determining holdings or control under
28 AS 38.05.140. The provisions of this section concerning cooperative or unit plans are
29 in addition to and do not affect AS 31.05 and AS 41.06.

30 **Sec. 38.05.730. Payments from carbon storage exploration licenses and**
31 **carbon storage leases.** Except as otherwise provided in AS 38.05.705(h) or under art.

IX, sec. 15, Constitution of the State of Alaska, the department shall deposit in the general fund the money it collects under AS 38.05.700 - 38.05.795.

Sec. 38.05.735. Annual report to the legislature. The commissioner shall prepare an annual report that includes an accounting of the carbon storage closure trust fund established under AS 37.14.850 and information on carbon storage licensing applications and decisions and the issuance of carbon storage leases. The commissioner shall submit the report to the senate secretary and the chief clerk of the house of representatives on or before February 1 of each year and notify the legislature that the report is available.

Sec. 38.05.740. Removal and restoration after termination. Upon termination of a license under AS 38.05.705 or a lease under AS 38.05.715 or 38.05.720, a licensee or lessee shall promptly remove all improvements and equipment, except as otherwise approved in writing by the commissioner, and shall restore the land to a condition that is approved by the commissioner.

Sec. 38.05.795. Definitions. In AS 38.05.700 - 38.05.795, unless the context requires otherwise,

(1) "carbon storage" means the underground storage of carbon dioxide in a carbon storage reservoir;

(2) "enhanced oil or gas recovery" has the meaning in AS 41.06.210;

(3) "reservoir" has the meaning given in AS 41.06.210.

* **Sec. 17.** AS 38.35.020(a) is amended to read:

(a) Rights-of-way on state land, including rights-of-way over, under, along, across, or on [UPON] the right-of-way of a public road or highway or the right-of-way of a railroad or other public utility, or across, on [UPON], over, or under a river or other body of water or land belonging to or administered by the state may be granted by noncompetitive lease by the commissioner for pipeline purposes for the transportation of oil, products, carbon dioxide, or natural gas under those conditions prescribed by law or by administrative regulation. Except to the extent authorized by an oil and gas lease, a gas only lease, or a carbon storage lease, or an oil and gas, [OR] gas only, or carbon storage unit agreement approved by the state, no person may engage in any construction or operation of any part of an oil, products, carbon

dioxide, or natural gas pipeline that is or is proposed to be, [WHICH] in whole or in part, [IS OR IS PROPOSED TO BE] on state land unless that person has obtained from the commissioner a right-of-way lease of the land under this chapter.

* **Sec. 18.** AS 38.35.020(b) is amended to read:

(b) The commissioner may by regulation exempt from the requirement of a right-of-way lease under this chapter the construction or operation of

(1) field gathering lines or any reasonable classification of field gathering lines; and

(2) a pipeline transporting carbon dioxide within a field for the purpose of an enhanced oil or gas recovery project under AS 41.06.185 or field pressurization measures within that same field [THEM FROM THE REQUIREMENT OF A RIGHT-OF-WAY LEASE UNDER THIS CHAPTER].

* **Sec. 19.** AS 38.35.122 is amended to read:

Sec. 38.35.122. Products pipeline and carbon dioxide transportation pipeline leases. The commissioner has discretion to include any or all of the terms set out in AS 38.35.120 in leases of state land for products pipeline right-of-way purposes or carbon dioxide transportation pipeline right-of-way purposes.

* **Sec. 20.** AS 38.35.230(3) is amended to read:

(3) "lease" means the instrument or extension of an instrument issued under this chapter granting a leasehold interest in state land for pipeline right-of-way purposes to a person and authorizing the construction or operation of, or the transportation, service, or sale by, a pipeline for crude oil, natural gas, carbon dioxide, or products;

* **Sec. 21.** AS 38.35.230(7) is amended to read:

(7) "pipeline" or "pipeline facility" means all the facilities of a total system of pipe, whether owned or operated under a contract, agreement, or lease, used by a carrier for transportation of crude oil, natural gas, carbon dioxide, or products for delivery, for storage, or for further transportation, and including all pipe, pump or compressor stations, station equipment, tanks, valves, access roads, bridges, airfields, terminals and terminal facilities, including docks and tanker loading facilities, operations control center for both the upstream part of the pipeline and the terminal,

1 tanker ballast treatment facilities, and fire protection system, communication system,
2 and all other facilities used or necessary for an integral line of pipe, taken as a whole,
3 to carry out [EFFECTUATE] transportation, including an extension or enlargement
4 of the line;

5 * **Sec. 22.** AS 38.35.230(10) is amended to read:

6 (10) "transportation" means the shipment or carriage by a pipeline of
7 crude oil, natural gas, carbon dioxide, or products from an upstream terminus in one
8 or more fields or points of production or supply of the minerals to a downstream
9 terminus in one or more points for delivery of the minerals to a purchaser or
10 consignee, for storage, or for further carriage or shipment, including shipment or
11 carriage within the state that may be classified as interstate or foreign transportation to
12 the extent that the transportation may constitutionally be subjected to the provisions of
13 this chapter, as well as all services necessary to carry out [EFFECTUATE] shipment
14 or carriage, including [, AMONG OTHER THINGS,] the receipt, storage, processing,
15 handling, transfer in transit, forwarding, and delivery of the minerals.

16 * **Sec. 23.** AS 38.35.230 is amended by adding a new paragraph to read:

17 (11) "carbon dioxide" has the meaning given in AS 41.06.210.

18 * **Sec. 24.** AS 41.06.005 is amended to read:

19 **Sec. 41.06.005. Jurisdiction over geothermal resources.** (a) The commission
20 has jurisdiction under AS 41.06.005 - 41.06.060 [THIS CHAPTER] over geothermal
21 wells to prevent waste, to protect correlative rights, and to ensure public safety.

22 (b) The Department of Natural Resources has jurisdiction under AS 41.06.005
23 - 41.06.060 [THIS CHAPTER] over management of geothermal leases and units in the
24 public interest and to effect development.

25 * **Sec. 25.** AS 41.06.020 is amended to read:

26 **Sec. 41.06.020. Authority of commission; application.** (a) The commission
27 has jurisdiction over all persons and property, public and private, necessary to carry
28 out the purposes and intent of AS 41.06.005 - 41.06.060 [THIS CHAPTER].

29 (b) The authority of the commission applies to all land in the state lawfully
30 subject to the police power of the state, including private land, municipal land, state
31 land, land of the United States, and land subject to the jurisdiction of the United

1 States, and to all land included in a voluntary cooperative or unit plan of development
2 or operation entered into in accordance with AS 38.05.181. When land that is subject
3 to the commission's authority is committed to a unit agreement involving land subject
4 to federal jurisdiction, the operation of AS 41.06.005 - 41.06.060 [THIS CHAPTER]
5 or a part of AS 41.06.005 - 41.06.060 [THIS CHAPTER] may be suspended if

6 (1) the unit operations are regulated by the United States; and
7 (2) the conservation of geothermal resources is accomplished under the
8 unit agreement.

9 (c) The provisions of AS 41.06.005 - 41.06.060 apply [THIS CHAPTER
10 APPLIES]

11 (1) to wells drilled in search of, in support of, or for the recovery or
12 production of geothermal resources;

13 (2) when a person engaged in drilling activity not otherwise subject to
14 the provisions of AS 41.06.005 - 41.06.060 [THIS CHAPTER] encounters geothermal
15 resources, fluid, or water of sufficient heat or pressure to constitute a threat to human
16 life or health unless the drilling operation is subject to oil and gas drilling regulation
17 under AS 31.05;

18 (3) in areas and under conditions in which the commission determines
19 that drilling may encounter geothermal resources, fluid, or water of sufficient heat or
20 pressure to constitute a threat to human life or health.

21 (d) To the extent the provisions of AS 31.05 do not conflict with the
22 provisions of AS 41.06.005 - 41.06.060 [THIS CHAPTER], the provisions of
23 AS 31.05 are applicable to wells drilled in search of, in support of, or for the recovery
24 or production of geothermal resources.

25 (e) Nothing in AS 41.06.005 - 41.06.060 [THIS CHAPTER] limits the
26 authority of the department

27 (1) over geothermal resources under AS 38.05.181; or
28 (2) to approve and manage geothermal units or operations that include
29 state land.

30 * **Sec. 26.** AS 41.06.030(e) is amended to read:

31 (e) The commissioner may adopt regulations under AS 44.62 (Administrative

1 Procedure Act) to carry out the purposes and intent of AS 41.06.005 - 41.06.060
2 [THIS CHAPTER] for duties assigned to the department, including the promotion of
3 maximum economic recovery.

4 * **Sec. 27.** AS 41.06.035(b) is amended to read:

5 (b) The commission may adopt regulations under AS 44.62 (Administrative
6 Procedure Act) and issue orders appropriate to carry out the purposes and intent of
7 AS 41.06.005 - 41.06.060 [THIS CHAPTER] for duties assigned to the commission,
8 including orders regarding the establishment of drilling units for pools as set out in
9 AS 31.05.100 and orders regarding unitized operation and integration of interests as
10 set out in AS 31.05.110.

11 * **Sec. 28.** AS 41.06.040(a) is amended to read:

12 (a) The commission shall adopt regulations under AS 44.62 (Administrative
13 Procedure Act), issue orders, and take other appropriate action to carry out the
14 purposes and intent of AS 41.06.005 - 41.06.060 [THIS CHAPTER], including
15 adopting regulations to prevent

16 (1) geothermal resources, water or other fluids, and gases from
17 escaping into strata other than that in which they are found, unless in accordance with
18 an approved reinjection program;

19 (2) contamination of surface and groundwater;

20 (3) premature degradation of a geothermal system by water
21 encroachment or otherwise;

22 (4) blowouts, cavings, and seepage; and

23 (5) unreasonable disturbance or injury to neighboring properties, prior
24 water rights, prior oil or gas rights, human life, health, and the natural environment.

25 * **Sec. 29.** AS 41.06.050(e) is amended to read:

26 (e) In making the determination under (d) of this section, the commission shall
27 consider whether the

28 (1) proposed well will significantly interfere with or substantially
29 impair a prior water, oil, or gas right;

30 (2) proposed well is contrary to a provision of AS 41.06.005 -
31 41.06.060 [THIS CHAPTER], a regulation adopted by the commission, another law,

or an order, stipulation, or term of a permit issued by the commission; and

(3) applicant is in violation of a provision of AS 41.06.005 - 41.06.060 [THIS CHAPTER], a regulation adopted by the commission, another law, or an order, stipulation, or term of a permit issued by the commission; the commission shall consider the magnitude of the violation.

* **Sec. 30.** AS 41.06.055(c) is amended to read:

(c) The commission shall determine the regulatory cost charges levied under this section so that the total amount to be collected approximately equals the appropriations made for the operating costs of the commission that have been incurred under AS 41.06.005 - 41.06.060 [THIS CHAPTER] for the fiscal year.

* **Sec. 31.** AS 41.06.055(d) is amended to read:

(d) The commission shall collect the regulatory cost charges imposed under this section. The Department of Administration shall identify the amount of appropriations made for the operating costs of the commission under AS 41.06.005 - 41.06.060 [THIS CHAPTER] that lapse into the general fund each year. The legislature may appropriate an amount that is at least equal to the lapsed amount to the commission for its operating costs under AS 41.06.005 - 41.06.060 [THIS CHAPTER] for the next fiscal year. If the legislature makes an appropriation to the commission under this subsection that is equal to or greater than the lapsed amount, the commission shall reduce the total regulatory cost charge collected for that fiscal year by a comparable amount.

* **Sec. 32.** AS 41.06.060 is amended to read:

Sec. 41.06.060. Definitions. In AS 41.06.005 - 41.06.060 [THIS CHAPTER], unless the context otherwise requires,

(1) "commercial use" means the sale of heat or power to a third party;

(2) "commission" means the Alaska Oil and Gas Conservation Commission created under AS 31.05.005;

(3) "correlative rights" means the right of an owner of each property in a geothermal system to produce without waste the owner's just and equitable share of the geothermal resources in the geothermal system; a just and reasonable share is an amount, so far as can be practically determined and so far as can be practically

1 produced without waste, that is substantially in proportion to the quantity of
2 recoverable geothermal resources under the owner's property relative to the total
3 recoverable geothermal resources in the geothermal system;

4 (4) "geothermal fluid" means liquids and steam at temperatures greater
5 than 120 degrees Celsius or any commercial use of liquids and steam naturally present
6 in a geothermal system at temperatures less than 120 degrees Celsius;

7 (5) "geothermal resources"

8 (A) means the natural heat of the earth at temperatures greater
9 than 120 degrees Celsius, or any use of that heat for commercial purposes,
10 measured at the point at which [WHERE] the highest-temperature resources
11 encountered enter or contact a well or other resource extraction device or any
12 commercial use of the natural heat of the earth;

13 (B) includes

14 (i) the energy, including pressure, in whatever form
15 present in, resulting from, created by, or that may be extracted from
16 that natural heat;

17 (ii) the material medium, including steam and other
18 gases, hot water, and hot brines constituting the geothermal fluid
19 naturally present, as well as substances artificially introduced to serve
20 as a heat transfer medium; and

21 (iii) all dissolved or entrained minerals and gases that
22 may be obtained from the material medium, but excluding hydrocarbon
23 substances and helium;

24 (6) "geothermal system" means a stratum, pool, reservoir, or other
25 geologic formation containing geothermal resources;

26 (7) "operator" means a person drilling, maintaining, operating,
27 producing, or in control of a well;

28 (8) "owner" means the person who has the right to drill into or produce
29 from a geothermal system and to appropriate the geothermal resources produced from
30 a geothermal system for that person and others;

31 (9) "waste" means, in addition to its ordinary meaning, physical waste,

and includes an inefficient, excessive, or improper production, use, or dissipation of geothermal resources, including

(A) drilling, transporting, or storage methods that cause or tend to cause unnecessary surface loss of geothermal resources;

(B) locating, spacing, drilling, equipping, operating, producing, or venting of a well in a manner that results or tends to result in reducing the ultimate economic recovery of geothermal resources;

(10) "well" means a well drilled, converted, or reactivated for the discovery, testing, production, or subsurface injection of geothermal resources.

* **Sec. 33.** AS 41.06 is amended by adding new sections to read:

Article 2. Carbon Storage; Injection.

Sec. 41.06.105. Jurisdiction over storage facilities. The commission has jurisdiction under AS 41.06.105 - 41.06.210 over storage facilities to prevent waste, protect correlative rights, and ensure public health and safety.

Sec. 41.06.110. Authority of the commission. (a) The authority of the commission applies to all land

(1) in the state lawfully subject to the police power of the state, including private land, municipal land, state land, federal land, and land subject to the jurisdiction of the United States; and

(2) included in a voluntary cooperative or unit plan of development or operation entered into in accordance with AS 38.05.725.

(b) When land that is subject to the commission's authority is committed to a unit agreement involving land subject to federal jurisdiction, the operation of AS 41.06.105 - 41.06.210 may be suspended if

(1) the unit operations are regulated by the United States; and

(2) conservation of resources in the reservoir or pool is accomplished in the agreement.

(c) The commission has the authority to

(1) regulate activities related to a storage facility, including the construction, operation, and closure of the facility;

(2) require that storage operators provide assurance, including bonds,

that money is available to fulfill the storage operator's duties;

(3) enter, at a reasonable time and in a reasonable manner, a storage facility to

(A) inspect equipment and facilities;

(B) observe, monitor, and investigate operation; and

(C) inspect records required to be maintained at the facility;

(4) exercise continuing jurisdiction over storage operators and storage facilities, including the authority, after notice and hearing, to amend provisions in a permit and to revoke a permit; and

(5) dissolve or change the boundaries of an oil or gas field or unit established by the commission that is within or near the boundaries of a storage reservoir.

(d) To the extent AS 31.05 does not conflict with AS 41.06.105 - 41.06.210, the provisions of AS 31.05 are applicable to wells drilled in search of, in support of, and for carbon storage.

(e) Nothing in AS 41.06.105 - 41.06.210 limits the authority of the Department of Natural Resources under AS 38.05.700 - 38.05.795 or AS 41.06.305.

Sec. 41.06.115. Waste prohibited; investigation. Waste in a storage facility or storage reservoir in the state is prohibited. The commission may investigate to determine whether waste exists or is imminent, or whether other facts exist that justify or require action by the commission to prohibit waste. The injection of carbon dioxide and substances commonly associated with carbon dioxide injection is not considered waste.

Sec. 41.06.120. Storage facility permit. (a) A storage operator is required to obtain a permit from the commission to operate a storage facility.

(b) A permit may not be transferred unless the commission consents.

(c) A person applying for a permit shall

(1) request a preapplication meeting with the commission staff;

(2) comply with application requirements;

(3) pay a fee in an amount determined by the commission; and

(4) pay the commission the cost the commission incurs in reviewing

1 the person's application, publishing notices for hearings, and holding hearings on the
2 person's permit application.

3 (d) A permit application must include sufficient information to enable the
4 commission to determine whether the storage facility will interfere with or impair an
5 existing water, oil, gas, or other mineral interest.

6 (e) The commission shall set the amount of the fee in (c)(3) of this section
7 based on the anticipated cost to the commission associated with processing
8 applications, including preliminary work in advance of receiving an application. The
9 commission may enter into an agreement with a prospective applicant that requires the
10 applicant to reimburse the commission for reasonable costs of work incurred in
11 preparing for activities before the commission receives an application.

12 (f) The commission shall deposit fees collected under this section in the
13 carbon dioxide storage facility administrative fund established in AS 41.06.160.

14 **Sec. 41.06.125. Hearing on permit application.** (a) Before issuing a permit
15 for a storage facility, the commission shall hold a public hearing.

16 (b) The commission shall provide notice of a public hearing under this section.
17 The commission shall provide notice in the same manner as a notice under
18 AS 31.05.050(b) and shall provide notice to

19 (1) each mineral lessee, mineral owner, and mineral right owner of
20 record within the storage reservoir and within one-half mile of the boundaries of the
21 storage reservoir;

22 (2) each surface owner of land overlying the storage reservoir and
23 within one-half mile of the boundaries of the storage reservoir; and

24 (3) any additional persons that the commission considers necessary.

