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Governor Mike Dunleavy
STATE OF ALASKA

February 7, 2023

The Honorable Cathy Tilton
Speaker of the House
Alaska State Legislature
State Capitol Room 208
Juneau, AK 99801-1182

Dear Speaker Tilton:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to penalties for drug distribution and using controlled substances.

Drugs and drug overdoses have had a devastating effect on our state. According to the Department of Health's 2021 Drug Overdose Mortality Update, between 2020 and 2021, Alaska experienced the largest percent increase of drug overdose deaths of any state. In 2021, Alaska recorded over 100 deaths more than the previous year. Unfortunately, fentanyl, a highly potent opioid, makes up a large percentage of these drug related deaths. Increasingly, those who distribute drugs are mixing fentanyl with other types of drugs in order to cultivate addiction and attract buyers. These buyers may not necessarily know that fentanyl is mixed in with their drug of choice, increasing the risks associated with drug use.

This legislation attacks the problem at the point of distribution, making it second degree murder when a person distributes or manufactures a controlled substance and a person dies as a direct result of ingesting that substance. This legislation further serves to protect our communities by ensuring offenders convicted of distributing or manufacturing drugs will not be subject to early release due to a "good time" deduction from their sentence. Those who choose to manufacture or distribute drugs illegally should be put on notice that there are significant consequences for the harm they cause.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Dunleavy".

Mike Dunleavy
Governor

Enclosure

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

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/10/23
Offered: 5/8/23

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

A BILL
FOR AN ACT ENTITLED

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

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

5 *** Section 1.** AS 11.41.110(a) is amended to read:

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

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

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

13 (3) under circumstances not amounting to murder in the first degree
14 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the

1 schedule IVA controlled substances, and a person dies as a direct result of ingestion of
 2 the controlled substance; the death is a result that does not require a culpable mental
 3 state [; IN THIS PARAGRAPH, "INGESTION" MEANS VOLUNTARILY OR
 4 INVOLUNTARILY TAKING A SUBSTANCE INTO THE BODY IN ANY
 5 MANNER].

6 * **Sec. 3.** AS 11.41.140 is amended to read:

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

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

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

15 * **Sec. 4.** AS 11.71.010(a) is amended to read:

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

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

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

24 (3) engages in a continuing criminal enterprise; **or**

25 **(4) delivers any amount of a schedule IA, IIA, IIIA, or IVA**
 26 **controlled substance to a person who is**

27 **(A) mentally incapable;**

28 **(B) incapacitated; or**

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

30 * **Sec. 5.** AS 11.71.010(b) is amended to read:

31 (b) For purposes of this section,

1 or

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

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

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

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

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

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

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

20 (iii) methamphetamine, or its salts, isomers, or salts of
21 isomers in an organic solution; or

22 (C) methamphetamine, or its salts, isomers, or salts of
23 isomers.

24 * Sec. 7. AS 11.71.030(a) is amended to read:

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

27 (1) [REPEALED]

28 (2) delivers any amount of a

29 (A) schedule IVA or [,] VA [, OR VIA] controlled substance to
30 a person under 19 years of age who is at least three years younger than the
31 person delivering the substance; or

1 (A) with reckless disregard that the possession occurs

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

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

4 or

5 (B) on a school bus;

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

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

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

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

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

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

24 (11) [REPEALED]

25 (12) violates AS 11.71.050(a)(4) and, within the preceding 10 years,
26 has been previously convicted of a crime under AS 11.71.050(a)(4), or a law or
27 ordinance in this or another jurisdiction with elements similar to AS 11.71.050(a)(4);

28 **or**

29 **(13) delivers any amount of a schedule VIA controlled substance to**
30 **a person who is 18 years of age who is at least three years younger than the**
31 **person delivering the substance.**

1 subject to sentencing under (D) of this section, 15 to 20 years.

2 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 APPLICABILITY. AS 11.41.110(a), as amended by sec. 1 of this Act, AS 11.41.120(a), as
5 amended by sec. 2 of this Act, AS 11.41.140, as amended by sec. 3 of this Act,
6 AS 11.71.010(a), as amended by sec. 4 of this Act, AS 11.71.010(b), as amended by sec. 5 of
7 this Act, AS 11.71.021(a), as amended by sec. 6 of this Act, AS 11.71.030(a), as amended by
8 sec. 7 of this Act, AS 11.71.040(a), as amended by sec. 8 of this Act, and AS 12.55.125(c), as
9 amended by sec. 9 of this Act, apply to offenses committed on or after the effective date of
10 this Act.