25 (c) A hearing notice required by this section must comply with deadlines set
26 by the commission.

27 **Sec. 41.06.130. Permit requirements.** (a) The commission shall consult with
28 the Department of Environmental Conservation and the Department of Natural
29 Resources before issuing a permit under AS 41.06.120.

30 (b) Before the commission may approve a permit application submitted under
31 AS 41.06.120, the commission must find

1 (1) that the storage operator has complied with all requirements set by
2 the commission;

3 (2) that the proposed storage facility is suitable and feasible for carbon
4 storage;

5 (3) that the carbon dioxide to be stored is of a quality that allows it to
6 be safely and efficiently stored in the storage reservoir;

7 (4) that the storage operator has made a good faith effort to get the
8 consent of all persons with an ownership interest in the proposed storage reservoir and
9 surface owners of land overlying the proposed storage reservoir;

10 (5) if the proposed storage facility contains commercially valuable
11 minerals, that the interests of the mineral owners or mineral lessees will not be
12 adversely affected or have been addressed in an arrangement entered into by the
13 mineral owners or mineral lessees and the storage operator;

14 (6) that the proposed storage facility will not adversely affect surface
15 water or formations containing fresh water;

16 (7) that carbon dioxide is not reasonably anticipated to escape from the
17 storage reservoir;

18 (8) that substances that compromise the objectives of AS 41.06.105 -
19 41.06.210 or the integrity of a storage reservoir will not enter a storage reservoir;

20 (9) that the proposed storage facility will not endanger human health or
21 unduly endanger the environment;

22 (10) that the proposed storage facility is in the public interest;

23 (11) that the horizontal and vertical boundaries of the proposed storage
24 reservoir are defined and the boundaries include buffer areas to ensure that the storage
25 facility is operated safely and as contemplated;

26 (12) that the storage operator will establish monitoring facilities and
27 protocols to assess the location and migration of carbon dioxide injected for carbon
28 storage and to ensure compliance with all permit, statutory, and administrative
29 requirements;

30 (13) that all nonconsenting landowners or holders of mineral rights are,
31 or will be, equitably compensated; and

1 (14) that the storage operator is not in violation of a provision of
2 AS 41.06.105 - 41.06.210 or regulations adopted by the commission.

3 **Sec. 41.06.135. Permit provisions.** The commission may include in a permit
4 or order any parameters necessary to carry out the objectives of AS 41.06.105 -
5 41.06.210, prevent waste, protect correlative rights, and ensure the health and safety of
6 persons affected by the permit.

7 **Sec. 41.06.140. Amalgamating property interests.** If a storage operator does
8 not obtain the consent of all persons with an ownership interest in the storage
9 reservoir, the commission may order that the pore space rights of nonconsenting
10 owners be included in a storage facility and subject to carbon storage. Before the
11 commission may issue an order forming an amalgamation under this section, the
12 commission shall provide public notice and hold a hearing.

13 **Sec. 41.06.145. Certificate.** When the commission issues a permit under
14 AS 41.06.120, the commission shall also issue a certificate that states that the permit
15 has been issued, describes the area covered, and contains other information the
16 commission considers appropriate. The storage operator may file a copy of the
17 certificate with the office of the recorder in the district in which the storage facility is
18 located.

19 **Sec. 41.06.150. Environmental protection; storage reservoir integrity.** (a)
20 The commission shall take action to ensure that

21 (1) substances that compromise the integrity of a storage reservoir do
22 not enter a storage reservoir; and

23 (2) carbon dioxide does not escape from a storage facility.

24 (b) For the purposes of this section, and in the application of other laws,
25 carbon dioxide that is stored and remains in carbon storage under a permit is not
26 considered a pollutant and does not constitute a nuisance.

27 (c) The commission's authority under (a) of this section does not limit the
28 jurisdiction of the Department of Environmental Conservation.

29 **Sec. 41.06.155. Preservation of rights.** Nothing in AS 41.06.105 - 41.06.210

30 (1) prejudices the rights of a person with a property interest in a
31 storage facility to exercise rights that have not been committed to the storage facility;

1 or

2 (2) prevents a mineral owner or mineral lessee from drilling through or
3 near a storage reservoir to explore for and develop minerals if the drilling, production,
4 and related activities comply with requirements set by the commission to preserve the
5 integrity of the storage facility and protect the objectives of AS 41.06.105 - 41.06.210.

6 **Sec. 41.06.160. Fees; carbon dioxide storage facility administrative fund.**

7 (a) A storage operator shall pay to the commission a fee on each metric ton of carbon
8 dioxide injected for carbon storage. The commission shall set the amount of the fee
9 based on the anticipated expenses the commission will incur in regulating storage
10 facilities during each phase, including the construction, operational, and pre-
11 completion phases. The commission shall deposit a fee collected under this subsection
12 in the carbon dioxide storage facility administrative fund established in (b) of this
13 section.

14 (b) The carbon dioxide storage facility administrative fund is established in
15 the general fund. The fund consists of

16 (1) fees received under (a) of this section;

17 (2) fees received under AS 41.06.120 and 41.06.195; and

18 (3) interest earned on money in the fund.

19 (c) Money in the carbon dioxide storage facility administrative fund shall be
20 separately accounted for under AS 37.05.142. The legislature may appropriate the
21 money in the fund to the commission to carry out the purposes of AS 41.06.105 -
22 41.06.210.

23 **Sec. 41.06.165. Title to carbon dioxide.** The storage operator has title to the
24 carbon dioxide injected into and stored in a storage reservoir and holds title until the
25 commission issues a certificate of completion under AS 41.06.170. While the storage
26 operator holds title, the operator is liable for any damage the carbon dioxide may
27 cause, including damage caused by carbon dioxide that escapes from the storage
28 facility. When a certificate of completion is issued under AS 41.06.170, title to carbon
29 dioxide injected into and stored in a storage reservoir is transferred to the owner of the
30 pore space, unless the storage operator and the owner of the pore space have a
31 contrary agreement.

1 **Sec. 41.06.170. Certificate of completion.** (a) Once a storage operator
2 discontinues carbon dioxide injections into a storage reservoir, and upon application
3 by the storage operator, the commission may issue a certificate of completion

4 (1) only after public notice and hearing; the commission shall establish
5 notice requirements for a hearing under this paragraph;

6 (2) only after the commission consults with the Department of
7 Environmental Conservation, the Department of Natural Resources, and all persons
8 with an ownership interest in the storage reservoir; and

9 (3) after a period of at least 50 years, or another period approved by
10 the commission for the storage reservoir based on requirements established in
11 regulation, has elapsed since the last carbon dioxide injection into the storage
12 reservoir.

13 (b) The commission may issue a certificate of completion only if the storage
14 operator

15 (1) has fully complied with all laws governing the storage facility;

16 (2) shows that the operator has addressed all pending claims regarding
17 the operation of the storage facility;

18 (3) shows that the underground place or pore space in which the
19 injected carbon dioxide is stored is not expected to pose a threat to human health,
20 human safety, the environment, or underground sources of drinking water;

21 (4) shows that the stored or injected carbon dioxide is unlikely to cross
22 an underground or pore space boundary and is not expected to endanger an
23 underground source of drinking water or otherwise endanger human health, human
24 safety, or the environment;

25 (5) shows that all wells, equipment, and facilities allowed to remain in
26 place following post-injection site care and site closure are in good condition and
27 retain mechanical integrity;

28 (6) shows that the operator has plugged wells, removed equipment and
29 facilities, and completed reclamation work as required by the commission and the
30 Department of Natural Resources;

31 (7) has paid all fees and surcharges owed for the storage facility; and

1 (8) meets any other regulatory requirements established by the state.

2 (c) Once a certificate of completion is issued, the department assumes primary
3 responsibility for long-term monitoring and maintenance of the storage facility, as
4 provided in AS 41.06.305. The storage operator and all persons who generated
5 injected carbon dioxide are released from liability to the state associated with the
6 storage facility in an amount equal to the amount attributed to the storage facility in
7 the carbon storage closure trust fund established in AS 37.14.850. The state, the
8 department, or the commission is not liable for damages arising out of, or in any
9 manner connected with, long-term monitoring and maintenance of a storage facility if
10 the amount for the storage facility separately accounted for in the carbon storage
11 closure trust fund established in AS 37.14.850 is unavailable or insufficient. A bond
12 posted by the storage operator under AS 41.06.110(c)(2) must be released. In this
13 subsection, "long-term monitoring and maintenance" has the meaning given in
14 AS 41.06.305(e).

15 **Sec. 41.06.175. Carbon storage facility injection surcharge.** (a) A storage
16 operator injecting carbon dioxide at a storage facility shall pay to the commission a
17 surcharge each year for the first 12 years that carbon dioxide is injected at the storage
18 facility. The commission shall deposit the surcharge into the general fund. The
19 legislature may appropriate a surcharge collected under this subsection into the carbon
20 storage closure trust fund established in AS 37.14.850.

21 (b) The annual surcharge in this section is determined by the following
22 formula: $S = (7,500,000 \times (I/261.78)) / 12$, where

23 (1) S is the dollar amount of the annual surcharge for a storage facility;

24 (2) I is equal to the Consumer Price Index for urban consumers for
25 urban Alaska, as determined by the United States Department of Labor, Bureau of
26 Labor Statistics, without seasonal adjustment, for December of the calendar year
27 immediately preceding the year of issuance of the storage facility permit.

28 **Sec. 41.06.180. Penalties.** (a) In addition to the penalties in (b) - (d) of this
29 section, a person who violates a provision of AS 41.06.105 - 41.06.210, a regulation
30 adopted under AS 41.06.105 - 41.06.210, or an order or term of a permit issued by the
31 commission under AS 41.06.105 - 41.06.210 is liable for a civil penalty of not more

1 than \$100,000 for the initial violation and not more than \$10,000 for each day
2 thereafter on which the violation continues.

3 (b) A person who knowingly commits an act specified in AS 11.46.630(a) for
4 the purpose of evading a provision of AS 41.06.105 - 41.06.210, a regulation adopted
5 under AS 41.06.105 - 41.06.210, or an order, stipulation, or term of a permit issued by
6 the commission is guilty of a class A misdemeanor.

7 (c) A person who knowingly violates a provision of AS 41.06.105 - 41.06.210,
8 a regulation adopted under AS 41.06.105 - 41.06.210, or an order, stipulation, or term
9 of a permit issued by the commission is guilty of a class A misdemeanor punishable
10 by a fine of not more than \$10,000 a day for each day of violation.

11 (d) A person who knowingly aids or abets another person in the violation of a
12 provision of AS 41.06.105 - 41.06.210, a regulation adopted under AS 41.06.105 -
13 41.06.210, or an order, stipulation, or term of a permit issued by the commission is
14 subject to the same penalty as that prescribed in this section for the violation by the
15 other person.

16 (e) The commission may assess the civil penalties provided in this section,
17 and, if not paid, the penalties are recoverable by suit filed by the attorney general in
18 the name and on behalf of the commission in the superior court. The payment of a
19 penalty does not relieve a person on whom the penalty is imposed from liability to any
20 other person for damages arising out of the violation.

21 (f) In determining the amount of a penalty assessed under (a) of this section,
22 the commission shall consider

23 (1) the extent to which the person committing the violation was acting
24 in good faith in attempting to comply;

25 (2) the extent to which the person committing the violation acted in a
26 wilful or knowing manner;

27 (3) the extent and seriousness of the violation and the actual or
28 potential threat to public health or the environment;

29 (4) the economic or environmental harm or injury to the public caused
30 by the violation;

31 (5) the economic value or other benefits derived by the person

committing the violation from the commission of the violation;

(6) any history of previous violations by the person committing the violation;

(7) the need to deter similar behavior by the person committing the violation and others similarly situated at the time of the violation or in the future;

(8) the effort made by the person committing the violation to correct the violation and prevent future violations; and

(9) other matters justice requires.

Sec. 41.06.185. Enhanced oil or gas recovery. (a) Except as provided in (b) of this section, the provisions of AS 41.06.105 - 41.06.210 do not apply to applications filed with the commission proposing to use carbon dioxide for enhanced oil or gas recovery.

(b) The commission may adopt regulations that allow enhanced oil or gas recovery and related well activities to be converted to a storage facility. The regulations must require that, in considering whether to approve a conversion, and upon conversion, the provisions of AS 41.06.105 - 41.06.210 apply. The regulations may impose additional requirements to AS 41.06.105 - 41.06.210, or describe specific situations in which the requirements of AS 41.06.105 - 41.06.210 are waived, to ensure that the objectives of AS 41.06.105 - 41.06.210 are met.

Sec. 41.06.190. Cooperative agreements and contracts. (a) The commission may enter into agreements with other governments, government entities, and state agencies for the purpose of carrying out the objectives of AS 41.06.105 - 41.06.210.

(b) The commission may enter into contracts with private persons to assist in carrying out the objectives of AS 41.06.105 - 41.06.210. If an emergency exists, the commission may enter into contracts without public notice and without competitive bidding.

Sec. 41.06.195. Determining capacity of storage reservoir; carbon credits; fees. (a) The commission may adopt a written policy establishing procedures and criteria that the commission will use to determine the carbon storage capacity of a storage reservoir, including for the purpose of enhanced oil or gas recovery.

(b) The purpose of determining the carbon storage capacity of a storage

1 reservoir is to facilitate calculating the amount of stored carbon dioxide for matters
2 including carbon credits, allowances, trading, emissions allocations, and offsets. The
3 commission may charge a reasonable fee to a person requesting a capacity
4 determination. The commission shall set the fee by regulation. The commission shall
5 deposit fees received under this subsection in the carbon dioxide storage facility
6 administrative fund established in AS 41.06.160.

7 (c) In this section, "carbon storage capacity of a storage reservoir" means the
8 maximum injected volume in a storage reservoir at which the pressure in the reservoir
9 does not pose a risk to the integrity of the reservoir or its ability to maintain carbon
10 storage.

11 **Sec. 41.06.210. Definitions.** In AS 41.06.105 - 41.06.210, unless the context
12 requires otherwise,

13 (1) "carbon dioxide" means carbon dioxide of a quality that will not
14 compromise

15 (A) the safety of carbon storage; and

16 (B) the properties of a storage reservoir that allow the reservoir
17 to effectively enclose and contain a stored gas or stored supercritical fluid;

18 (2) "carbon storage" means the underground storage of carbon dioxide
19 in a storage reservoir;

20 (3) "commission" means the Alaska Oil and Gas Conservation
21 Commission created under AS 31.05.005;

22 (4) "enhanced oil or gas recovery" means the increased recovery of
23 hydrocarbons, including oil and gas, from a common source of supply achieved by
24 artificial means or by the application of energy extrinsic to the common source of
25 supply, including pressuring, cycling, pressure maintenance or injection of a substance
26 or form of energy, including injection of water, gas, carbon dioxide, or both gas and
27 carbon dioxide, including immiscible and miscible floods, as long as the enhanced oil
28 or gas recovery does not include injection of a substance or form of energy for the sole
29 purpose of

30 (A) aiding in the lifting of fluids in the well; or

31 (B) stimulation of the reservoir at or near the well by

mechanical, chemical, thermal, or explosive means;

(5) "permit" means a storage facility permit issued under AS 41.06.120;

(6) "pore space" means a cavity or void in a subsurface sedimentary stratum;

(7) "reservoir" means a subsurface sedimentary stratum, formation, aquifer, cavity, or void, including pore space, oil and gas reservoirs, saline formations, and coal seams that are suitable, or capable of being made suitable, for injection and carbon storage;

(8) "storage facility" means the storage reservoir, underground equipment, well, and surface facilities and equipment used in accordance with a permit; "storage facility" does not include pipelines, compressors, surface facilities, and equipment used to transport carbon dioxide to the storage facility that are unrelated to well safety and metering;

(9) "storage operator" means a person holding or applying for a permit;

(10) "storage reservoir" means a reservoir proposed, authorized, or used for carbon storage;

(11) "supercritical fluid" means a substance at or above its critical temperature and critical pressure that is neither a liquid nor a gas but that has properties of both;

(12) "waste" means, in addition to its ordinary meaning, physical waste, and includes inefficient, excessive, or improper operation of a storage facility or well;

(13) "well" means a well that is drilled, converted, or reactivated for discovery, testing, or subsurface injection into a reservoir.

Article 3. Long-Term Monitoring and Maintenance of Carbon Storage Facilities.

Sec. 41.06.305. Long-term monitoring and maintenance. (a) The department shall conduct long-term monitoring and maintenance of a storage facility that has been issued a certificate of completion under AS 41.06.170.

(b) Under this section, the authority of the department applies to all land in the state lawfully subject to the police power of the state, including private land,

1 municipal land, state land, land of the United States, and land subject to the
2 jurisdiction of the United States. The department may enter, at a reasonable time and
3 in a reasonable manner, the site of a storage facility that has been issued a certificate
4 of completion under AS 41.06.170.

5 (c) The state, the department, and the commission have no obligation to pay
6 costs associated with long-term monitoring and maintenance of a storage facility in an
7 amount greater than the amount attributable to that storage facility and separately
8 accounted for under AS 37.14.850.

9 (d) The department may adopt regulations under AS 44.62 (Administrative
10 Procedure Act) to carry out the purposes of this section.

11 (e) In this section,

12 (1) "commission" means the Alaska Oil and Gas Conservation
13 Commission created under AS 31.05.005;

14 (2) "long-term monitoring and maintenance" means an activity
15 associated with monitoring and maintenance of a storage facility that has been issued a
16 certificate of completion under AS 41.06.170 and may include

17 (A) operational and long-term inspecting, testing, and
18 monitoring of the storage facility site, wells, and remaining facilities;

19 (B) remediation measures arising from the storage facility site,
20 including remediation of property and mechanical problems associated with
21 wells and remaining facilities;

22 (C) repairing mechanical leaks at the storage facility site;

23 (D) plugging and abandoning wells;

24 (E) converting wells for use as observation wells;

25 (F) purchasing or paying insurance costs for a storage facility,
26 whether commercially or through government funding;

27 (3) "storage facility" has the meaning given in AS 41.06.210.

28 * **Sec. 34.** AS 41.21.167(a) is amended to read:

29 (a) The land and water areas described in AS 41.21.161 are not open to
30 mineral entry under AS 38.05.135 - 38.05.275 or 38.05.700 - 38.05.795.

31 * **Sec. 35.** AS 41.21.491(d) is amended to read:

(d) Except for oil and gas leasing under AS 38.05.180 and carbon storage licensing and leasing under AS 38.05.700 - 38.05.795, the mineral estate in the state-owned land and water described in (a) of this section is closed to mineral entry under AS 38.05.181 - 38.05.275.

* **Sec. 36.** AS 41.21.502(c) is amended to read:

(c) The mineral estate in the state-owned land and water described in (a) of this section is open to oil and gas leasing under AS 38.05.180 and carbon storage licensing and leasing under AS 38.05.700 - 38.05.795. The mineral estate in the state-owned land and water described in (a) of this section is closed to mineral entry under AS 38.05.181 - 38.05.275.

* **Sec. 37.** AS 41.21.617 is amended to read:

Sec. 41.21.617. Other uses generally. The state land and water described in AS 41.21.611(b) is closed to mineral entry under AS 38.05.135 - 38.05.275 and 38.05.700 - 38.05.795, to commercial harvest of timber, and to sale under state land disposal laws. The commissioner may lease the land described in AS 41.21.611(b) under AS 38.05.070 - 38.05.105 for a purpose consistent with AS 41.21.610(a) and (b). A municipality may select land within the Alaska Chilkat Bald Eagle Preserve under law.

* **Sec. 38.** AS 42.05.141 is amended by adding new subsections to read:

(g) Except as provided in AS 42.05.711(q) and (s), the commission shall regulate under this chapter the service of natural gas storage and the service of liquefied natural gas storage, including storage furnished by operating a natural gas storage facility that is part of a

(1) pipeline facility operated by a pipeline carrier; or

(2) natural gas pipeline facility operated by a natural gas pipeline carrier.

(h) In (g) of this section, "natural gas pipeline carrier," "natural gas pipeline facility," "pipeline carrier," and "pipeline facility" have the meanings given in AS 42.06.630.

* **Sec. 39.** AS 42.05.381(k) is amended to read:

(k) The cost to the utility of storing gas in a gas storage facility or storing

liquefied natural gas in a liquefied natural gas storage facility that is allowed in determining a just and reasonable rate shall reflect the

(1) reduction in cost attributable to any exemption from a payment due under AS 38.05.096 or 38.05.180(u), as applicable, and the value of a tax credit that the owner of the gas storage facility received under AS 43.20.046 or 43.20.047, as applicable; the [. THE] commission may request the

(A) [(1)] commissioner of natural resources to report the value of the exemption from a payment due under AS 38.05.096 or 38.05.180(u), as applicable, that the gas storage facility received; and

(B) [(2)] commissioner of revenue to report information on the amount of tax credits claimed under AS 43.20.046 and 43.20.047, as applicable, for the gas storage facility or liquefied natural gas storage facility;

(2) fair market value of oil and gas fields, drilling rigs, production platforms, wells, and similar assets used for gas storage or liquefied natural gas storage and a fair return on the fair market value of those assets;

(3) costs related to the dismantlement, removal, and restoration of a gas storage facility or liquefied natural gas storage facility [. IN THIS SUBSECTION, "GAS STORAGE FACILITY" HAS THE MEANING GIVEN IN AS 31.05.032].

* **Sec. 40.** AS 42.05.381 is amended by adding new subsections to read:

(p) For rate-making purposes, the commission shall consider the investment of a public utility in a liquefied natural gas import or export facility as utility property, even if the liquefied natural gas import or export facility is exempt from regulation by the commission. In this subsection,

(1) "investment" includes an investment in land used to connect to a liquefied natural gas import or export facility used by the public utility to render service to the public;

(2) "liquefied natural gas import or export facility" includes a facility used to receive, unload, load, store, transport, gasify, liquefy, or process natural gas.

(q) In (k) of this section, "gas storage facility" has the meaning given in AS 31.05.032(c).

1 * **Sec. 41.** AS 42.05 is amended by adding a new section to article 5 to read:

2 **Sec. 42.05.505. Records of gas storage facilities.** Records held by the
3 commission related to the finances of a gas storage facility, a liquefied natural gas
4 storage facility, or a public utility providing the service of natural gas storage,
5 including financial statements and financial assurance agreements, are confidential
6 and are not public records under AS 40.25.100 - 40.25.295 (Alaska Public Records
7 Act). The commission may disclose information from a record subject to this section
8 only to a state or federal agency if the commission determines that disclosure of the
9 information is necessary for the commission to complete its duties.

10 * **Sec. 42.** AS 42.05.711(q) is amended to read:

11 (q) The service of natural gas storage furnished by operating a natural gas
12 storage facility that is [(1) PART OF A PIPELINE FACILITY OPERATED BY A
13 PIPELINE CARRIER, (2) PART OF A NATURAL GAS PIPELINE FACILITY
14 OPERATED BY A NATURAL GAS PIPELINE CARRIER, OR (3)] part of a North
15 Slope natural gas pipeline facility operated by a North Slope natural gas pipeline
16 carrier is exempt from this chapter. In this subsection, ["NATURAL GAS PIPELINE
17 CARRIER," "NATURAL GAS PIPELINE FACILITY,"] "North Slope natural gas
18 pipeline carrier [,]" **and** "North Slope natural gas pipeline facility [,]" ["PIPELINE
19 CARRIER," AND "PIPELINE FACILITY"] have the meanings given in
20 AS 42.06.630.

21 * **Sec. 43.** AS 42.05.711 is amended by adding a new subsection read:

22 (w) A liquefied natural gas import facility under the jurisdiction of the Federal
23 Energy Regulatory Commission is exempt from this chapter.

24 * **Sec. 44.** AS 42.06.140 is amended by adding new subsections to read:

25 (c) The commission shall regulate under AS 42.05 the service of natural gas
26 and liquefied natural gas storage, including storage furnished by operating a natural
27 gas storage facility that is part of a

28 (1) pipeline facility operated by a pipeline carrier; or

29 (2) natural gas pipeline facility operated by a natural gas pipeline
30 carrier.

31 (d) In this section,

1 (1) "service of liquefied natural gas storage" means the operation of a
2 liquefied natural gas storage facility; "service of liquefied natural gas storage" does
3 not include the storage of liquefied natural gas

4 (A) owned by or contractually obligated to the owner, operator,
5 or manager of the liquefied natural gas storage facility; or

6 (B) for which the price of storage is not separately itemized;

7 (2) "service of natural gas storage" means the operation of a natural
8 gas storage facility primarily or exclusively for the benefit of third-party customers,
9 and not for the benefit of the owner, operator, or manager of the natural gas storage
10 facility; "service of natural gas storage" does not include the storage of natural gas

11 (A) owned by or contractually obligated to the owner, operator,
12 or manager of the natural gas storage facility; or

13 (B) for which the price of storage is not separately itemized.

14 * **Sec. 45.** AS 43.20.036 is amended by adding a new subsection to read:

15 (k) For purposes of calculating the income tax payable under this chapter, the
16 taxpayer may not apply as a credit against tax liability the carbon oxide sequestration
17 credit allowed as to federal taxes under 26 U.S.C. 45Q (Internal Revenue Code).

18 * **Sec. 46.** AS 43.55.165(e) is amended to read:

19 (e) For purposes of this section, lease expenditures do not include

20 (1) depreciation, depletion, or amortization;

21 (2) oil or gas royalty payments, production payments, lease profit
22 shares, or other payments or distributions of a share of oil or gas production, profit, or
23 revenue, except that a producer's lease expenditures applicable to oil and gas produced
24 from a lease issued under AS 38.05.180(f)(3)(B), (D), or (E) include the share of net
25 profit paid to the state under that lease;

26 (3) taxes based on or measured by net income;

27 (4) interest or other financing charges or costs of raising equity or debt
28 capital;

29 (5) acquisition costs for a lease or property or exploration license;

30 (6) costs arising from fraud, wilful misconduct, gross negligence,
31 violation of law, or failure to comply with an obligation under a lease, permit, or

1 license issued by the state or federal government;

2 (7) fines or penalties imposed by law;

3 (8) costs of arbitration, litigation, or other dispute resolution activities
4 that involve the state or concern the rights or obligations among owners of interests in,
5 or rights to production from, one or more leases or properties or a unit;

6 (9) costs incurred in organizing a partnership, joint venture, or other
7 business entity or arrangement;

8 (10) amounts paid to indemnify the state; the exclusion provided by
9 this paragraph does not apply to the costs of obtaining insurance or a surety bond from
10 a third-party insurer or surety;

11 (11) surcharges levied under AS 43.55.201 or 43.55.300;

12 (12) an expenditure otherwise deductible under (b) of this section that
13 is a result of an internal transfer, a transaction with an affiliate, or a transaction
14 between related parties, or is otherwise not an arm's length transaction, unless the
15 producer establishes to the satisfaction of the department that the amount of the
16 expenditure does not exceed the fair market value of the expenditure;

17 (13) an expenditure incurred to purchase an interest in any corporation,
18 partnership, limited liability company, business trust, or any other business entity,
19 whether or not the transaction is treated as an asset sale for federal income tax
20 purposes;

21 (14) a tax levied under AS 43.55.011 or 43.55.014;

22 (15) costs incurred for dismantlement, removal, surrender, or
23 abandonment of a facility, pipeline, well pad, platform, or other structure, or for the
24 restoration of a lease, field, unit, area, tract of land, body of water, or right-of-way in
25 conjunction with dismantlement, removal, surrender, or abandonment; a cost is not
26 excluded under this paragraph if the dismantlement, removal, surrender, or
27 abandonment for which the cost is incurred is undertaken for the purpose of replacing,
28 renovating, or improving the facility, pipeline, well pad, platform, or other structure;

29 (16) costs incurred for containment, control, cleanup, or removal in
30 connection with any unpermitted release of oil or a hazardous substance and any
31 liability for damages imposed on the producer or explorer for that unpermitted release;

1 this paragraph does not apply to the cost of developing and maintaining an oil
2 discharge prevention and contingency plan under AS 46.04.030;

3 (17) costs incurred to satisfy a work commitment under an exploration
4 license under AS 38.05.132;

5 (18) that portion of expenditures, that would otherwise be qualified
6 capital expenditures, as defined in AS 43.55.023, incurred during a calendar year that
7 are less than the product of \$0.30 multiplied by the total taxable production from each
8 lease or property, in BTU equivalent barrels, during that calendar year, except that,
9 when a portion of a calendar year is subject to this provision, the expenditures and
10 volumes shall be prorated within that calendar year;

11 (19) costs incurred for repair, replacement, or deferred maintenance of
12 a facility, a pipeline, a structure, or equipment, other than a well, that results in or is
13 undertaken in response to a failure, problem, or event that results in an unscheduled
14 interruption of, or reduction in the rate of, oil or gas production; or costs incurred for
15 repair, replacement, or deferred maintenance of a facility, a pipeline, a structure, or
16 equipment, other than a well, that is undertaken in response to, or is otherwise
17 associated with, an unpermitted release of a hazardous substance or of gas; however,
18 costs under this paragraph that would otherwise constitute lease expenditures under (a)
19 and (b) of this section may be treated as lease expenditures if the department
20 determines that the repair or replacement is solely necessitated by an act of war, by an
21 unanticipated grave natural disaster or other natural phenomenon of an exceptional,
22 inevitable, and irresistible character, the effects of which could not have been
23 prevented or avoided by the exercise of due care or foresight, or by an intentional or
24 negligent act or omission of a third party, other than a party or its agents in privity of
25 contract with, or employed by, the producer or an operator acting for the producer, but
26 only if the producer or operator, as applicable, exercised due care in operating and
27 maintaining the facility, pipeline, structure, or equipment, and took reasonable
28 precautions against the act or omission of the third party and against the consequences
29 of the act or omission; in this paragraph,

30 (A) "costs incurred for repair, replacement, or deferred
31 maintenance of a facility, a pipeline, a structure, or equipment" includes costs

1 to dismantle and remove the facility, pipeline, structure, or equipment that is
2 being replaced;

3 (B) "hazardous substance" has the meaning given in
4 AS 46.03.826;

5 (C) "replacement" includes renovation or improvement;

6 (20) costs incurred to construct, acquire, or operate a refinery or crude
7 oil topping plant, regardless of whether the products of the refinery or topping plant
8 are used in oil or gas exploration, development, or production operations; however, if
9 a producer owns a refinery or crude oil topping plant that is located on or near the
10 premises of the producer's lease or property in the state and that processes the
11 producer's oil produced from that lease or property into a product that the producer
12 uses in the operation of the lease or property in drilling for or producing oil or gas, the
13 producer's lease expenditures include the amount calculated by subtracting from the
14 fair market value of the product used the prevailing value, as determined under
15 AS 43.55.020(f), of the oil that is processed;

16 (21) costs of lobbying, public relations, public relations advertising, or
17 policy advocacy;

18 (22) costs incurred as part of a capital expenditure or other action taken
19 for a carbon management purpose under AS 38.05.081 or a carbon offset project under
20 AS 38.95.400 - 38.95.499;

21 (23) costs incurred for carbon capture or carbon storage,
22 including fees incurred under AS 41.06.160, surcharges incurred under
23 AS 41.06.175, or costs associated with obtaining, operating, or maintaining a
24 license or lease under AS 38.05.700 - 38.05.795; in this paragraph, "carbon
25 capture" does not include gas processing or gas treatment.

26 * Sec. 47. AS 46.03.020 is amended to read:

27 **Sec. 46.03.020. Powers of the department.** The department may

28 (1) enter into contracts and compliance agreements necessary or
29 convenient to carry out the functions, powers, and duties of the department;

30 (2) review and appraise programs and activities of state departments
31 and agencies in light of the policy set out in AS 46.03.010 for the purpose of

1 determining the extent to which the programs and activities are contributing to the
2 achievement of that policy and to make recommendations to the departments and
3 agencies, including environmental guidelines;

4 (3) consult with and cooperate with

5 (A) officials and representatives of any nonprofit corporation or
6 organization in the state;

7 (B) persons, organizations, and groups, public and private,
8 using, served by, interested in, or concerned with the environment of the state;

9 (4) appear and participate in proceedings before any state or federal
10 regulatory agency involving or affecting the purposes of the department;

11 (5) undertake studies, inquiries, surveys, or analyses it may consider
12 essential to the accomplishment of the purposes of the department; these activities
13 may be carried out by the personnel of the department or in cooperation with public or
14 private agencies, including educational, civic, and research organizations, colleges,
15 universities, institutes, and foundations;

16 (6) at reasonable times, enter and inspect with the consent of the owner
17 or occupier any property or premises to investigate either actual or suspected sources
18 of pollution or contamination or to ascertain compliance or noncompliance with a
19 regulation that may be adopted under AS 46.03.020 - 46.03.040; information relating
20 to secret processes or methods of manufacture discovered during investigation is
21 confidential;

22 (7) conduct investigations and hold hearings and compel the
23 attendance of witnesses and the production of accounts, books, and documents by the
24 issuance of a subpoena;

25 (8) advise and cooperate with municipal, regional, and other local
26 agencies and officials in the state, to carry out the purposes of this chapter;

27 (9) act as the official agency of the state in all matters affecting the
28 purposes of the department under federal laws now or hereafter enacted;

29 (10) adopt regulations necessary to carry out the purposes of this
30 chapter, including regulations providing for

31 (A) control, prevention, and abatement of air, water, or land or

1 subsurface land pollution;

2 (B) safeguard standards for carbon dioxide, petroleum, and
3 natural gas pipeline construction, operation, modification, or alteration;

4 (C) protection of public water supplies by establishing
5 minimum drinking water standards, and standards for the construction,
6 improvement, and maintenance of public water supply systems;

7 (D) collection and disposal of sewage and industrial waste;

8 (E) collection and disposal of garbage, refuse, and other
9 discarded solid materials from industrial, commercial, agricultural, and
10 community activities or operations;

11 (F) control of pesticides;

12 (G) other purposes as may be required for the implementation
13 of the policy declared in AS 46.03.010;

14 (H) handling, transportation, treatment, storage, and disposal of
15 hazardous wastes;

16 (11) inspect the premises of sellers and suppliers of paint, vessels, and
17 marine and boating supplies, and take other actions necessary to enforce
18 AS 46.03.715;

19 (12) notwithstanding any other provision of law, take all actions
20 necessary to receive authorization from the administrator of the United States
21 Environmental Protection Agency to administer and enforce a National Pollutant
22 Discharge Elimination System program in accordance with 33 U.S.C. 1342 (sec. 402,
23 Clean Water Act), 33 U.S.C. 1345 (sec. 405, Clean Water Act), 40 C.F.R. Part 123,
24 and 40 C.F.R. Part 403, as amended;

25 (13) require the owner or operator of a facility to undertake
26 monitoring, sampling, and reporting activities described in 33 U.S.C. 1318 (sec. 308,
27 Clean Water Act);

28 (14) notwithstanding any other provision of law, take all actions
29 necessary to receive federal authorization of a state program for the department and
30 the Department of Natural Resources to administer and enforce a dredge and fill
31 permitting program allowed under 33 U.S.C. 1344 (sec. 404, Clean Water Act) and to

1 implement the program, if authorized.

2 * **Sec. 48.** AS 42.05.990(10)(B) and 42.05.990(11)(B) are repealed.

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

5 LEGISLATIVE AUDIT DIVISION REPORT TO THE LEGISLATURE. The
6 legislative audit division shall conduct an audit of carbon storage leases in the state under
7 AS 38.05.700 - 38.05.795 and submit the audit to the senate secretary and the chief clerk of
8 the house of representatives on or before January 1, 2033, and notify the legislature that the
9 audit is available. The audit must include detailed fiscal information from each fiscal year,
10 beginning with the fiscal year ending June 30, 2025, total revenues and costs to the state
11 associated with carbon storage leases in each fiscal year, and recommendations to improve the
12 carbon storage program.

13 * **Sec. 50.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 TRANSITION: REGULATIONS. The Department of Natural Resources, the
16 Department of Revenue, and the Alaska Oil and Gas Conservation Commission may adopt
17 regulations necessary to implement the changes made by this Act. The regulations take effect
18 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
19 implemented by the regulation.