11 * **Sec. 11.** This Act takes effect July 1, 2023.



HB 66
Homicide Involving Controlled Substances
Highlights

- **Drug related deaths plague our state¹**
 - 253 Alaskans died of a drug overdose in 2021.
 - 196 of those deaths were from opioids.
 - Alaska's overdose death rate increased by 102% from 2017 to 2021.
 - In 2021 the largest increases in overdose deaths were deaths involving fentanyl (150% increase) and methamphetamine (148% increase).
 - Between 2017 and 2021, heroin plus psychostimulants, like methamphetamine, was the most common lethal multidrug combination. This combination was found in 18.6% of drug overdose deaths.
 - Other synthetic narcotics in combination with psychostimulants were the second most common lethal multidrug combination. This combination was found in 18.4% of drug overdose deaths.
 - **Opioids (schedule IA) combined with psychostimulants (schedule IIA) are a common deadly combination.**

- **Reclassifies offense:** to combat the scourge drug related deaths are having on our state, this legislation reclassifies a homicide that occurs when a controlled substance is delivered to a person in violation of misconduct involving a controlled substance in the first through third degrees (AS 11.71.010 – 11.71.030) and the person dies from ingesting the controlled substance from **manslaughter to murder in the second degree.**
 - **A death resulting from a violation of misconduct involving a controlled substance in the fourth degree for a schedule IVA controlled substance would remain as manslaughter.**

- **Increases penalty for delivering a controlled substance to a person who is unaware that a controlled substance is being delivered**

¹ Alaska Department of Health, Division of Public Health, Drug Overdose Morality Update 2021 (2021), https://health.alaska.gov/dph/VitalStats/Documents/PDFs/DrugOverdoseMortalityUpdate_2021.pdf.



**HB 66 CONTROLLED SUBSTANCES; HOMICIDE;—
SECTIONAL ANALYSIS
VERSION S.A**

May 12, 2023

Section 1. This section reclassifies a homicide resulting from conduct involving controlled substances from manslaughter to murder in the second degree. A person is guilty of murder in the second degree under this theory where the person violates misconduct involving a controlled substance in the first through third degrees and a person dies as a result of ingesting the drugs.

Section 2. This section specifies that if he person violates misconduct involving a controlled substance in the *fourth degree* for a schedule IVA controlled substance and a person dies it will remain as manslaughter.

Section 3. This section specifies that the death described in section 1 does not require a culpable mental state and defines “ingesting” as it relates to section 1 and 2. Both of these concepts are found in current law in conjunction with the language found in sec. 1 and 2.

Section 4. This section amends misconduct involving a controlled substance in the first degree (unclassified felony) to include where a person delivers a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered.

Section 5. This section adds definitions for “incapacitated” and “mentally incapable” to misconduct involving a controlled substance in the first degree. This change is related to the change made in section 4.

Section 6. This section makes the delivery of methamphetamine misconduct involving a controlled substance in the second degree (class A felony).

Section 7. This section makes it misconduct involving a controlled substance in the third degree (class B felony) to deliver marijuana to a person who is *under the age of 18* and at least three years younger than the person delivering the marijuana.



HB 66 Summary of Changes Made in the House

Version S to Version S.A

The sections and concepts below were added/changed on the House Floor:

- An amendment was adopted which made deaths that occur when a controlled substance is delivered to a person in violation of misconduct involving a controlled substance in the first through third degrees (AS 11.71.010 – 11.71.030) **murder in the second degree**.
 - A death resulting from a violation of misconduct involving a controlled substance in the fourth degree for a schedule IVA controlled substance would remain as manslaughter
- An amendment was adopted that made the delivery of methamphetamine misconduct involving a controlled substance in the second degree (class A felony) and subjected that conduct to an enhanced presumptive sentencing range of seven – 11 years.

Version B to Version S

The sections and concepts below were added/changed in House Finance:

- **Section 1** of the bill was redrafted for clarity. This change was a stylistic change and made no other legal change to the meaning of the language.
- New **sections 5 and 6** were added which makes it misconduct involving a controlled substance in the third degree (class B felony) if a person delivers marijuana to a person who is under 18 years of age and at least three years younger than the person delivering the marijuana. If a person delivers marijuana to a person who is 18 years of age it would be misconduct involving a controlled substance in the fourth degree (class C felony).
- Changed the enhanced penalty for delivering a schedule IA controlled substance that was added by House Judiciary to only applying to fentanyl.