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

22 REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the
23 chapter heading for AS 41.06 from "Geothermal Resources" to "Geothermal Resources and
24 Carbon Storage."

25 * **Sec. 52.** Section 50 of this Act takes effect immediately under AS 01.10.070(c).

AMENDMENT #1

OFFERED IN THE SENATE

BY SENATOR KIEHL

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

Page 1, line 1, following "Act":

Insert "**relating to criminal law and procedure;**"

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

Delete all material and insert:

"* **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. 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) In a prosecution for an offense under AS 11.46.400 or 11.46.410, an offense listed in AS 12.45.018(b), or a sex offense as defined in AS 12.63.100, or a prosecution for which one of the offenses charged is an offense under AS 11.46.400 or 11.46.410, an offense listed in AS 12.45.018(b), or a sex offense as defined in AS 12.63.100 [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]

1 victim of or witness to the offense may be admitted into evidence before the grand
2 jury [IF

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

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

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

10 (iv) THE CHILD TESTIFIES AT THE GRAND JURY
11 PROCEEDING OR THE CHILD WILL BE AVAILABLE TO
12 TESTIFY AT TRIAL].

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

15 (i) the individual presenting the hearsay evidence is a
16 peace officer involved in the investigation; and

17 (ii) the hearsay evidence consists of the statement and
18 observations made by another peace officer in the course of an
19 investigation; and

20 (iii) additional evidence is introduced to corroborate the
21 statement.

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

27 (5) In this section "statement" means an oral or written assertion or
28 nonverbal conduct if the nonverbal conduct is intended as an assertion.

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

1 **(7) If hearsay evidence is admitted into evidence before the grand**
2 **jury under paragraph (2) of this section in a prosecution for which one of the**
3 **offenses charged is an offense under AS 11.46.400 or 11.46.410, an offense listed**
4 **in AS 12.45.018(b), or a sex offense as defined in AS 12.63.100 and the offense**
5 **under AS 11.46.400 or 11.46.410, the offense listed in AS 12.45.018(b), or sex**
6 **offense as defined in AS 12.63.100 is later dismissed, the dismissal is not grounds**
7 **to dismiss the indictment for the other offense."**

adopted 5.10.24
AMENDMENT #1

33-GH1482\O.19
C. Radford
5/10/24

OFFERED IN THE SENATE

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

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

Insert "**relating to the crime of stalking**;"

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

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

Page 1, following line 4:

Insert a new bill section to read:

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

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

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

(c) The legislature further finds that Rule 6(s), Alaska Rules of Criminal Procedure, 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)."

3 Page 1, line 5:

4 Delete "Section 1"

5 Insert "Sec. 2"

7 Renumber the following bill sections accordingly.

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
 9 section shall register with the Department of Corrections if the sex offender or child
 10 kidnapper is incarcerated or in person at the Alaska state trooper post or municipal
 11 police department located nearest to where the sex offender or child kidnapper resides
 12 at the time of registration. To fulfill the registration requirement, the sex offender or
 13 child kidnapper shall

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

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

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

30 (C) all aliases used;

31 (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 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. 12.** 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.

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

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

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

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

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

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

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

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

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

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

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

(ii) may include the time a sex offender or child 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. 15** AS 18.66.990(3) is amended to read:

(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;

- 1 (C) criminal trespass under AS 11.46.320 - 11.46.330;
 2 (D) arson or criminally negligent burning under AS 11.46.400 -
 3 11.46.430;
 4 (E) criminal mischief under AS 11.46.475 - 11.46.486;
 5 (F) terrorist threatening under AS 11.56.807 or 11.56.810;
 6 (G) violating a protective order under AS 11.56.740(a)(1);
 7 (H) harassment under AS 11.61.120(a)(2) - (4) or (6); [OR]
 8 (I) cruelty to animals under AS 11.61.140(a)(5) if the animal is
 9 a pet;

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

14 **(K) unlawful contact under AS 11.56.750 or 11.56.755;**

15 * Sec. 16. 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;

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

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

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

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

(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. 18.** 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

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"

1

2 Page 7, line 11:

3 Delete "sec. 4"

4 Insert "sec. 5"

5 Following "Act,":

6 Insert "AS 11.41.260(a), as amended by sec. 6 of this Act,"

7 Delete "sec. 5"

8 Insert "sec. 7"

9

10 Page 7, line 12:

11 Delete "sec. 6"

12 Insert "sec. 8"

13

14 Page 7, line 13:

15 Delete "sec. 7"

16 Insert "sec. 9"

17 Delete "and"

18 Delete "sec. 8"

19 Insert "sec. 10"

20 Following the second occurrence of "Act,":

21 Insert "and AS 18.66.990(3), as amended by sec. 15 of this Act,"

22

23 Page 7, line 14:

24 Delete "secs. 1 - 8"

25 Insert "secs. 2 - 10 and 15"

26

27 Page 7, following line 14:

28 Insert new material to read:

29 "(b) Except as otherwise provided in this Act, the duty imposed by AS 12.63.010(b),

30 as amended by sec. 11 of this Act, AS 12.63.010(d), as amended by sec. 12 of this Act, and

31 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 uncodified 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"

adopted 6.10.24

33-GH1482\O.4
C. Radford
5/8/24

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

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

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

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

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

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

- (A) murder in the first degree under AS 11.41.100;
- (B) murder in the second degree under AS 11.41.110;
- (C) manslaughter under AS 11.41.120;
- (D) criminally negligent homicide under AS 11.41.130;
- (E) assault in the first degree under AS 11.41.200;
- (F) assault in the second degree under AS 11.41.210;
- (G) assault in the third degree under AS 11.41.220;
- (H) assault in the fourth degree under AS 11.41.230;
- (I) sexual assault in the first degree under AS 11.41.410;
- (J) sexual assault in the second degree under AS 11.41.420;
- (K) sexual assault in the third degree under AS 11.41.425;
- (L) sexual assault in the fourth degree under AS 11.41.427;
- (M) sexual abuse of a minor in the first degree under AS 11.41.434;
- (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."

Renumber the following bill sections accordingly.

Page 6, following line 5:

Insert a new bill section to read:

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

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

(1) murder;

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

(3) felony sexual abuse of a minor;

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

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

(6) kidnapping;

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

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

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

Renumber the following bill sections accordingly.

Page 7, following line 6:

Insert new bill sections to read:

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

(i) A defendant convicted of

(1) sexual assault 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, unlawful exploitation of a minor under AS 11.41.455(c)(2), 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) less than 13 years of age, 25 to 35 years;

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

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

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;

(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(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

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;

(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 (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. 19.** 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. 20.** 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 [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. 21.** 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

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

a minor subject to this chapter who was at least 13 years of age at the time of commission of

- (1) a felony offense against a person under AS 11.41;
- (2) arson in the first or second degree;
- (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."

Renumber the following bill sections accordingly.

Page 7, line 9:

Following "APPLICABILITY.":

Insert "(a)"

Page 7, line 11:

Delete "sec. 5"

Insert "sec. 10"

Page 7, line 12:

Delete "sec. 6"

Insert "sec. 11"

Page 7, line 13:

Delete "sec. 7"

Insert "sec. 12"

Delete "sec. 8"

Insert "sec. 14"

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."

adopted 5.10.24

33-GH1482\O.5
C. Radford
5/8/24

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:

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

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

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

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

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

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

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

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

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

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

(c) A facility housing a respondent found incompetent to proceed under 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.

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

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

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

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

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

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

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

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

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

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

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

1 only to

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

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

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

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

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

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

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

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

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

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

26
27 Renumber the following bill sections accordingly.

28
29 Page 7, line 13:

30 Delete "sec. 8"

31 Insert "sec. 12"

1

2 Page 7, line 14:

3 Delete "secs. 1 - 8"

4 Insert "secs. 1 - 7 and 12"

2023 SENATE FINANCE COMMITTEE VOTE SHEET

DATE: _____

Amendment: 3

MEMBER

Favor

Oppose

SEN. MERRICK	✓	
SEN. WILSON		✓
SEN. BISHOP	✓	
SEN. KIEHL	✓	
SEN. STEDMAN		
SEN. HOFFMAN	✓	
SEN. OLSON	✓	

YEA NAY

adopted 5-10-24
AMENDMENT #6

33-GH1482\O.9
C. Radford
5/9/24

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"

adopted 5-10-24

33-GH1482\O.10
C. Radford
5/9/24

AMENDMENT #7

OFFERED IN THE SENATE

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

Page 7, following line 6:

Insert a new bill section to read:

"* **Sec. 9.** 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

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"

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
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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" 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.

5/9/24
adopted

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

**"An Act relating to homicide resulting from conduct involving controlled substances;
relating to misconduct involving a controlled substance; relating to sentencing; and
providing for an effective date."**

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

*** Section 1.** AS 11.41.110 is amended to read:

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

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

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

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

(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. 4.** 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. 5.** 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]

(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. 6. 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. 7. 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

- 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

1 isomers;

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

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

6 * **Sec. 8.** 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
24 reckless disregard that the building was used as a permanent or
25 temporary home or place of lodging for one or more children under 18
26 years of age or the building was a place frequented by children; or

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

30 **(C) and the conviction is for manufacturing or delivery**
31 **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.

rescinded 5.10.24
~~adopted 5.10.24~~

33-GH1482\O.6
C. Radford
5/8/24

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."

withdrawn
5-10-24

33-GH1482\O.17
C. Radford
5/10/24

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"

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: 5/3/24

Referred: Finance

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; establishing the crime of assault in the**
3 **presence of a child; relating to the crime of stalking; changing the term 'child**
4 **pornography' to 'child sexual abuse material'; relating to misconduct involving a**
5 **controlled substance; relating to competency to stand trial; relating to victim restitution**
6 **and compensation; relating to sentencing; restricting the release of certain records of**
7 **convictions; relating to the duty to register as a sex offender; amending the definition of**
8 **'sex offense'; amending the definition of 'crime involving domestic violence'; relating to**
9 **multidisciplinary child protection teams; relating to involuntary civil commitments;**
10 **relating to victims' rights during certain civil commitment proceedings; amending Rule**
11 **6(s), Alaska Rules of Criminal Procedure; and providing for an effective date."**

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

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

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

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

12 (c) The legislature further finds that Rule 6(s), Alaska Rules of Criminal Procedure,
13 as amended by sec. 51 of this Act, is a response, in part, to the decision of the Alaska Court of
14 Appeals in *State v. Powell*, 487 P.3d 609 (Alaska App. 2021).

15 (d) It is the intent of the legislature to reduce barriers to employment for people who
16 have been convicted of low-level marijuana possession crimes that would be legal on
17 January 1, 2025.

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

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

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

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

27 (3) under circumstances not amounting to murder in the first degree
28 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
29 person commits or attempts to commit arson in the first degree, kidnapping, sexual
30 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
31 in the first degree, sexual abuse of a minor in the second degree, burglary in the first

1 degree, escape in the first or second degree, robbery in any degree, or misconduct
 2 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)
 3 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
 4 in immediate flight from that crime, any person causes the death of a person other than
 5 one of the participants;

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

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

13 (A) a felony violation of AS 11.41;

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

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

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

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

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

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

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

30 (2) the defendant remained at the scene with the other person until
 31 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) class B felony; or

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

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

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

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

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

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

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

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

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

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

(C) manslaughter under AS 11.41.120;

(D) criminally negligent homicide under AS 11.41.130;

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

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

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

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

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

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

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

- 1 (L) sexual assault in the fourth degree under AS 11.41.427;
 2 (M) sexual abuse of a minor in the first degree under
 3 AS 11.41.434;
 4 (N) sexual abuse of a minor in the second degree under
 5 AS 11.41.436;
 6 (O) sexual abuse of a minor in the third degree under
 7 AS 11.41.438;
 8 (P) sexual abuse of a minor in the fourth degree under
 9 AS 11.41.440;
 10 (Q) robbery in the first degree under AS 11.41.500;
 11 (R) robbery in the second degree under AS 11.41.510;
 12 (S) extortion under AS 11.41.520;
 13 (T) coercion under AS 11.41.530;
 14 (U) distribution of child sexual abuse material
 15 [PORNOGRAPHY] under AS 11.61.125;
 16 (V) possession of child sexual abuse material
 17 [PORNOGRAPHY] under AS 11.61.127;
 18 (W) sex trafficking in the first degree under AS 11.66.110;
 19 (X) sex trafficking in the second degree under AS 11.66.120;
 20 (Y) sex trafficking in the third degree under AS 11.66.130; or
 21 (Z) sex trafficking in the fourth degree under AS 11.66.135;
 22 (2) evidence supporting the prosecution under (a)(1) of this section
 23 was obtained or discovered as a result of the person reporting the crime to law
 24 enforcement; and
 25 (3) person cooperated with law enforcement personnel.

26 * **Sec. 13.** AS 11.71.010(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 first degree if the person
 29 (1) delivers any amount of a schedule IA controlled substance to a
 30 person under 19 years of age who is at least three years younger than the person
 31 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]

(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, 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) murder;

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

(3) felony sexual abuse of a minor;

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

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

(6) kidnapping;

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

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

(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:

(a) If a defendant has filed a notice of intention to rely on the affirmative defense of insanity under AS 12.47.010 or has filed notice under AS 12.47.020(a), or there is reason to doubt the defendant's fitness to proceed, or there is reason to believe that a mental disease or defect of the defendant will otherwise become an issue in the case, the court shall appoint a qualified psychiatrist or psychologist [AT LEAST TWO QUALIFIED PSYCHIATRISTS OR TWO FORENSIC PSYCHOLOGISTS CERTIFIED BY THE AMERICAN BOARD OF FORENSIC PSYCHOLOGY] to examine and report on [UPON] the mental condition of the defendant. If the court appoints a psychiatrist [PSYCHIATRISTS], the psychiatrist [PSYCHIATRISTS] may select psychologists to provide assistance. If the defendant has filed notice under AS 12.47.090(a), the report shall consider whether the defendant can still be

committed under AS 12.47.090(c). The court may order the defendant to be committed to a secure facility for the purpose of the examination for not more than 60 days or for a [SUCH] longer period as the court determines to be necessary for the purpose and may direct that a qualified psychiatrist retained by the defendant be permitted to witness and participate in the examination.

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

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

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

(i) The court may order a defendant to be examined under 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;

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;

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

* **Sec. 21.** AS 12.55.045(a) is amended to read:

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

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

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

* **Sec. 22.** 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,

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 (I) 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),

(3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor under AS 11.41.455(c)(2), 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) less than 13 years of age, 25 to 35 years;

(ii) 13 years of age or older, 20 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, 30 to 40 years;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (C) if the offense is a second felony conviction and the
 31 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;

(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. 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(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 12.62.160(b) is amended to read:

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

(1) may be provided to a person when, and only to the extent, necessary to avoid imminent danger to life or extensive damage to property;

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

(3) may be provided to a person if the information is commonly or traditionally provided by criminal justice agencies in order to identify, locate, or 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

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. 29.** 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. 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

offender or child kidnapper has supplied proof that is acceptable to the department of the unconditional discharge; the registration period under this subparagraph

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

(ii) may include the time a sex offender or child 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. 32.** 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);
- (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

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) 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 [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. 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;

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. 39.** 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 the respondent's arrival at the evaluation facility. The
23 court shall confirm an 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. 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) the length of time the person has been detained;
- (2) the reason the person has not yet been transported;
- (3) the person's current medical and psychiatric condition;
- (4) whether the person is gravely disabled or is likely to cause serious harm to self or others; and
- (5) whether the person is receiving treatment at the person's current placement.

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

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

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

* **Sec. 42.** AS 47.30.725 is amended by adding new subsections to read:

(g) If a criminal charge of a felony offense against a person under AS 11.41 or 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.

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

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

* **Sec. 46.** AS 47.30.780(a) is amended to read:

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

* **Sec. 47.** AS 47.30.780 is amended by adding new subsections to read:

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

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

(e) A respondent may not file a petition for early discharge within 180 days 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 uncoded 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 uncoded 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.

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" 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.



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Law

CRIMINAL DIVISION
CRIMINAL DIVISION CENTRAL OFFICE

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**HB 66 CONTROLLED SUBSTANCES; HOMICIDE;—
SECTIONAL ANALYSIS
VERSION N**

May 3, 2024

Section 1. This section is the legislative findings and intent section. The section states that with Alaska's rates of sexual assault and sexual abuse being some of the highest in the nation presenting evidence to a grand jury in state court should be similar to presenting evidence in a federal court. Additionally, the Alaska Constitution states that crime victims have the right to be treated with dignity, respect, and fairness. Art. I, Sec. 24, Alaska Constitution. That provision supports allowing hearsay evidence to be presented at grand jury. The intent section states that sec. 51 of the bill is, in part, in response to State v. Powell, 487 P. 3d 609 (Alaska App. 2001). Finally, the intent section states that the legislature intends for employment barriers to be removed for those who have been convicted of low-level possession crimes that are legal on Jan. 1, 2025.

Section 2. This section reclassifies a homicide resulting from misconduct 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 or second degrees and a person dies as a result of ingesting the drugs.

Misconduct involving a controlled substance in the first degree covers conduct such as delivering 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 and, under sec. 13 of the bill delivering a controlled substance to a person who is mentally incapable, incapacitated, or unaware that the controlled substance is being delivered.

Section 3. This section adds an affirmative defense to murder in the second degree where a person dies as a result of ingesting a controlled substance if the person:

- 1.) sought medical or law enforcement assistance for the other person;
- 2.) remained at the scene;
- 3.) cooperated with medical or law enforcement personnel; and
- 4.) the offense involved small quantities and was not delivered for a profit.

An affirmative defense must be proven by the defendant by a preponderance of the evidence. If the defendant were to successfully prove the affirmative defense the person

would be subject to the A felony sentencing provisions (7-11 years) rather than the unclassified felony sentencing provisions (15-99 years).

Section 4. This section specifies that if the person violates misconduct involving a controlled substance in the third or fourth degrees and a person dies, it will remain as manslaughter.

Section 5. This section is a conforming amendment to the changes made in sections 2-4 by moving the definition of “ingestion” to the homicide definitions.

Section 6. This section enacts a new crime of assault in the presence of a child. A person commits the crime of assault in the presence of a child if they commit an assault with reckless disregard that a child under the age of 16 is present. Assault in the presence of a child is a class A misdemeanor.

Section 7. This section makes it stalking in the first degree (class C felony) to include situations where an individual continues to stalk someone in violation of a stalking or a sexual assault protective order.

Sections 8-12. These sections change the name of “child pornography” to “child sexual abuse material.”

Section 13. This section makes it misconduct involving a controlled substance in the first degree (unclassified felony, 5-99 years) to deliver a controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered.

Section 14. This section defines “mentally incapable” and “incapacitated” as those terms are defined in AS 11.41.470.

Section 15. This section makes it misconduct involving a controlled substance in the second degree (class A felony) to deliver methamphetamine. This treats methamphetamine similarly to synthetic opioids such as fentanyl.

Section 16. This section changes the name of “child pornography” to “child sexual abuse material.”

Section 17. This section allows a qualified psychologist or a psychologist to examine and report on the mental condition of the defendant when the defendant has filed notice of the defense of insanity or the defendant’s mental condition otherwise becomes an issue in a criminal case.

Section 18. This section specifies that the court shall make findings of fact and conclusions of law before ordering the defendant to be evaluated for competency.

Section 19. This section allows a defendant who is undergoing restoration to competency to be released on bail and participate in an outpatient program. It also allows a qualified psychologist or psychiatrist to evaluate a defendant to determine whether the defendant meets the standards for involuntary commitment while the defendant is being evaluated for competency.

Section 20. This section allows a defendant who is undergoing additional evaluation and treatment for competency to be released on bail and participate in an outpatient program. In addition, if the court finds that the defendant continues to be incompetent to stand trial and intends to dismiss a case against a person charge with a felony crime against a person or arson, the prosecution must file a petition seeking to involuntarily commit the person and notify the Civil Division that the court has dismissed the case.

Section 21. This section clarifies that when ordering restitution, the court may order compensation for lost income, childcare, transportation, and other expenses incurred while the victim was participating in the investigation or prosecution of the offense or attendance at court hearings. This language has been added in direct response to *Smith v. State*, 2022 WL 3226305 (Alaska App. 2022) and *Seely v. State*, 2023 WL 2783265 (Alaska App. 2023). In both cases the court indicated that it was unclear on whether such expenses were to be considered when ordering restitution. This language has been added to clarify that those expenses can be included in a restitution order when the victim is able to sufficiently prove that those losses were incurred. Restitution for participating in the investigation or prosecution of the offense or attendance at court hearings is in addition to any other forms of restitution that the victim may otherwise be entitled to.

Section 22. This section creates an enhanced sentencing range for persons convicted of the manufacture or delivery of fentanyl or methamphetamine. That enhanced range will be 4-11 years.

Sections 23 – 25. These sections change the name of “child pornography” to “child sexual abuse material.”

Section 26-27. These sections prohibit the Department of Public Safety from releasing criminal justice information under certain criminal history background checks regarding a person who was convicted of small quantity possession of marijuana, was 21 years of age or older at the time of the offense, was not convicted of any other criminal charges in that case, and requests that the department not release the records.

Section 28. This section amends AS 12.63.010(b) to require a person who must register as a sex offender to report additional information, such as professional licensing information and passport information, to the Department of Public Safety.

Section 29. This section makes a conforming amendment in AS 12.63.010(d) to account for the changes made in section 28.

Section 30. This section adds two new subsections to AS 12.63.010 that require a person who must register as a sex offender to notify the Department of Public Safety if the person plans to leave the state or is away from any address provided to the department for seven days or more.

Section 31. This section amends AS 12.63.020(a) to clarify the duration of the tolling period for sex offenders who are in noncompliance with the chapter. The tolling will be day for day.

Section 32. This section amends the statute listing the registerable sex offenses. This section corrects a cross reference AS 11.61.123 and makes sexual penetration with a corpse and sex trafficking in the first and second degrees registerable. It also changes “child pornography” to “child sexual abuse material.”

Section 33. This section changes “child pornography” to “child sexual abuse material.”

Section 34. This section amends the definition of “crime involving domestic violence” to include the crimes of unlawful contact and interfering with a report of a crime of domestic violence.

Section 35 – 37. These sections change “child pornography” to “child sexual abuse material.”

Section 38. This section amends AS 47.14.300(a) to allow multidisciplinary child protection teams to assist in the evaluation and investigation of cases involving reports of sexual contact and sexual penetration where both the perpetrator and the victim are children under the age of 13. The purpose of this section is to be able to provide both children the resources necessary to address this type of behavior.

Section 39. This section requires the court to issue an order stating that there is probable cause to believe that a person is mentally ill and presents a likelihood of serious harm to self or others if a person has been charged with a felony crime against a person or arson that those charges have been dismissed because the person was found incompetent to proceed at trial. The person may be taken into custody and delivered to the nearest evaluation facility.

Section 40. This section is a conforming change to the change made in sec. 39.

Section 41. This section states that when a person is detained for evaluation and is awaiting transportation to an evaluation facility they may request a hearing. If the person requests a hearing the hearing shall be held no later than 72 hours after the request. A person may not be detained for more than seven days while awaiting transportation. However, the department of facility may request to extend the detention based on the person continuing to meet the criteria for commitment. When ruling on a request to extend the detention the court may consider the totality of the circumstances including how long the person has been detained and the person's medical and psychiatric condition. If at any time during the detention a mental health professional believes that the person does not meet the criteria for commitment the person shall be released.

Section 42. This section requires the Department of Law to notify the victim of a felony crime against a person or arson of any detention or commitment hearings regarding the former defendant, the length of time that the person has been committed, and when the person is discharged.

Section 43. This section states that, every 30 days, the Civil Division must send the Criminal Division all information and records regarding a person who has been found incompetent to proceed. The prosecutor also has a right to be notified of all hearings in the commitment case.

Section 44. This section says that the prosecutor or victim may attend commitment hearings but may not disclose confidential information from the hearing.

Section 45. This section adds a new section creating an additional involuntary commitment of up to two years. Two-year commitment petitions are filed at the expiration of 180-day commitments for individuals who meet the following criteria: the respondent is mentally ill and as a result is likely to cause harm to self or others; the respondent has a history of a felony offense against a person under AS 11.41 or felony arson; the respondent has been found incompetent to stand trial under AS 12.47.100 and 12.47.110 for a felony offense against a person under AS 11.41 or arson; commitment of the respondent for greater than 180 days but not greater than two years is necessary to protect the public; and the period of commitment is necessary to protect the public.

This section also clarifies that findings of fact relating to the respondent's behavior made at 30-day, 90-day, and 180-day commitment hearings shall be admitted as evidence in subsequent hearings. States that successive commitments are permissible on the same ground and under the same procedures as the original commitment. Instructs the department to submit an annual report to the attorney general, public defender, public advocate, Alaska Court System, and the attorney of record of the respondent detailing how

many respondents are committed under this section and how much time remains on each order of commitment.

Section 46. This section is a conforming change to the change made in section 47.

Section 47. This section states that the professional person in charge may not discharge respondents, who meet the standard of dangerousness set forth in the legislation, from 180-day or up to two-year involuntary commitment orders unless: the court enters an order officially terminating the involuntary commitment and the court gives the prosecuting authority 10 days' notice of the discharge. Subsections (d) and (e) state that a respondent who is committed under an up to two-year commitment order may petition the court for early discharge at any time, with a 180-day limit on frequency, during the commitment if they present some evidence demonstrating that the respondent is no longer likely to cause serious harm to self or others. The court is required to grant early discharge unless the state proves by clear and convincing evidence that there is a factual and medical basis to believe the respondent remains likely to cause serious harm to self or others.

Section 48. This section states that a two-year commitment period expires at the end of two years after the 180-day period of treatment.

Section 49. This section amends AS 47.30.845 confidential records to include the criminal division of the Department of Law.

Section 50. This section makes the applicability section in ch. 4, FSSLA 2019 (HB 49), retroactive as it pertains to the requirement for sex offenders who have to register in another state to also register in Alaska when they are present in Alaska regardless of when they were convicted.

Section 51. This section is a direct court rule amendment amending Criminal Rule 6 to allow witnesses to summarize the testimony of other witnesses before the grand jury if the prosecutor believes that that evidence would be admissible at trial.

Section 52. Repeals AS 12.40.110 which allows certain hearsay evidence to be presented to a grand jury if the child is under 10.

Section 53. This section repeals the section added in sec. 27 that requires a person to request that the Department of Public Safety not release certain records relating to marijuana possession convictions in criminal background checks. This section would be repealed on January 1, 2028.

Section 54. This section is the applicability section.

Section 55. This section is the conditional effect section for the court rule changes.

Section 56. This section makes the provisions in sec. 50 relating to the retroactive application of out-of-state sex offender registry effective immediately.

Section 57. This section makes the bill effective January 1, 2025.



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Law

Criminal Division

PO Box 110300
Juneau, AK 99811-0300
Main: 907.465.3600
Fax: 907.465.2075

HB 66 Summary of Changes Made in Senate JUD **Version S.A to Version N**

The sections and concepts below were added/changed in Senate JUD:

- New intent language was added expressing the intent that the grand jury process in Alaska should be similar to that of the federal system. Also added language expressing that the Alaska Constitution states that crime victims have the right to be treated with dignity, respect, and fairness. Art. I, Sec. 24, Alaska Constitution. That provision supports allowing hearsay evidence to be presented at grand jury.
- Reclassified a homicide resulting from misconduct involving controlled substance in the first and second degrees from manslaughter to murder in the second degree.
- Added an affirmative defense to murder in the second degree where a person dies as a result of ingesting a controlled substance if the person:
 - 1.) sought medical or law enforcement assistance for the other person;
 - 2.) remained at the scene;
 - 3.) cooperated with medical or law enforcement personnel; and
 - 4.) the offense involved small quantities and was not delivered for a profit.

An affirmative defense must be proven by the defendant by a preponderance of the evidence. If the defendant were to successfully prove the affirmative defense the defendant would be subject to the A felony sentencing provisions (7-11 years) rather than the unclassified felony sentencing provisions (15-99 years).

- Changed the enhanced sentencing range previously in the bill for the manufacture or delivery of fentanyl and methamphetamine from 7-11 years to 4-11 years.

Added Other Pieces of Legislation

HB 11 – Assault in the Presence of a Child: Enacts a new crime of assault in the presence of a child. A person commits the crime of assault in the presence of a child if they commit an assault with reckless disregard that a child under the age of 16 is present. Assault in the presence of a child is a class A misdemeanor.

Sections Impacted: Secs. 6, 54

HB 28 – Marijuana Conviction Records: Prohibits the Department of Public Safety from releasing criminal justice information under certain criminal history background checks regarding a person who was convicted of small quantity possession of marijuana, was 21 years of age or older at the time of the offense, was not convicted of any other criminal charges in that case, and requests that the department not release the records.

Sections Impacted: Secs. 26-27, 53

HB 67 – Sex Offenses and Domestic Violence:

- Makes a clean up amendment to stalking in the first degree (sec. 7).
- Adds to the list of information that registered sex offenders must provide to the Department of Public Safety, clarifies the tolling period for registration violations, adds a reporting requirement when a sex offender is traveling out of state or out of the country, makes sexual penetration of a corpse and sex trafficking in the first and second degrees registerable sex offenses.
- Amends AS 47.14.300(a) to allow multidisciplinary child protection teams to assist in the evaluation and investigation of cases involving reports of sexual contact and sexual penetration where both the perpetrator and the victim are children under the

age of 13. The purpose of this section is to be able to provide both children the resources necessary to address this type of behavior.

- Makes the applicability section in ch. 4, FSSLA 2019 (HB 49), retroactive as it pertains to the requirement for sex offenders who have to register in another state to also register in Alaska when they are present in Alaska regardless of when they were convicted.
- Amends Criminal Rule 6 to allow witnesses to summarize the testimony of other witnesses before the grand jury if the prosecutor believes that that evidence would be admissible at trial.

Sections Impacted: Secs. 7, 28-32 38, 50

HB 265 – Child Sexual Abuse Material: Changes the name of possession and distribution of “child pornography” to “child sexual abuse material.” This is a name change only and does not have any legal effect. The name change more accurately describes the material.

Sections Impacted: Secs. 8-12, 16, 23-25, 32-33, 35-37

HB 286 – Crime Victim Restitution: Clarifies that when ordering restitution, the court may order compensation for lost income, childcare, transportation, and other expenses incurred while the victim was participating in the investigation or prosecution of the offense or attendance at court hearings. This language has been added in direct response to *Smith v. State*, 2022 WL 3226305 (Alaska App. 2022) and *Seely v. State*, 2023 WL 2783265 (Alaska App. 2023). In both cases the court indicated that it was unclear on whether such expenses were to be considered when ordering restitution. This language has been added to clarify that those expenses can be included in a restitution order when the victim is able to sufficiently prove that those losses were incurred. Restitution for participating in the

investigation or prosecution of the offense or attendance at court hearings is in addition to any other forms of restitution that the victim may otherwise be entitled to.

Sections Impacted: Sec. 21

SB 53 - Expands involuntary commitment law in Title 47 by adding the option of an up to two-year involuntary commitment for a limited number of individuals who: (1) have been found incompetent to stand trial on a felony offense against the person or felony arson, (2) have been previously subject to involuntary commitment orders, (3) have a history of a felony offense against the person or arson, (4) present a danger to themselves or others, and (5) present a danger to the public.

Sections Impacted: 17-20, 39-49



HB 66 Changes Made in the Senate Judiciary

Source	Section(s)	Impact
Senate JUD	1	New intent language was added expressing the intent that the grand jury process in Alaska should be similar to that of the federal system. Also added language expressing that the Alaska Constitution states that crime victims have the right to be treated with dignity, respect, and fairness. Art. I, Sec. 24, Alaska Constitution. That provision supports allowing hearsay evidence to be presented at grand jury.
HB 66 Senate JUD	2-5, 13-15, 22	Reclassifies some drug related homicides. Creates an affirmative defense for seeking help for an overdose death. Amends the misconduct involving a controlled substance in the first and second degree statutes. Creates a special circumstance sentence for selling fentanyl or methamphetamine.
HB 11	6	Creates the crime of assault in the presence of a child.
HB 67	7, 28-32, 38, 50-52	Cleans up stalking in the first degree. Updates the sex offender registration requirements. Allows multidisciplinary child protection teams to investigate instances of sexual contact between young children. Amends Criminal Rule 6 to allow witnesses to summarize testimony of other witnesses at grand jury.
HB 265	8-12, 16, 23-25, 32-33, 35-37	Changes the term "child pornography" to "child sexual abuse material."
SB 53	17-20, 39-49	Expands involuntary commitment law in Title 47 by adding the option of an up to two-year involuntary commitment for a limited number of dangerous individuals.
HB 286	21	Clarifies the requirements and coverage of crime victim restitution.
HB 28	26-27, 53	Prohibits the Department of Public Safety from releasing certain records of convictions for possession of small amounts of marijuana.

Controlled Substance Statutes Reference Chart¹

Statute	Class and Range ²	Conduct
11.71.010 Misconduct Involving a Controlled Substance in the <i>First</i> Degree	<u>Unclassified Felony</u> 5-99 Years (Maximum 99 Years)	- 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.
11.71.021 Misconduct Involving a Controlled Substance in the <i>Second</i> Degree	<u>Class A Felony</u> 4-7 Years (Maximum 20 Years)	- 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
11.71.030 Misconduct Involving a Controlled Substance in the <i>Third</i> Degree	<u>Class B Felony</u> 1-3 Years (Maximum 10 Years)	- 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.
11.71.040 Misconduct Involving a Controlled Substance in the <i>Fourth</i> Degree	<u>Class C Felony</u> 0-2 Years (Maximum 5 Years)	- 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.
11.71.050 Misconduct Involving a Controlled Substance in the <i>Fifth</i> Degree	<u>Class A Misdemeanor</u> 0-365 Days (Maximum 365 Days)	- 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	a) Synthetic and Non-synthetic Opiates ○ Heroin ○ Oxycodone ○ Fentanyl b) Gamma-Hydroxybutyric Acid ○ GHB (a common date rape drug)
IIA	a) Psychedelics/Hallucinogens ○ Peyote ○ Magic Mushrooms (Psilocybin) ○ PCP (Phencyclidine) ○ Ecstasy/Molly (MDMA) b) Stimulants ○ Methamphetamine ○ Adderall (Amphetamine) c) Barbiturates ○ Amobarbital ○ Pentobarbital d) Cocaine
IIIA	a) Stimulants: Appetite Suppressants ○ Didrex (Benzphetamine) b) Depressants: Sedative-Hypnotics ○ Glutethimide ○ Sulfonmethane c) Certain Anesthetics ○ Telazol/Zoletil (Tiletamine & Zolazepam)
IVA	a) Benzodiazepines ○ Xanax (Alprazolam) ○ Ativan (Lorazepam) ○ Valium (Diazepam) b) Ketamine
VA	a) Buprenorphine ○ Suboxone b) Anabolic Steroids ○ Testosterone ○ Anadrol (Oxymetholone)
VIA	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.

Doniece Gott

From: Ken Alper
Sent: Thursday, May 02, 2024 6:33 PM
To: Doniece Gott
Subject: FW: Thank you - HB 66

Yes on HB66, the crime bill we'll be receiving tomorrow

Ken Alper
Senate Finance Committee Aide
Office of Sen. Donny Olson
465-8163

From: Sen. Donny Olson <Sen.Donny.Olson@akleg.gov>
Sent: Thursday, May 2, 2024 1:29 PM
To: Ken Alper <Ken.Alper@akleg.gov>
Subject: FW: Thank you - HB 66

From: Carol Fraser <carolfraserak@gmail.com>
Sent: Thursday, May 2, 2024 1:11 PM
To: Senate Judiciary <Senate.Judiciary@akleg.gov>; Sen. Matt Claman <Sen.Matt.Claman@akleg.gov>; Sen. Jesse Kiehl <Sen.Jesse.Kiehl@akleg.gov>; Sen. James Kaufman <Sen.James.Kaufman@akleg.gov>; Sen. Cathy Giessel <Sen.Cathy.Giessel@akleg.gov>; Sen. Löki Tobin <Sen.Loki.Tobin@akleg.gov>; Senate Finance Committee <Finance.Committee@akleg.gov>; Sen. Lyman Hoffman <Sen.Lyman.Hoffman@akleg.gov>; Sen. Donny Olson <Sen.Donny.Olson@akleg.gov>; Sen. Bert Stedman <Sen.Bert.Stedman@akleg.gov>; Sen. Click Bishop <Sen.Click.Bishop@akleg.gov>; Sen. Kelly Merrick <Sen.Kelly.Merrick@akleg.gov>; Sen. David Wilson <Sen.David.Wilson@akleg.gov>
Subject: Thank you - 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.