Controlled Substance Statutes Reference Chart¹

Statute	Class and Range²	Conduct
<u>11.71.010</u> Misconduct Involving a Controlled Substance in the <i>First</i> Degree	<u>Unclassified Felony</u> 5-99 Years (Maximum 99 Years)	<ul style="list-style-type: none"> • Delivers schedule IA, IIA, or IIIA controlled substances to people under 19 years of age where the dealer is more than 3 years older; • Engages in a continued felony drug dealing enterprise.
<u>11.71.021</u> Misconduct Involving a Controlled Substance in the <i>Second</i> Degree	<u>Class A Felony</u> 4-7 Years (Maximum 20 Years)	<ul style="list-style-type: none"> • Manufactures/delivers* a schedule IA controlled substance; • Manufactures/intends to manufacture methamphetamine (including possession certain quantities of listed chemicals with intent to manufacture methamphetamine).³
<u>11.71.030</u> Misconduct Involving a Controlled Substance in the <i>Third</i> Degree	<u>Class B Felony</u> 1-3 Years (Maximum 10 Years)	<ul style="list-style-type: none"> • Delivers schedule IVA, VA, or VIA controlled substances to people under 19 years of age where the dealer is 3 years older; • Manufactures/delivers* a schedule IIA or IIIA controlled substance.
<u>11.71.040</u> Misconduct Involving a Controlled Substance in the <i>Fourth</i> Degree	<u>Class C Felony</u> 0-2 Years (Maximum 5 Years)	<ul style="list-style-type: none"> • Manufactures/delivers* a schedule IVA or VA controlled substance; • <i>Possesses</i> any amount of a schedule IA controlled substance; • Manufactures/delivers* more than one ounce of a schedule VIA controlled substance without proper permitting.
<u>11.71.050</u> Misconduct Involving a Controlled Substance in the <i>Fifth</i> Degree	<u>Class A Misdemeanor</u> 0-365 Days (Maximum 365 Days)	<ul style="list-style-type: none"> • Manufactures/delivers* less than one ounce of a schedule VIA controlled substance without proper permitting; • Possesses any amount of a schedule IA, IIA, IIIA, IVA, or VA controlled substance without a proper prescription.

*Includes possession with intent to manufacture/deliver.

¹ This sheet provides a broad overview of 11.71, it is not comprehensive and is not meant to serve as legal advice or opinion. This is not a substitute for independent review of 11.71.

² Range is provided for a first-time offender.

³ Some listed chemicals include for example hydrochloric gas and red phosphorous. For a complete list see AS 11.71.200.



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Alaska Facts and Figures

2021 Drug Overdose Mortality Update (July 25th, 2022)

Background

Drug overdoses are a significant contributor to mortality in Alaska and represent an ongoing public health concern. Deaths by overdose have been increasing annually since 2018. This report is designed to provide an update on the current state of Alaska drug overdose mortality through 2021. Data from 2021 may be incomplete and should be considered provisional and subject to change.

Methods

The Alaska Health Analytics and Vital Records Section's Electronic Vital Records System was queried for Alaska resident or non-resident certificates of death occurring in-state between 2012 and 2021. Overdoses are identified using the International Classification of Disease, 10th Revision (ICD-10) codes for unintentional (X40-X44), suicide (X60-X64), homicide (X85), or undetermined intent (Y10-Y14) drug poisoning. Overdose deaths are tabulated based on the decedent's underlying cause of death (defined as the condition or injury that initiated the train of morbid events leading directly to death). Deaths due to alcohol-poisoning or drug-related traumatic injuries such as motor vehicle accidents are not included.

Overdose deaths are further categorized by the multiple contributing causes of death (defined as all other causes in the train of morbid events) in order to identify select types of illicit drugs. This includes selected ICD-10 codes for narcotic and psychodysleptic (hallucinogen) drugs ("narcotics": T400-T409), antiepileptic, sedative-hypnotic and antiparkinsonism drugs ("sedatives": T420-T428) and psychotropic drugs, not elsewhere classified ("psychotropics": T430-T439). The literal text of the cause of death descriptions are also analyzed to identify additional drugs not directly captured using ICD-10 codes. This includes fentanyl and its analogues and methamphetamine, which are classified as sub-categories of other synthetic narcotic (T404) and psychostimulant (T436) drugs, respectively. Tabulations of overdose deaths by drug type are not mutually exclusive and a single overdose involving multiple drugs can be counted in multiple drug categories. Multidrug overdoses and the top fatal drug combinations are also examined.

Data are stratified by the demographic and regional characteristics of the decedent, including sex, bridged race, ethnicity, age, and Public Health Region where the death occurred. Death rates per 100,000 are calculated using population estimates from the Alaska Department of Labor and Workforce Development. If any population estimates were not available at the time of analysis, values were substituted using the previous year's estimate. Rates are age-adjusted by U.S. Standard Year 2000 Population levels, when possible, to correct for natural differences in the age distribution of the population. Results have not been tested for statistical significance and are subject to change.

Table 2. Overdose Deaths (Rates) by Sex (2017-2021)¹

Sex	2017	2018	2019	2020	2021
Male	82 (22.3)	60 (15.1)	93 (24.4)	94 (25.3)	159 (42.9)
Female	59 (16.1)	45 (12.7)	40 (11.3)	52 (14.8)	94 (26.9)

Table 3. Overdose Deaths (Rates) by Race/Ethnicity (2017-2021)¹

Race/Ethnicity	2017	2018	2019	2020	2021
White	94 (18.3)	73 (13.5)	80 (15.3)	80 (15.6)	146 (28.8)
AI/AN	36 (30.7)	22 (20.7)	40 (34.8)	45 (40.1)	90 (77.7)
Asian/PI	2 (**)	1 (**)	5 (**)	4 (**)	2 (**)
Black	7 (24.2*)	8 (21.8*)	8 (27.0*)	12 (34.7*)	13 (39.4*)
Hispanic (Any Race)	8 (16.2*)	3 (**)	1 (**)	4 (**)	6 (11.3*)

Table 4. Overdose Deaths (Rates) by Age (2017-2021)¹

Age	2017	2018	2019	2020	2021
<5 Years	0 (NA)	0 (NA)	1 (**)	0 (NA)	0 (NA)
5-14 Years	0 (NA)	0 (NA)	0 (NA)	0 (NA)	0 (NA)
15-24 Years	11 (11.4*)	10 (10.5*)	7 (7.5*)	18 (19.5*)	27 (29.2)
25-34 Years	35 (30.4)	22 (19.5)	46 (41.0)	33 (30.0)	71 (64.6)
35-44 Years	32 (34.1)	23 (24.1)	34 (35.0)	36 (36.1)	57 (57.2)
45-54 Years	36 (39.2)	23 (26.0)	19 (22.2*)	29 (34.7)	53 (63.4)
55-64 Years	21 (21.1)	24 (24.3)	17 (17.4*)	24 (25.3)	32 (33.7)
65-74 Years	4 (**)	3 (**)	7 (11.3*)	5 (**)	10 (15.5*)
75-84 Years	2 (**)	0 (NA)	2 (**)	1 (**)	3 (**)
85+ Years	0 (NA)	0 (NA)	0 (NA)	0 (NA)	0 (NA)

Table 5. Overdose Deaths (Rates) by Region (2017-2021)¹

Region	2017	2018	2019	2020	2021
Anchorage	81 (27.3)	51 (16.5)	57 (19.3)	90 (31.4)	142 (49.3)
Gulf Coast	10 (13.1*)	15 (17.7*)	16 (18.8*)	12 (12.8*)	30 (40.3)
Interior	17 (14.8*)	12 (10.3*)	22 (19.3)	10 (8.2*)	19 (15.9*)
Mat-Su	13 (12.4*)	15 (14.1*)	15 (15.0*)	20 (19.0)	27 (24.5)
Northern	0 (NA)	1 (**)	5 (**)	3 (**)	3 (**)
Southeast	15 (20.5*)	7 (9.0*)	11 (15.3*)	7 (10.8*)	24 (35.0)
Southwest	5 (**)	4 (**)	7 (16.9*)	4 (**)	8 (21.1*)
Statewide	141 (19.3)	105 (14.0)	133 (18.1)	146 (20.2)	253 (35.2)

Note: Drug poisoning (overdose) underlying cause of death ICD-10 codes: X40-X44, X60-X64, X85, Y10-Y14.

1. Death rate per 100,000 population. Age-adjusted by U.S. Year 2000 Standard Populations for Sex, Race/Ethnicity, and Region.

* Rates based on fewer than 20 events are statistically unreliable and should be used with caution.

* Rates based on fewer than 6 events are not reported.