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

Doniece Gott

From: Ken Alper
Sent: Thursday, May 02, 2024 6:54 PM
To: Doniece Gott
Subject: FW: HB66

Yes on HB66, the crime bill

Ken Alper
Senate Finance Committee Aide
Office of Sen. Donny Olson
465-8163

From: Sen. Donny Olson <Sen.Donny.Olson@akleg.gov>
Sent: Thursday, May 2, 2024 11:59 AM
To: Ken Alper <Ken.Alper@akleg.gov>
Subject: FW: HB66

From: Kc Hostetler <hostetler.kc@gmail.com>
Sent: Thursday, May 2, 2024 9:51 AM
Subject: HB66

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
907-529-8604

Doniece Gott

From: Ken Alper
Sent: Thursday, May 02, 2024 6:55 PM
To: Doniece Gott
Subject: FW: Victims For Justice - Senate CS for HB66 (JUD)

Another yes on HB66

Ken Alper
Senate Finance Committee Aide
Office of Sen. Donny Olson
465-8163

From: Sen. Donny Olson <Sen.Donny.Olson@akleg.gov>
Sent: Thursday, May 2, 2024 12:00 PM
To: Ken Alper <Ken.Alper@akleg.gov>
Subject: FW: Victims For Justice - Senate CS for HB66 (JUD)

From: Suki Miller <Suki@victimsforjustice.org>
Sent: Thursday, May 2, 2024 11:41 AM
To: Senate Judiciary <Senate.Judiciary@akleg.gov>; Sen. Matt Claman <Sen.Matt.Claman@akleg.gov>; Sen. Jesse Kiehl <Sen.Jesse.Kiehl@akleg.gov>; Sen. James Kaufman <Sen.James.Kaufman@akleg.gov>; Sen. Cathy Giessel <Sen.Cathy.Giessel@akleg.gov>; Sen. Löki Tobin <Sen.Loki.Tobin@akleg.gov>
Cc: Senate Finance Committee <Finance.Committee@akleg.gov>; Sen. Lyman Hoffman <Sen.Lyman.Hoffman@akleg.gov>; Sen. Donny Olson <Sen.Donny.Olson@akleg.gov>; Sen. Bert Stedman <Sen.Bert.Stedman@akleg.gov>; Sen. Click Bishop <Sen.Click.Bishop@akleg.gov>; Sen. Kelly Merrick <Sen.Kelly.Merrick@akleg.gov>; Sen. Jesse Kiehl <Sen.Jesse.Kiehl@akleg.gov>; Sen. David Wilson <Sen.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



Doniece Gott

From: Cambria Patz <patzc29@gmail.com>
Sent: Thursday, May 02, 2024 2:54 PM
To: Cambria Patz
Subject: 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).

Doniece Gott

From: Avery Smith [averyjule7@gmail.com]
Sent: Thursday, May 02, 2024 10:07 AM
To: Avery Smith
Subject: HB 66 Support

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

Anchorage, AK

Doniece Gott

From: Carol Fraser <carolfraserak@gmail.com>
Sent: Thursday, May 02, 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

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-GH1482\Y).

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

Doniece Gott

From: Dena Lythgoe <denalythgoe@gmail.com>
Sent: Thursday, May 02, 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

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

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

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



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 conduct 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
<jordyn.chabotte@everyactioncustom.com>
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.

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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.

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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.

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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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,
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.

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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.

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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

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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

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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

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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 mispend 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

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,
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 mispend 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.

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,
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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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,
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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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,
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.

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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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,
Richard Anderson
Anchorage, AK

Doniece Gott

From: hopeprevention@aptalaska.net
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 <cheri@leeshore.org>
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



**Covenant
House**
Alaska

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.

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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



Doniece Gott

From: baileymeier3@everyactioncustom.com on behalf of Bailey Demir <baileymeier3@everyactioncustom.com>
Sent: Thursday, May 09, 2024 10:08 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,
Bailey Demir
Anchorage, AK

May 9, 2024

Senate Finance,

Good morning, my name is Amber Nickerson and I am a member of Community United for Safety and Protection. I live in Anchorage Alaska, District 16, Senate District H.

I am calling today to oppose HB 66. This bill, as proposed, has several issues, many that have been shared today. I want to focus on two of these issues with this bill.

I was a drug alcohol counselor here in Alaska, and I am a person in long term recovery. Alaskans dealing with substance addictions deserve support and resources aimed at addressing the causes of addictions. Criminalizing struggling addicts won't reduce overdose deaths. Focusing on prevention, making sure everyone can get into treatment, and helping people recover is the way to deal with this health crisis.

The expansion of the sex offender registry under Section 32 raises serious concerns, particularly regarding its impact on sex workers and sex trafficking survivors. By including activities such as sex workers working together, sharing clients, and traveling together in the definition of sex trafficking, the legislation does not differentiate between consensual adult interactions and exploitative situations.

I myself was charged with Sex Trafficking in the second degree, offer for travel, in 2014. This bill would have made me a sex offender. I would have to apply for a special visa and possibly not be able to travel to see my daughter graduate from University out of the country. I would have more barriers such as increased stigma, housing issues, more than I already have but the home I bought two years ago I would not have been able to buy because of proximity to a school, being on the sex offender registry would cause safety issues, anyone could look me up and harm me. We know that sex workers are often targeted by violent predators.

The testimony of Mr. Skidmore of the Department of Law on 3/20/2023 in the House Judiciary Committee hearing makes clear that normal activities between sex workers would be misconstrued as criminal enterprises.

Alaska needs solutions.

Prevention over punishment and education over criminalization is needed.

Choose effective strategies. This bill does not do that.

I ask you to Vote NO on HB 66.

Thank you,

Amber Nickerson

Doniece Gott

From: akjessica.o@everyactioncustom.com on behalf of Jessica VanAusdal
<akjessica.o@everyactioncustom.com>
Sent: Thursday, May 09, 2024 12:45 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,
Jessica VanAusdal
Palmer, AK

Doniece Gott

From: Erin Hollingsworth <e_holli@yahoo.com>
Sent: Thursday, May 09, 2024 12:40 PM
To: Senate Finance Committee
Subject: Support of SCS HB 66 JUD

Dear Senate Finance Committee,

The Arctic Women in Crisis (AWIC) Advisory Board supports the SCS HB 66 JUD version of the bill. We appreciate the work the Judiciary Committee did to emphasize the importance of helps 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. 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 in restoring some of the things victims/survivors have lost as they must navigate through holding offenders accountable. 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.

Quyanaq. Thank you for your time.

Erin Hollingsworth
AWIC Advisory Board Member
Utqiagvik, AK

Doniece Gott

From: Cheryl J. Humme <Cheryl.Humme@north-slope.org>
Sent: Thursday, May 09, 2024 12:13 PM
To: Senate Finance Committee
Subject: strongly support SCS HB 66 JUD version of the bill

Hello, my name is Cheryl Humme, and I am the CounselorIII at AWIC in Utqiagvik and I support the SCS HB 66 JUD version of the bill. We appreciate the work the Judiciary Committee did to emphasize the importance of helps 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. 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 in restoring some of the things victims/survivors have lost as they must navigate through holding offenders accountable. 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.

Cheryl Humme (She/Her), Counselor III
Arctic Women In Crisis, AWIC
907-852-0261
Cheryl.Humme@north-slope.org



April is Sexual Assault Awareness Month



1 OUT OF 4 WOMEN
EXPERIENCE SEXUAL
VIOLENCE IN THEIR LIVES.

EVERY 2  **MIN**

SOMEONE IN THE
UNITED STATES IS
SEXUALLY ASSAULTED.



1 OUT OF 6 MEN
EXPERIENCE SEXUAL
VIOLENCE IN THEIR LIVES.

**YOU HAVE THE POWER TO INFLUENCE OUR COMMUNITY. WE CAN CHANGE OUR COMMUNITY
AND PREVENT SEXUAL VIOLENCE. YOU CAN MAKE A DIFFERENCE TODAY AND FOR THE FUTURE.**

Doniece Gott

From: Virginia Walsh <Virginia.Walsh@north-slope.org>
Sent: Thursday, May 09, 2024 11:37 AM
To: Senate Finance Committee
Subject: SCS HB 66 JUD version of the bill.

Good morning,

Arctic Women in Crisis supports the SCS HB 66 JUD version of the bill. We appreciate the work the Judiciary Committee did to emphasize the importance of helps 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. 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 in restoring some of the things victims/survivors have lost as they must navigate through holding offenders accountable. 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.

Quyanaqpak,



Want to learn more about the crisis of Missing and Murdered Women and Relatives and how to take action?

Download Restoration Magazine's Special Edition on MMIW: tinyurl.com/RestorationMagazineMMIW

#MMIWR #MMIWRActionNow #NoMoreStolenSisters

Ginny Walsh. MSW

(she, her)

AWIC Program Coordinator

NSB Department of Health and Social Services, Arctic Women in Crisis

P.O. Box 69

Utqiagvik, AK 99723

(907) 852-0261

Fax: (907) 852-2474

Please Remember Mahsa Amini !

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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-GH1482\Y).

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]
[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

Breanna Kakaruk

From: Cambria Patz [REDACTED]
Sent: Thursday, May 2, 2024 2:54 PM
To: Cambria Patz
Subject: 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. 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).

Breanna Kakaruk

From: April Cooley [REDACTED]
Sent: Friday, May 3, 2024 7:58 AM
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: HB 66
Follow Up Flag: Follow up
Flag Status: Completed

First of all, thank you for your service to our state.

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).

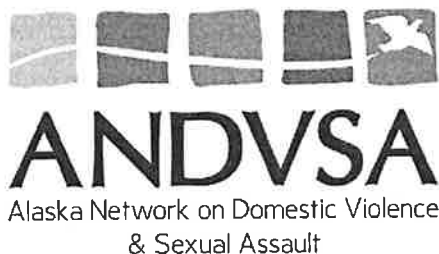
It is very encouraging to see the Senate, House, and Governor all working cooperatively, and across party lines, to protect and help Alaska crime victims and survivors. So, again, thank you so much!

This bipartisan support for survivors and victims of crime truly gives us hope.

Please support and pass Senate CS for HB66 (JUD).

Sincerely,

April Cooley



Main Office
130 Seward St. #214
Juneau, Alaska 99801
Phone: (907) 586-3650

Sitka Office
408 Oja Way, Suite A
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907) 747-7547

Anchorage Office
750 West 2nd Ave, Ste 105
Anchorage, AK 99501
Phone: (907) 297-2860
Fax: (907) 279-2451

SCS HB 66 JUD Controlled Sub; Homicide; Crimes; Sentencing May 2024

Please accept this statement as support for the proposed Senate Judiciary CS for HB 66. The Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) is Alaska's state coalition of victim services providers. Twenty-four programs across the state focus on services to victims/survivors of sexual assault, stalking and domestic violence.

We appreciate the concerted effort made to incorporate elements of HB 67, HB 265, and SB 53 into HB 66.

HB 67 adds include relieving victims of the burden of testifying in front of grand juries which will greatly reduce the added trauma victims undergo as they must navigate the criminal justice system. Relying on the testimony of law enforcement and/or the video recording of victim statements to officers meets the needs of grand jurors without causing further harm to crime victims. Revising sex offender registration statutes to require the collection of specific location information; clarifying when offenders who move into Alaska are required to register; and codifying the duration of registration are all positive steps in holding sex offenders accountable. The bill also adds 2 elements to the crime involving domestic violence-interfering with a report of a crime involving domestic violence if the person interfering is the person who committed the crime; and, unlawful contact in the first or second degree.

HB 265 adds include changing terminology throughout the criminal statutes to recognize child pornography as what it truly is "child sexual abuse material".

SB 53 expands involuntary commitment law in Title 47 by adding the option of an up to two-year involuntary commitment for a limited number of individuals who: (1) have been found incompetent to stand trial on a felony offense against the person or felony arson, (2) have been previously subject to involuntary commitment orders, (3) have a history of a felony offense against the person or arson, (4) present a danger to themselves or others, and (5) present a danger to the public.

We hope the Senate CS for HB 66 can move swiftly through the legislative process and be enacted this year.

Member Programs

Anchorage AWAIC, STAR | Hooper Bay Bay Haven | Bethel TWC | Cordova CFRC | Craig HOPE | Dillingham
SAFE | Emmonak EWS | Fairbanks IAC | Haines Becky's Place | Homer SPHH | Juneau AWARE |
Kenai LeeShore Center | Ketchikan WISH | Kodiak KWRCC | Kotzebue MFCC | Nome BSWG | Palmer AFS |
Petersburg WAVE | Seward Seward's Safe Harbor | Sitka SAFV | Unalaska USAFV | Utqiagvik AWIC | Valdez AVV

Breanna Kakaruk

From: HR Solutions [REDACTED]
Sent: Monday, May 6, 2024 4:38 AM
To: Senate Judiciary; Sen. Matt Claman; Sen. Jesse Kiehl; Sen. James Kaufman; Sen. Cathy Giessel; Sen. Löki Tobin
Subject: 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. 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).

Darci Ahlín-Stieren, PHR, CPC

Leadership Coach & HR Consultant

HR Solutions, LLC

T 907.903.8424 | www.HRSolutionsAK.com Schedule time with me

405 W 36th, Suite 103

Anchorage, AK 99503

Representative Vance,

As a former grand juror, I have heard child abuse cases. Cases involving children are always difficult, but you can tell they are especially hard on the children involved. You can see it in their faces and how understandably uncomfortable they are speaking about their trauma. The grand jury room is such an intimate space for a child to testify. They must sit in a relatively small room directly in front of a group of strangers in close proximity and relive whatever terrible trauma they have gone through.

I believe that a child should not be compelled to testify in person in front of a grand jury and that their testimony should be able to be presented from an officer of the law. The child has already experienced the trauma, and they will have to relive the trauma again assuming the case goes to trial. Forcing them to go through it an additional time to present their testimony to a grand jury seems cruel and unnecessary. The purpose of a grand jury is not to determine guilt or innocence. A grand jury simply determines whether a case has enough evidence to go to trial. An officer giving a child's testimony in absentia to the grand jury would be sufficient to allow the grand jury to make that determination. If a case doesn't go to trial either because of a plea deal or some other resolution, the child will have been spared additional trauma all together.

Thank you for taking the time to consider my comments.

Signed,

Kyle Messing

Elizabeth Tallmadge

Juneau, AK 99801

07 March 2023

Dear Senator Claman and the Senate Judiciary Committee,

I'm writing today regarding SB 65, specifically in support of the rule change for Grand Jury procedure. There is no call to make minors testify to their sexual abuse before a Grand Jury. More than five years have passed and I'm yet still haunted by the testimony of a little girl whose stepfather repeatedly took her into the bathroom and ejaculated on her. There was no reason for her to come upstairs to speak to us in person. She wasn't the first witness and she didn't need to be the last. She started crying mid-statement. After that, I had to go back to work a full shift. I thought about it all day and I'm still thinking about it now.

The purpose of a Grand Jury is to determine whether there is probable cause to proceed on charges, not to convict, and not to sadistically force children to recite the horrific details of sexual mistreatment before a live audience. If sufficiently compelling, it won't even be the last time. This practice is completely unacceptable and needs to be changed for the good of both the jurors and, more importantly, the children involved.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Tallmadge". The script is cursive and fluid, with the first name and last name clearly legible.

Elizabeth Tallmadge



Alaska Children's Justice Act Task Force

March 16, 2023

Josh Louwerse, Chair
Sgt. Todd Kearns, Vice-Chair
B.J. Coopes MD
Brittany Madros
Carla Erickson
Cathy Baldwin-Johnson MD
Elsie Boudreau
Gayle Garrigues
Joy Rigby
Judge Terrance Haas
Katie Tepas
Kim Guay
Kira Bishop
Marsha Tandeske
Pam Karalunas
Ron Prewitt
Shayle Hutchison

This letter is submitted by the Alaska Children's Justice Act Task Force (CJA). We are federally mandated under Section 107(d) of Child Abuse Prevention and Treatment Act requiring us "to undertake a comprehensive review and evaluation of law, policy and the investigative, administrative and judicial handling of cases of child abuse and neglect and to make training and policy recommendations."

Established in 1999, the Alaska CJA is a 17-member group of public, government and non-profit sector subject matter experts in child abuse, neglect and child exploitation. Our vision statement is to work to improve safety and healing for Alaskan children by evaluating and promoting:

- Early and effective interventions for abused children and their families,
- The integration of agencies and systems involved to reduce the risk of further trauma to children, and
- The continuum of services that abused children may need to become strong, productive, and stable adults.

With the exception of Judge Haas, who must abstain from expressing an participating in any way, it is our individual and collective professional opinion that sections of HB67/SB65 protect children in three important ways:

Protection from Re-traumatization and Duplication

First, it protects children from having to describe the bad things they experienced or witnessed in a grand jury proceeding. Grand juries often convene before a child and family have begun the therapeutic process. Children who are victims or witnesses to traumatic events such as domestic violence, sexual offenses committed against them or loved ones can be re-traumatized by being forced to discuss such events in non-therapeutic settings.

Child advocacy centers (CACs) provide a safe place for children to share information about traumatic events. One of the core principles upon which CACs are based is a forensic interview conducted in a neutral, nonduplicative manner that is developmentally and culturally responsive. Trained professionals interview the child in a child-friendly room where the entire interaction is video-recorded. This bill provides for the CAC video recording to be summarized or played at a grand jury proceeding, thus eliminating the need for children to testify before 12-18 adult strangers.