Overdoses by Drug - Trends

- Total drug overdose death rates have increased annually since 2018.
 - In 2021, the overdose death rate was 35.2 deaths per 100,000, up from 17.0 in 2012.
 - Increases in overdose death rates since 2018 appear to be driven largely by increases in narcotic and psychotropic drugs, both of which have increased since 2012.
 - Sedative drug overdose rates have been relatively stable over time, decreasing slightly since 2012.

Figure 2. Overdose Death Rates by Drug (2012-2021)¹

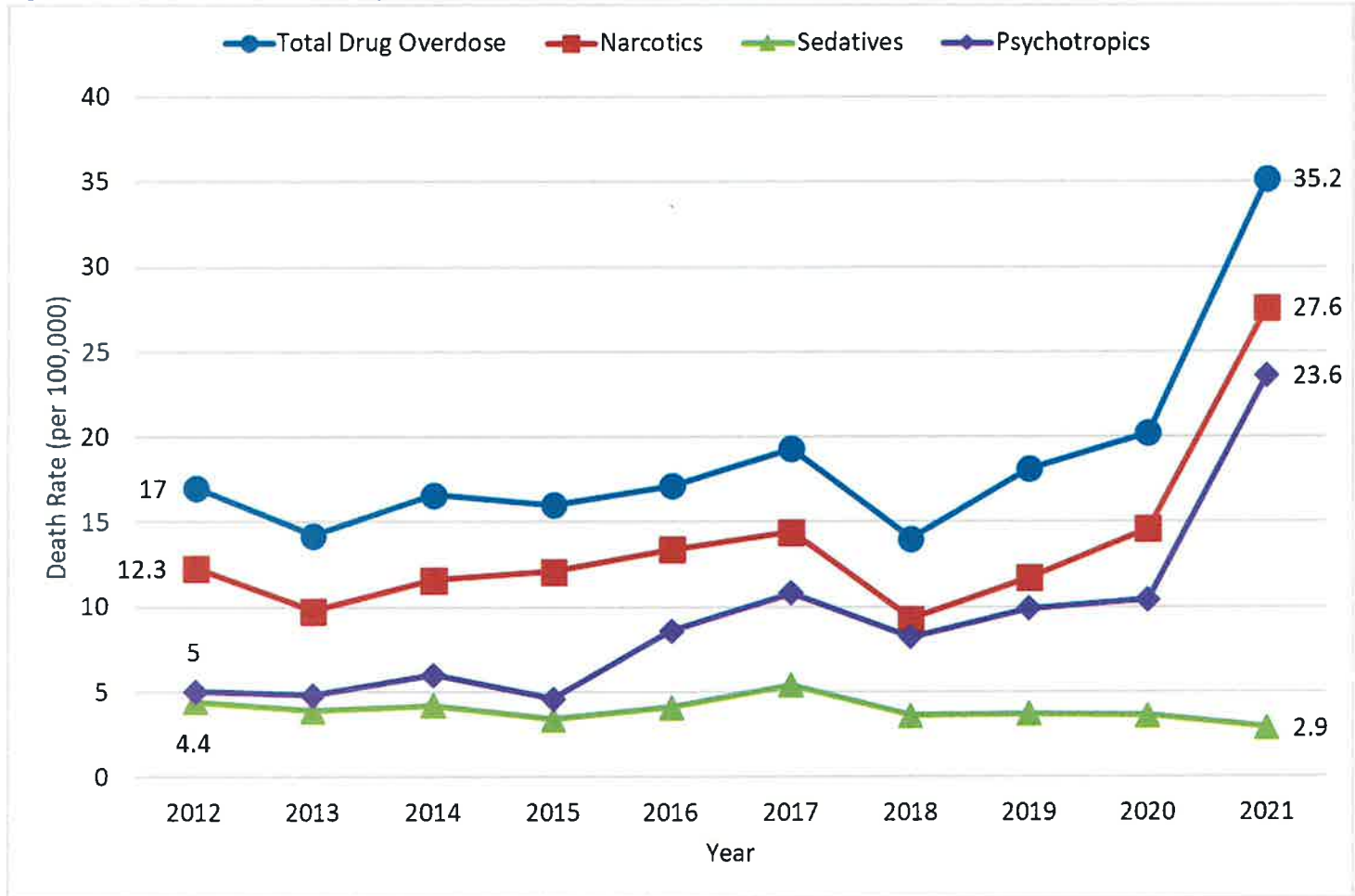


Table 9. Overdose Death Rates by Drug (2012-2021)¹

Drug	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total Drug Overdose	17	14.2	16.6	16	17.1	19.3	14	18.1	20.2	35.2
Narcotics	12.3	9.8	11.6	12.1	13.4	14.4	9.3	11.7	14.6	27.6
Sedatives	4.4	3.9	4.2	3.4	4.1	5.4	3.6	3.7	3.6	2.9
Psychotropics	5	4.8	6	4.6	8.6	10.8	8.2	9.9	10.4	23.6

Note: Drug categories are not mutually exclusive. A single overdose death involving multiple drugs can be counted in multiple categories.
 1. Death rate per 100,000 population. Age-adjusted by U.S. Year 2000 Standard Population.