Multidisciplinary Team's Expanded Scope Promotes Healing

Second, HB67/SB65 protects children and helps them to heal by authorizing CACs to conduct interviews of children under the age of 13 who have engaged in sexualized behavior with other children under the age of 13. An interview at a CAC allows the multi-disciplinary team to determine what services may be needed for the children and families when the conduct is developmentally



Alaska Children's Justice Act Task Force

inappropriate. Therapeutic intervention, family support and advocacy, and medical evaluation and treatment are all hallmarks of the services provided by CACs. Without this statutory change, parents, who are often overwhelmed, scared, and confused, seldom receive the clear and unbiased support, information, and referrals they need to protect, support and ensure positive outcomes for their children.

In-State Registration for Out-of-State Sex Offenses

Finally, HB67/SB65 protects children by requiring out-of-state sex offenders to register as sex offenders in Alaska if they are required to register as such in the state of their conviction. This both ensures Alaska does not serve as a haven for sex offenders seeking to avoid registration requirements by relocating to another state, and it helps parents evaluate preventive and safety measures they can take to protect their children from known risks.

Josh Louwerse
Chair, Alaska Children's Justice Act Task Force
jlouwerse@covenanthouseak.org
Covenant House Alaska
Director Statewide Initiatives



PO Box 91054
Anchorage, AK 99509
907-688-0163

Alaska Children's Alliance

March 21, 2023

Dear Senator Claman,

I am writing on behalf of the Alaska Children's Alliance, an accredited state chapter of the National Children's Alliance and the statewide membership organization of Child Advocacy Centers (CACs). Our mission is to promote the multi-disciplinary response to child maltreatment throughout Alaska.

In the interests of protecting children, we support the following sections of SB65:

Protection from Re-traumatization and Duplication

A CAC is a safe facility where a child can visit following an allegation of serious maltreatment such as sexual abuse, physical abuse, commercial sexual exploitation, and/or witnessing violence. At the CAC, the child talk about their experience in a neutral, structured, and developmentally appropriate interview with a trained forensic interviewer. The forensic interview is conducted in a child friendly space and is entirely video recorded.

Being forced by the Alaskan legal process to re-tell about traumatizing events, in front of a large group of strangers at grand jury, adds unnecessary trauma to already traumatized children—especially when they have already participated in a CAC forensic interview. This is supported by experiences of CACs throughout Alaska. For example, one of our CACs reported having to prepare a child as young as three years old to testify at Grand Jury.

This bill allows for the CAC video recorded interview to be summarized or played at a grand jury proceeding, eliminating the need for children to testify.

Multidisciplinary Team's Expanded Scope Promotes Healing

Many cases of child sexual abuse involve a child acting out inappropriately against another child. These cases are critically important to address and yet, they are largely falling through the cracks in Alaska because no single agency is currently responsible for serving them.

CACs are well positioned to intervene and to serve this population.

The statutory change outlined in HB67/SB65 would authorize CACs to conduct forensic interviews of children under the age of 13 who have engaged in sexualized behavior with other children under the age of 13. This would allow the multi-disciplinary team to assess what happened and what services are needed to promote healthier trajectories for the children involved- such as therapeutic intervention, medical evaluation, and family support and advocacy.

In-State Registration for Out-of-State Sex Offenses

Finally, Alaska consistently suffers from some of the highest rates of child sexual abuse in the nation. HB67/SB65 will not allow sex offenders to migrate to Alaska as a safe harbor from a sex

offender registry. This statutory change will require out-of-state sex offenders to register as sex offenders in Alaska, protecting our children from known risks.

Thank you for your consideration and for your work to make Alaska a safer place for children.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mari Mukai', with a horizontal line extending to the right.

Mari Mukai
Executive Director
Alaska Children's Alliance

03/21/2023

To Whom it may Concern:

I am the Director of the Imiamta Ikayurviat (Children's Advocacy Center) in Bethel, Alaska. The Bethel Children's Advocacy Center Serves Bethel and 56 surrounding villages in a region the size of Oregon. As such, I work to assist children and their non-offending caregivers who are going through an investigation of child abuse. We provide support and advocacy throughout, link the child and non-offending family to needed services, and assist them through criminal and civil processes as part of our many services.

I see first-hand the impacts of child abuse. I support the following sections of HB67/SB65 and I believe that it helps to support children who may have already been abused and it will help to prevent future abuse from occurring at all.

Protection from Re-traumatization and Duplication

Child Advocacy Centers (CACs) provide a safe and structured place for children to tell what happened to them. Trained interviewers provide a neutral, structured, and non-duplicative interview that is developmentally and culturally appropriate for each child. The room of the interview is child friendly and the entire communication is video recorded.

Children having to re-tell what happened at grand jury proceedings regarding abuse to themselves or others can be re-traumatizing. Being forced by the Alaskan legal process to tell about traumatizing events, in front of a large group of strangers at grand jury, is unnecessary trauma to our already traumatized children. Especially when there is already a video recorded interview. For the children and families in the Yukon Kuskokwim delta, it is especially burdensome when the families have to come to Bethel to testify at Grand Jury. It can be financially burdensome, and time-consuming. Families have to take the time to travel, which can be a day's worth of plane travel, then testifying, and trying to take the next scheduled flight out back home.

There have been a handful of children in our region who have expressed that they felt "dirty" after telling a group full of strangers what happened to them and ask why they have to tell their story again, and especially to people who they are related to, or know of because the region is so small.. The children have expressed that they felt embarrassed and are sometimes brought to the hospital because they felt like harming themselves after talking about their abuse in front of a group of people, after already talking to the CAC interviewer.

This bill allows for the CAC video recorded interview to be summarized or played at a grand jury proceeding, eliminating the need for children to testify before a room full of strangers. This is the least traumatic, right thing to do for children in Alaska.

Multidisciplinary Team's Expanded Scope Promotes Healing

Currently, there is no agency that has responsibility for screening reports of harm consisting of children under the age of 13 engaged in sexualized behavior with other children under the age of 13. This is a concern because there may be a child in this previous scenario that is being sexually abused by an adult and acting out what was done to them on the other child. It may be there are other problems for the child and family that need intervention. A child sexually abused by another child is still sexually abused.

An interview at the CAC allows for a team to determine what happened and what services are needed when a child's sexual knowledge and conduct are beyond the scope of their developmental age. CAC's are consistently providing the services of therapeutic intervention, family support and advocacy, medical evaluation and follow up for children and families who have experienced child abuse and or have sexual behavior problems.

With this statutory change of HB67/SB65, overwhelmed parents who are often scared and confused will get the support they need by professionals that can help them. Without this statutory change, thousands of these reports of harm will go unaddressed leaving the state of Alaska with many more victims of sexual abuse both from adult predators who have escaped detection and from other children who have gone without help and intervention.

In-State Registration for Out-of-State Sex Offenses

Lastly, Alaska has the highest rates of child sexual abuse and sexual assault in the nation. HB67/SB65 will not allow sex offenders to migrate to Alaska as a safe harbor from a sex offender registry. This statutory change will require out-of-state sex offenders to register as sex offenders in Alaska, keeping our Alaska children from known risks.

If you have any questions about child abuse in Bethel I would be happy to talk to you. I would like to invite you to come to our CAC to see where the children of Bethel come for help when there is an allegation of abuse.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Krystal Henry', with a stylized, flowing script.

Krystal Henry

CAC Program Director in Bethel Alaska

Date March 22, 2023

Dear Members of the Judiciary Committee,

I am the Medical provider for the Kodiak Child Advocacy Center in Kodiak. I work to assist children and their non-offending caregivers who are going through an investigation of child abuse. We provide support, medical care and advocacy throughout, link the child and non-offending family to needed services, assist them through criminal and civil processes as part of our many services.

I see first-hand the impacts of child abuse. I support HB67/SB65 and I believe that it helps to support and children who may have already been abused and it will help to prevent future abuse from occurring at all.

Protection from Re-traumatization and Duplication

Child Advocacy Centers (CACs) provide a safe and structured place for children to tell what happened to them. Trained interviewers provide a neutral, structured, and non-duplicative interview that is developmentally and culturally appropriate for each child. The room of the interview is child friendly and the entire communication is video recorded.

Children having to re-tell what happened at grand jury proceedings regarding abuse to themselves or others can be re-traumatizing. Being forced by the Alaskan legal process to tell about traumatizing events, in front of a large group of strangers at grand jury, is unnecessary trauma to our already traumatized children. Especially when there is already a video recorded interview.

In the last month I have testified twice before Grand Jury once with a 3 and 5 year old and once with an 8 year old. As I spent hours with the children waiting to testify I see first hand the stress and trauma this causes these young children.

This bill allows for the CAC video recorded interview to be summarized or played at a grand jury proceeding, eliminating the need for children to testify.

Expanding the Multidisciplinary Team's Scope to include children with problematic sexual behaviors.

Children under 12 who initiate behaviors involving sexual body parts that are developmentally inappropriate or potentially harmful to themselves or others are often screened out by OCS and dismissed by Law Enforcement as non-criminal. There is currently no agency that has responsibility for screening reports of harm between children less than 13 years.

Current research shows that when these behaviors are addressed with therapy and advocacy, approximately 70% will not continue the behavior into adolescence and adulthood. This would significantly cut down the number of adult offenders. Child Advocacy Centers are the ideal place to address this issue.

An interview at the CAC allows for a team to determine what happened and what services are needed when a child's sexual knowledge and conduct are beyond the scope of their developmental age. CAC's are consistently providing the services of therapeutic intervention, family support and advocacy, medical evaluation and follow up for children and families who have experienced child abuse and or have sexual behavior problems.

With this statutory change of HB67/SB65, overwhelmed parents who are often scared and confused will get the support they need by professionals that can help them. Without this statutory change, thousands of these reports of harm will go unaddressed leaving the state of Alaska with many more victims of sexual abuse both from adult predators who have escaped detection and from other children who have gone without help and intervention.

In-State Registration for Out-of-State Sex Offenses

Lastly, Alaska has the highest rates of child sexual abuse and sexual assault in the nation. HB67/SB65 will not allow sex offenders to migrate to Alaska as a safe harbor from a sex offender registry. This statutory change will require out-of-state sex offenders to register as sex offenders in Alaska, keeping our Alaska children from known risks.

Respectfully,

Karen Millstein PA-C

Kodiak Child Advocacy Center Medical Supervisor

D: (907) 486-9878 | fax: (907) 486-1338 | karen.millstein@kodiakhealthcare.org

Kodiak Area Native Association | 3449 Rezanof Drive East | Kodiak, Alaska 99615

www.kodiakhealthcare.org

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:14
To: House Judiciary
Subject: FW: HB 67 - Letter of Support
Attachments: Testimony Letter in Support of HB67.docx.pdf

From: Jill Lindstam
Sent: Monday, February 5, 2024 09:13
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Cc: Sen. Elvi Gray-Jackson <Sen.Elvi.Gray-Jackson@akleg.gov>; Rep. Andy Josephson <Rep.Andy.Josephson@akleg.gov>
Subject: HB 67 - Letter of Support

Representative Vance,

Thank you for taking the time to hold a hearing on HB67. As a victim of crime any steps towards making the system less traumatizing and cumbersome will make a world of difference. Please see my attached letter of support.

Thank you,

Jilli Lindstam

Please pass HB67 as soon as possible. It will help victims across Alaska – from every community, from every walk of life. Help for those Alaskans who are suffering from a variety of felonies that have been inflicted upon them.

Alaska's criminal justice system is not designed to help victims. It is designed to help offenders – making sure they have legal representation, making sure their rights are respected and upheld, etc. I understand why this is the case, but do not for an instant think that the system also respects and upholds victims' rights. That simply is not the case.

The victim has no legal representation, no one has time to return your calls, or tell you what is happening. Everyone is overwhelmed with hundreds of cases, hundreds of criminals. Victims are a nuisance, just an annoying thing that takes precious time away from work.

You have no idea how bad it is until you are thrown into the system by the bad actions of another.

My story is unpleasant and painful and continues to this day. I was attacked and strangled by my longtime boyfriend a year and a half ago. I told my story to law enforcement, to the emergency room doctors, to the prosecutor, to an AWAIC legal advocate, to the judge, and then was subpoenaed to tell it again at the criminal grand jury proceeding. The District Attorney had told me it was likely going to be a short process. I would go in and say what happened, answer questions if the jury had them and then the responding officer would go in after me and repeat everything I told them and what they witnessed. Then the jury would make a decision and I would finally get a reprieve from the constant retraumatization. The responding officer no showed. I found myself again sitting in the courthouse with a black eye, shaking and waiting and wondering how this became my life and why so much of this responsibility falls on me, the victim.

I have a good job, I own my home, I have a supportive family, and a strong circle of friends. And I am barely able to survive this horror. Surviving the crime itself, then the constant re-living of the crime, ongoing legal hearings (protective orders, electronic monitoring, etc.), then the lack of support, lack of information, and not to mention the Court System granting my attacker the removal of his electronic monitor because, "it hurts his leg when working."

I cannot imagine how hard this is for someone in a similar situation who does not have supportive family and friends, does not have a good job and is struggling every day just to make ends meet. They often cannot repeatedly take time off of work to go re-live their trauma over and over. So often, they just give up. They lose faith that any justice will be done, so they give up and try to put their lives back together, try to forget.

Every small change you can make to reduce trauma, to help victims better survive this often cruel and burdensome process is helpful, especially when it is eliminating a completely unnecessary requirement.

Please pass HB67 as soon as possible.
Thank you.

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:14
To: House Judiciary
Subject: FW: HB67

From: Andrew Phillips
Sent: Monday, February 5, 2024 11:04
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Subject: HB67

Representative Sarah,
Supporting victims of crime is a no brainer. The toll the court system takes on victims is extremely hard to watch, especially with limited ways to help out the friends and family that have to go through the process. HB67 will lighten the load for victims and be a step in the right direction for the State of Alaska. Thank you for holding a hearing in regard to HB67. Please stand up for victims and vote in favor of HB67.
Sincerely,
Andrew Phillips

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:14
To: House Judiciary
Subject: FW: Support for HB67

From: Westlund, Bonnie (HA Group) >
Sent: Monday, February 5, 2024 11:03
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Subject: Support for HB67

Hello Representative Vance,
Thank you for holding a hearing on HB67. I support the passage of this law to help victims of crime rather than laws that victimize them again. I really hope that HB67 passes and appreciate your support!

Thank you,
Bonnie Westlund



Bonnie

Bonnie Westlund

Director, Sustainability & Community Relations | Carnival Corporation

Be the solution to single use plastic pollution: *refuse and reduce!*

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Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:14
To: House Judiciary
Subject: FW: HB67

From: Micheala Phillips >
Sent: Monday, February 5, 2024 11:03
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Subject: HB67

Representative Sarah,
Supporting victims of crime is a no brainer. The toll the court system takes on victims is extremely hard to watch, especially with limited ways to help out the friends and family that have to go through the process. HB67 will lighten the load for victims and be a step in the right direction for the State of Alaska. Thank you for holding a hearing in regard to HB67. Please stand up for victims and vote in favor of HB67.

Sincerely,
Micheala Phillips

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:14
To: House Judiciary
Subject: FW: HB67

-----Original Message-----

From: Tami
Sent: Monday, February 5, 2024 10:32
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Subject: HB67

Rep Vance,

HB67 will make a big difference for the lives of victims in Alaska. I support victims' rights and hope that you vote in favor of victims. Strengthening our criminal justice system and reducing trauma for victims is the right thing to do. Please support HB67.

I have had a very close friend have to go through this terrible ordeal. She is a strong woman but I ask why do this to anyone?

Thank you
Tami Vania

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:14
To: House Judiciary
Subject: FW: HB67

-----Original Message-----

From: Robyn Ellison
Sent: Monday, February 5, 2024 09:45
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Subject: HB67

Rep. Sarah Vance:

As a friend and coworker of a victim of violent crime, I have had first hand experience witnessing the time and effort it takes for a victim to navigate the criminal justice system. Any steps that can be taken to reduce that impact are positive. I support victims rights and hope that you will pass HB67.

Best Regards,
Robyn Ellison

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:14
To: House Judiciary
Subject: FW: HB67 Hearing Support

-----Original Message-----

From: i>
Sent: Monday, February 5, 2024 09:41
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Subject: HB67 Hearing Support

Representative Vance,

Thank you for holding a hearing in regards to HB67. Please stand up for victims and vote in favor of HB67. I have been impacted by crime through a close friend being assaulted and anything that can be done to reduce the trauma forced back on victims is a step in the right direction.

Best,

Leah

Sent from my iPhone

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:11
To: House Judiciary
Subject: FW: House Bill 67

From: Paula Lindstam
Sent: Saturday, February 3, 2024 11:22
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Cc: Rep. Laddie Shaw <Rep.Laddie.Shaw@akleg.gov>; Sen. Cathy Giessel <Sen.Cathy.Giessel@akleg.gov>
Subject: House Bill 67

I support HB67. Anything that can be done to reduce the trauma on crime victims and to streamline the justice process is a good thing, in my book. Please vote for HB67.

Paula Lindstam

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:11
To: House Judiciary
Subject: FW: Support HB67

From: Larry Lindstam
Sent: Saturday, February 3, 2024 11:56
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Cc: Rep. Laddie Shaw <Rep.Laddie.Shaw@akleg.gov>; Sen. Cathy Giessel <Sen.Cathy.Giessel@akleg.gov>
Subject: Support HB67

Please support HB 67.

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:10
To: House Judiciary
Subject: FW: HB67

From: Martinson >
Sent: Saturday, February 3, 2024 13:34
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Subject: HB67

Good afternoon Representative Vance,

Thank you for holding a hearing on HB67. I support the passage of laws that help victims of crime rather than laws that victimize them again. Unfortunately in Alaska, we are impacted by the aftermath of violent crime at disproportionate rates from many other states - and supporting victim's rights is just one step of many to help our loved ones move forward toward healing, and finding a regained sense of safety in this great state we all love so much.

Thank You,

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:10
To: House Judiciary
Subject: FW: House Bill 67 Support

From: Kristie Babcock
Sent: Saturday, February 3, 2024 15:55
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Subject: House Bill 67 Support

Dear Representative Vance,

Thank you scheduling House Bill 67 for a hearing in the House Judiciary Committee.