These data are consistent with recent national findings of most overdose deaths involving more than one substance.² 2019 data across 24 states and Washington DC revealed that fentanyl, heroin, cocaine, or methamphetamine (alone or in combination) were involved in nearly 85% of drug overdose deaths.³ Overdose deaths involving synthetic opioids excluding methadone (primarily fentanyl) are projected to have increased for the ninth straight year in 2021,⁴ as fentanyl continues to be mixed with heroin, stimulants, and counterfeit pills.⁵ In Alaska, fentanyl was involved in nearly three out of four opioid overdose deaths, and many of these fentanyl-involved overdose deaths involved an additional substance, such as methamphetamine or heroin. The high potency of fentanyl combined with the tendency for mixing or co-use with other substances complicates intervention and treatment efforts.

In Alaska, the number of overdose deaths involving methamphetamines increased by 148% in 2021. The significant number of deaths involving psychostimulants warrants an increase in available and accessible stimulant use disorder treatment, and further analysis into risk and protective factors associated with stimulant misuse and addiction. Psychostimulants were involved in the top three overdose drug combinations (with heroin, other synthetic narcotics, and other opioids being the other substances) across 778 overdose deaths in the last five years. This suggests that harm reduction strategies should be integrated across multiple venues that include naloxone distribution to people who use stimulants, and multidrug use education on the lethality of combining substances.

More than a dozen State of Alaska (SOA) programs focus on prevention, treatment, and recovery strategies to counter overdose morbidity and mortality. Several initiatives specifically address fentanyl-involved overdose deaths. Since 2017, SOA Department of Health (DOH) Office of Substance Misuse and Addiction Prevention, through Project HOPE,⁶ has distributed over 60,000 kits of naloxone to community members, a medication that has been demonstrated worldwide to reduce fatal overdose, with over 300 overdoses reversed in Alaska.^{7, 8} Currently, Project HOPE incorporates fentanyl test strips and other resources into each naloxone kit. In 2022, a new initiative called Project Gabe,⁹ supported by Project HOPE and the Section of Public Health Nursing, was launched to provide opioid misuse awareness, education, and prevention resources (including naloxone) to the fishing industry, as studies demonstrate employees in some occupational industries are at higher risk of being affected by the opioid epidemic. Finally, several public service announcements, posters, an Anchorage located bus advertisement, and website were developed and can be found at <http://opioids.alaska.gov>.

Engaging with people at high risk of overdose is key to preventing more deaths. Mobile crisis units connect people with the most appropriate resources from the onset of a behavioral health crisis through their recovery and follow up care. The Restore Hope in Linkage to Care Collaboration Program supports local behavioral health agencies, Anchorage Fire Department, and City of Fairbanks partners to connect people at point of emergency response to treatment and other social services. Since the inception of this program, 34 people engaged in treatment. The 1115 Medicaid Waiver Services is also integral to these efforts as it incorporated reimbursement rates for an increased breadth of behavioral health agencies as well as for mobile outreach and crisis response services.

SOA DOH has also been working with tribal and academic partners to incorporate a variety of provider education trainings, and tools including Project ECHO, a collaborative model of education that makes specialty knowledge more accessible to rural healthcare providers.¹⁰ Improving awareness among providers of their existing prescribing practices is important to support the

² Hedegaard, H., Bastian, B., Trinidad, J., Warner, M. (2018). "Drugs most frequently involved in drug overdose deaths: United State, 2011-2016." *National Vital Statistics Reports*, 67(9). Retrieved 22 Aug 2019 from: https://www.cdc.gov/nchs/data/nvsr/nvsr67/nvsr67_09-508.pdf.

³ O'Donnell, J., Gladden, RM., Mattson, C., et al. (2020). "Vital signs: characteristics of drug overdose deaths involving opioids and stimulants – 24 states and the District of Columbia, January-June 2019". *MMWR Morbidity and Mortality Weekly Report*, 69(35): 1189-1197.