House Bill 67 is important for making Alaska a state less attractive for sex offenders to relocate to.

HB 67 also goes a long way in protecting victims and alleviating some of the unnecessary burdens on crime victims and those who witness heinous crimes.

I encourage the Alaska Legislature to pass House Bill 67 this year.

Sincerely,

Kristie Babcock

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:10
To: House Judiciary
Subject: FW: HB67

-----Original Message-----

From: Tuckerman Babcock
Sent: Saturday, February 3, 2024 16:00
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Subject: HB67

Dear Rep. Vance,

Some serious criminal justice reform is necessary. It is especially important to reform Court Rules that make the tribulations of victims more burdensome and unnecessary.

Thank you for hearing this needed bill.

I encourage all legislators to support these reforms.

Sincerely,

Tuckerman Babcock

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:10
To: House Judiciary
Subject: FW: HB67 - Strong Support

From: Holly Johnson
Sent: Sunday, February 4, 2024 07:29
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Subject: HB67 - Strong Support

Dear Representative Sarah Vance & team,

Im writing strong support HB67, the Victim Trauma Reduction Act. You have the power to put crime victims rights first in the challenging criminal justice process by fixing an assuringly accidental loopole in Alaska law.

Your leadership in positive change, and support for those who desperately need it, is priceless and urgent.

Thank you for your time and efforts,

Holly Johnson
Douglas, Alaska

February 7, 2024

Dear Rep. Vance, House Judiciary Chair:

Thank you for the opportunity to offer this letter of support for the “Victim Trauma Reduction Act” (HB67/SB65, sec. 12) from Alaska Justice, Public Safety, and Victims’ Rights organizations.

Among several critical criminal justice reforms and added protections for victims of crime, this legislation will repeal a 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.

Alaska’s criminal justice system currently inflicts more trauma on victims of crime than any other state. And it is completely unnecessary!

30 other jurisdictions that utilize Grand Juries (including the federal government) allow grand jury proceedings without requiring the victim to testify.

In Alaska, ALL victims of crime – even minors over ten, sex/human trafficked victims, domestic violence, and rape victims – are required to endure the unnecessary additional trauma and hardship of repeated testimony to complete strangers. This additional requirement is both uncommon and unjustified.

As is common practice in other states, the Victim Trauma Reduction Act will allow key witnesses, typically a peace officer or medical professional, to summarize the testimony of victims, and/or play recordings of victim and witness testimony at grand jury proceedings.

The current court system rule is cruel to victims of crime, costly, inefficient, and adds to the court’s backlog.

The Victim Trauma Reduction Act greatly reduces the stress and trauma Alaska crime victims are forced to experience; while making Alaska’s criminal justice system more trauma-informed, compassionate, fair, rational, and efficient.

Although there are many important criminal justice bills pending in the Alaska Legislature, enacting the Victim Trauma Reduction Act (HB67/SB65, sec. 12) will do more to help, and positively impact ALL victims of crime in Alaska, than any other piece of legislation.

NOTE: criminal grand jury proceedings are completely different than investigative grand juries. HB67/SB65 does not impact nor alter investigative grand juries in any way.

NOTE: victims of crime will still be required to testify at trial.

We urge your support of this bill.



1057 W. Fireweed Lane, Suite 230
Anchorage, AK 99503

Crisis Lines: 907.276.7273 or 800.478.8999
Tel. 907.276.7279 | staralaska.com



Signers:

Keeley Olson
Executive Director, STAR

Suki Miller
Executive Director, Victims for Justice

Jake Almeida

From: Delayna Davis
Sent: Monday, February 5, 2024 11:00
To: House Judiciary
Subject: HB 67 support

Hi my name is Delayna West, I am in district 6.

I am in support of HP 67.

Every Little step we take in protecting victims and survivors is a step in the right direction.

I strongly encourage the committee support on this bill and other like legislation.

Thank you for your time,

Delayna West

Sent from my iPhone

Jake Almeida

From: Rep. Sarah Vance
Sent: Tuesday, February 6, 2024 17:09
To: House Judiciary
Subject: FW: HB67

From: Carol Fraser
Sent: Sunday, February 4, 2024 16:53
To: Rep. Sarah Vance <Rep.Sarah.Vance@akleg.gov>
Subject: HB67

Representative Vance;

Thank you for holding a hearing on HB67. I absolutely support strengthening the rights of crime victims in the criminal justice process and hope HB78 passes. I have been a victim, as have friends of mine and supporting more rights for Victims is not just honorable but should be one of the highest priorities for our government officials. Thank you for your support.

Carol Fraser



Carol Fraser

Anchorage • Kenai • Soldotna • Homer • Juneau • Sitka • Haines

February: Raising Awareness for cancer and supporting one another in the journey

From: [REDACTED]
To: [Senate Judiciary](#)
Subject: Fwd: My Support For S.B. 65 And H.B. 68
Date: Friday, March 24, 2023 11:13:20 AM

Copy for Senate Judiciary. From: Ted Bartko

----- Forwarded message -----

From: T. B. [REDACTED] >
Date: Fri, Mar 24, 2023, 12:54 AM
Subject: My Support For S.B. 65 And H.B. 68
To: Sen. Shelley Hughes <Sen.Shelley.Hughes@akleg.gov>

Dear Senator, From what I understand of these 2 Bills, from just KTUU News, they are easy to support, so I just wanted to express my support for these 2 Bills. I would hope that they get prioritized and expedited through the approval process. Sincerely, Ted B. (REAL ID: Theodore D.M. Bartko)

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

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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 to 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

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Using Opera's mail client:
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12/22/23

This letter is a plea from Adam Sakkinen's grieving sister. Samantha Pearson is a fentanyl dealer who killed my brother and should be prosecuted to the maximum extent possible.

On the morning of June 26th, 2022, Adam Sakkinen drove a few miles down Badger road and bought what we would come to learn, pure fentanyl. It would stop him from breathing and stop his heart. He had many plans that day, including taking me to the airport and going to his best friend's boy's birthday party. He already had a birthday present for the boys, and I had my suitcase in the car ready for him to drive us.

Instead, I received a call from my Dad saying that he was watching EMS give him CPR, trying to bring him back to life and to come now. My mom, sister and I came right away. We didn't realize that we'd only be going to the end of my parent's driveway to meet the paramedics and a fire truck where Adam's car was in the ditch. We could have heard the EMS break his window it was so close to my parent's house, had we been listening for it. They had pulled him out and gave him multiple doses of Narcan. He was not breathing, and his heart had stopped. They continued compressions and attempted resuscitation efforts. His heart began to beat faintly, but from there forward, a machine would breathe for him until he took his final breaths.

Adam was rushed to Fairbanks Memorial Hospital, where the doctors struggled to find the cause of Adam's accident. It appeared that his car was in a ditch, but why did he stop breathing? His toxicology report showed he had no drugs or alcohol in his system including no opioids and no amphetamines. He was a perfectly healthy 32 year old. It was in the ER hallway that I asked Samantha Pearson what she gave him and she admitted she sold him drugs minutes before being found unconscious.

My sister, being an ER nurse in Phoenix, suspected Fentanyl poisoning, but when asking the doctors and nurses, they explained that there is no access to fentanyl testing to confirm this. A test would have to be analyzed in a lower 48 lab and results could take weeks. The cause of Adam's accident would not change the fact that the damage to his brain was already done minutes after he stopped breathing. The cortex of Adam's brain, or the part that makes Adam-Adam, was starved of oxygen for so long that no medical efforts at this point could undo the damage. He was diagnosed with hypoxic brain injury. He would never wake up. The ventilator he was on was the only thing keeping him alive. Adam was in the ICU for 10 nightmarish days before our family made the most painful decision to take him off.

Adam wouldn't wake up to return to his 2 jobs in Arizona, where he lived the past year. He had just been visiting his family in Fairbanks for his Mother's 70th birthday. He wouldn't be waking up to see his girlfriend in Arizona again, who is left heartbroken and with only her last goodbyes said over ICU facetime from thousands of miles away. He wouldn't be waking up to see his beloved nieces and nephews grow or spend any more Alaskan summers with his friends and family. He wouldn't return to Arizona where his life was just taking off and career getting started.

He has been taken away from so many of his close family and friends. Dozens of family members traveled to Alaska while he was in the hospital to sit in a hospital waiting room, hoping for a positive change, hoping to get a few minutes with Adam, but due to covid protocols, Adam was alone in the ICU 18 hours a day. His memorial was a week after he passed. Hundreds of friends came to celebrate his life. He had spent his entire life in North Pole and Fairbanks before moving to Arizona the prior year.

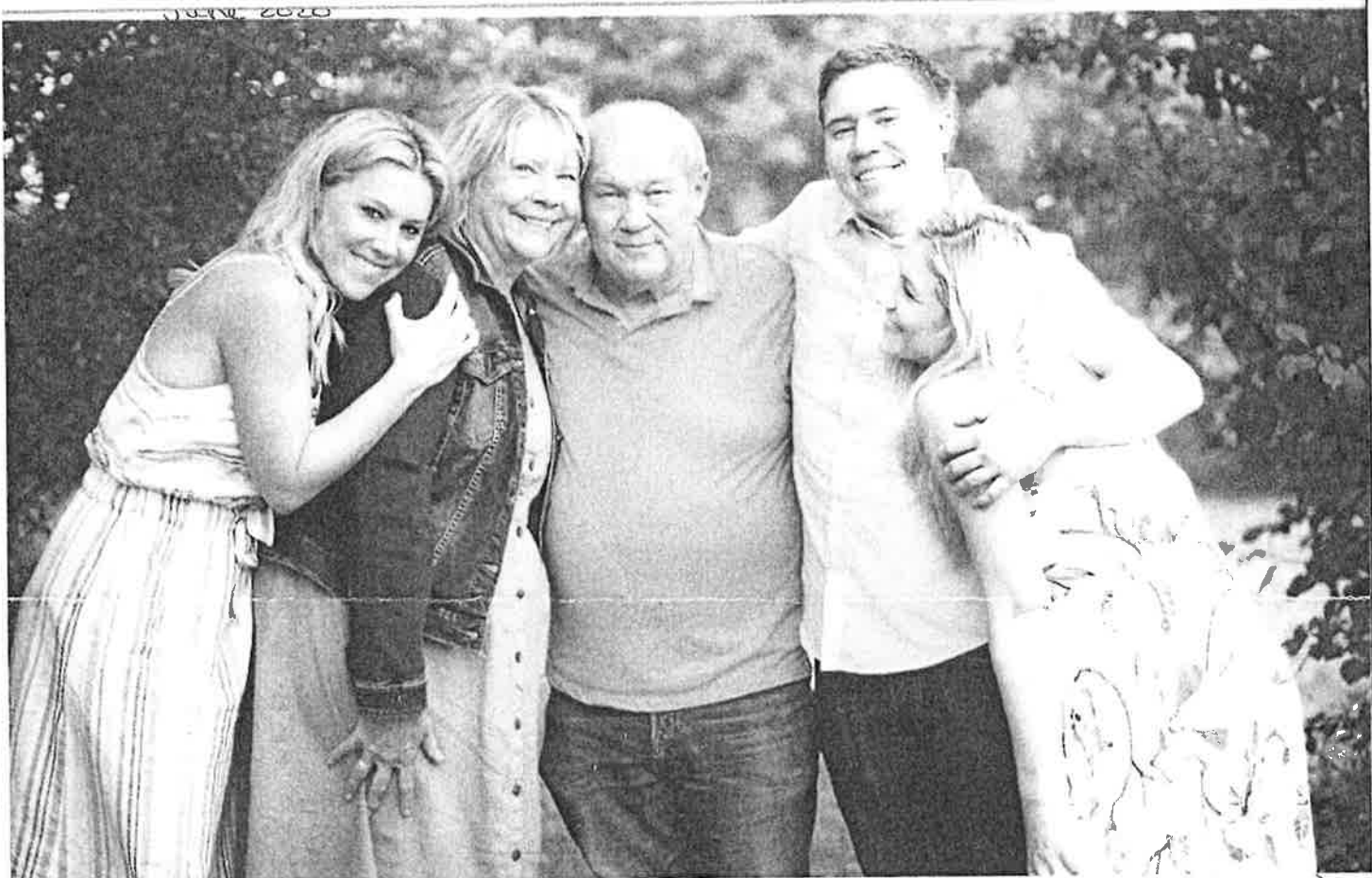
After the first 8 days in the ICU, the test results returned, and we learned that Adam's death was the result of fentanyl poisoning (over 4 times the lethal amount).

Samantha Pearson is currently awaiting trial in Anchorage. Fentanyl dealers should not get to live their lives free when they take the lives of others. She profited from Adam's life by knowingly selling him a lethal dose of fentanyl. The penalty and sentencing that Samantha receives should send a message by example to fentanyl dealers and distributors. Adam's family knows this is a strong case and hopes combating fentanyl distribution today can prevent another family from the same loss tomorrow.

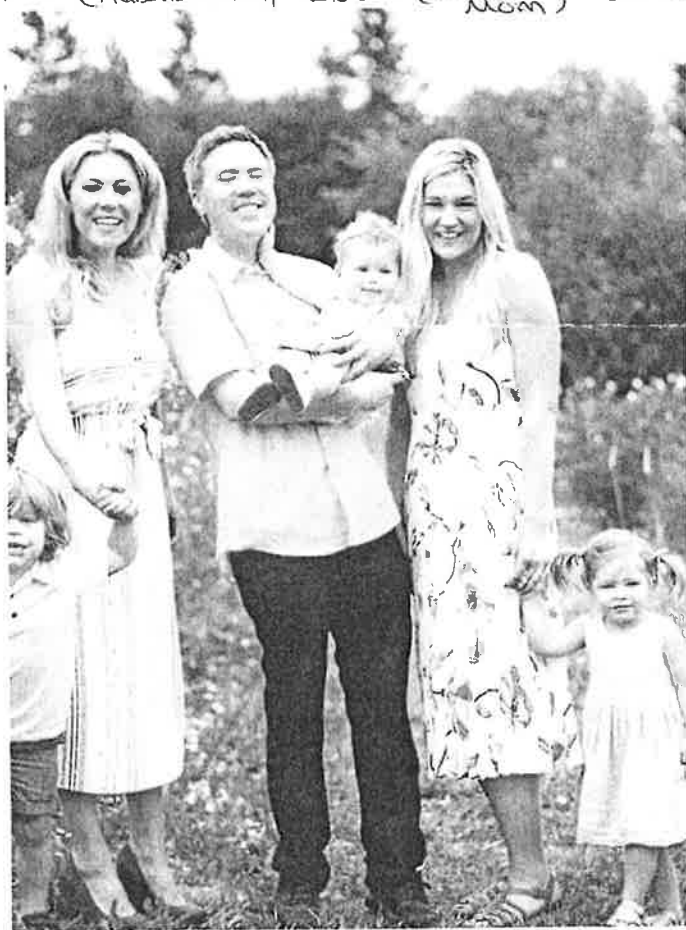
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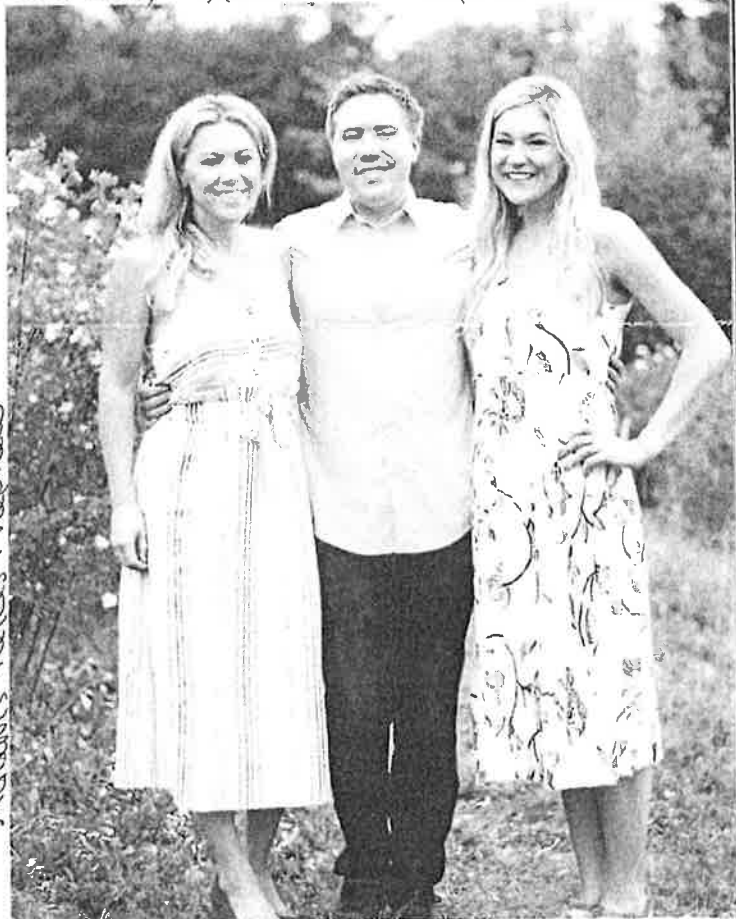
June 2020



Freya (Adam's sister) Laurie (Adam's Mom) Don (Adam's Dad) Adam Freya (Adam's sister)



Adam's nieces + nephews



Doniece Gott

From: Rachael Larson <RLarson@tcpak.org>
Sent: Thursday, May 09, 2024 12:56 PM
To: Senate Finance Committee
Subject: Testimony HB 66

Good Afternoon, Senators,

I am writing regarding HB 66.

In my professional experience, I've worked with numerous crime victims, and I strongly support the repeal of the Court Rule mandating victims to testify in person at grand jury proceedings. This requirement frequently compels victims to recount their experiences and relive their trauma in front of unfamiliar individuals shortly after the incident, despite having already shared their accounts with public officials, medical personnel, law enforcement, and/or a judge, often through audio or video recordings. These children deserve to have their words heard from their forensic interviews. Having them speak at grand jury is doing them a dis service and is having them post pone their healing for others convenience.

Thank you ,



Rachael Larson
Program Manager, The Children's Place
Office 907-357-5157 · Fax 907-357-5159
www.TheChildrens-Place.Org

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