⁴ Ahmad FB, Rossen LM, Sutton P. Provisional drug overdose death counts. National Center for Health Statistics. 2021.

⁵ Drug Enforcement Administration (DEA). "2020 National Drug Threat Assessment." Retrieved from: https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf.

⁶ Project Hope: <https://dhss.alaska.gov/health/osmap/Pages/hope.aspx>.

⁷ Chimbar, L., & Moleta, Y. (2018). "Naloxone effectiveness: a systematic review." *Journal of Addictions Nursing*, 29(3): 161-171.

⁸ B. Hanson (personal communication, November 10, 2020).

⁹ Project GABE: https://dhss.alaska.gov/health/News/Documents/press/2022/DHSS_PressRelease_DPH_ProjectGabe_20220607.pdf.

¹⁰ Project ECHO: <https://health.alaska.gov/dph/HealthPlanning/Pages/telehealth/ECHO.aspx>.

- a. Employment opportunities for people in recovery.
 - b. Expanded access to recovery housing.
 - c. Peer counseling.
 - d. Intensive support to sustain recovery.
5. Data Collection
- a. Promote timely collection of local data, including demographics.
 - b. Make real-time, disaggregated data available for identifying at-risk groups.
 - c. Use information gathered to inform effective, community tailored strategies.

Prepared By

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Office of Substance Misuse and Addiction Prevention: Theresa Welton, Jessica Filley MPH, Elana Habib MPH.

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 is time for them to be put on notice and make it known that we will not stand for their dealings in death any longer. There needs to be serious consequences for this complete disregard of life, and they need to know how their actions affect the communities they live in. They destroy more than just the person who uses the drugs they provide; it devastates entire families.

I ask God every day, why He took my boy from me and the world.

I may never have the answer, but I feel like we can make a difference and use his story and others, as an example to change laws and bring some justice for those who have been lost needlessly but not pointlessly.

Braedens memory lives on.

Thank you for your time.

Forever grieving,

Athena Fulton

--

From: Jonathan Pistotnik <jpistotnik@nwalaska.org>
Sent: Tuesday, May 02, 2023 10:52 PM
To: House Finance
Subject: HB 66, Section 5

House Finance Members,

HB 66 proposes to eliminate good time credits for particular drug-related offenses. Please remove this Section from the bill as it removes a tool that can be leveraged by the State of Alaska Dept. of Corrections to promote rehabilitation, encourage good behavior within our correctional facilities, and help contribute to safe environments for corrections staff.

The removal of good time credits in this instance is a punitive measure, and is intended to serve as a deterrent from engaging in certain criminal acts. However, this form of a sanction occurs too far in the future from the time of the crime to have any meaning or weight. It presupposes that people engaged in these behaviors are rational thinkers. As Professor Dr. Mark Keleiman stated in his book *When Brute Force Fails: Strategic Thinking For Crime Control*, many criminal offenders are not rational thinkers but rather "impulsive, myopic, and ill-informed."

As it pertains to the removal of good time credits, the bill sponsor is misapplying a sanction to a behavior that is not proximate, and therefore is likely meaningless as a crime deterrent. It would further solidify Alaska as a state interested in purely punitive policy actions, rather than substantive and smart solutions to crime prevention.

In this instance we are talking about good time credits that would be applied as an incentive inside a prison years after a conviction and sentence has been handed down. Good time credit is a tool in the tool box of DOC intended to promote safety inside Alaska's prison. Do not further inhibit the use of this tool, and remove this language from HB 66.

Respectfully,

Jonathan Pistotnik

Jonathan Pistotnik (he/him), MPH

Coalition Coordinator

Anchorage Reentry Coalition

Office: 907-677-8412

jpistotnik@nwalaska.org

[Anchorage Reentry Coalition Partner & Resource Database](#)



From: [Smith](#)
To: [Sen. Matt Claman](#); [Forrest Wolfe](#)
Subject: HB 66 Support
Date: Friday, January 26, 2024 9:07:18 AM

Senator and Staff,

I spoke yesterday with a Mr. Forrest Wolfe and requested assistance in a matter I've been working on for some time. The below story is what I had sent to Congressman Wright to begin work on eliminating Veteran Suicide.

My name is Jeremy Smith, I'm a Fairbanks resident and frustrated disabled veteran.

Last year I lost a friend, a veteran, a retired police officer to a drug overdose. A problem that unfortunately neither my wife or I knew about. The drug dealers which sold this Veteran narcotics were caught on camera selling him the narcotics, in fact the video footage captures the argument about how much the narcotics cost. Less than 12 hours later, a Veteran lost his life to narcotics.

We reached out to the Alaska State Troopers, The Attorney General of Alaska, The Governor and our local representatives and nothing was done, in-fact when I submitted these issues to the Alaska State Ombudsman's office, I was told I needed to seek legal counsel, for what I'm not sure, but it was very frightening. As of today, these two drug dealers are walking the streets.

Now this next statement may seem a bit dramatic, but on its face, the in-action told a lot of us veterans that Meth dealers can murder us with no consequences, that was devastating to the at least 30 veterans in our circle.

All that said, I'm not trying to rehash something our local prosecutor and law enforcement chose not to go after, I tried to fight that battle and lost, I tried to seek justice and I was told none was available.

I point this out as these are the big issues that Veterans face, and when veterans need help, we hesitate because of the perception the systems that are there to protect and support us have let us down. I'd hope you can somewhat understand that perspective.

I'm asking today for your help. I'm nothing but a frustrated veteran that sees the Veterans Administration ask for 300 Billion tax payer dollars, and yet 6000 Veterans commit suicide every year and I find it very difficult to believe the 300 Billion is being spent in the most judicious manner to save Veterans as the number of yearly suicides hasn't dropped below 6000 in twenty years.

I want to emphasize, I truly believe the VA wants to help Veterans, and every employee is dedicated to try and do the best they can, but as I'm sure you're keenly aware, bureaucracy sometimes leads to inefficiency. Now when we deal with normal government business, I'm a retired NH-04, inefficiency and buffonery just part of business but Veterans suicide is not one of those things that can get lost in the beauracracy.

One of the most frustrating parts of this path I'm on is the people empowered to help keep

Fiscal Note

State of Alaska
2024 Legislative Session

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

Identifier: HB66-DPS-AST-01-11-2024
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: (S) JUDICIARY

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska Bureau of Investigation
OMB Component Number: 2744

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2025	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2025 Request	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No.
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note template.

Prepared By: Lisa Purinton, Statewide Services Director	Phone: (907)269-5581
Division: Statewide Services	Date: 01/11/2024
Approved By: Pam Halloran, Administrative Services Director	Date: 01/01/24
Agency: Department of Public Safety	

Fiscal Note

State of Alaska
2024 Legislative Session

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

Identifier: CSHB66-DOC-IDO-02-23-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: S JUD

Department: Department of Corrections
Appropriation: Population Management
Allocation: Institution Director's Office
OMB Component Number: 1381

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2025	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2025 Request	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note template.

Prepared By: <u>Janelle Earls</u>	Phone: <u>(907)465-8168</u>
Division: <u>Administrative Operations Manager</u>	Date: <u>02/23/2024</u>
Approved By: <u>Teri West, Administrative Services Director</u>	Date: <u>02/23/24</u>
Agency: <u>Department of Corrections</u>	

Fiscal Note

State of Alaska
2024 Legislative Session

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

Identifier: HB066-DOA-PDA-1-16-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Judiciary

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

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
			FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personal Services	368.6		368.6	368.6	368.6	368.6	368.6
Travel	11.0		11.0	11.0	11.0	11.0	11.0
Services	85.0		85.0	85.0	85.0	85.0	85.0
Commodities	7.0		7.0	7.0	7.0	7.0	7.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	471.6	0.0	471.6	471.6	471.6	471.6	471.6

Fund Source (Operating Only)

1004 Gen Fund (UGF)	471.6		471.6	471.6	471.6	471.6	471.6
Total	471.6	0.0	471.6	471.6	471.6	471.6	471.6

Positions

Full-time	2.0		2.0	2.0	2.0	2.0	2.0
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note and cost increases due to salary adjustments.

Prepared By:	Terrence Haas, Director	Phone:	(907)334-4414
Division:	Public Defender Agency	Date:	01/16/2024 12:00 AM
Approved By:	Leslie Isaacs, Administrative Services Director	Date:	02/23/24
Agency:	Department of Administration		

Fiscal Note

State of Alaska
2024 Legislative Session

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

Identifier: HB066CS(FIN)AM-FCS-PS-02-23-2024
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Judiciary Committee

Department: Department of Family and Community Services
Appropriation: Juvenile Justice
Allocation: Probation Services
OMB Component Number: 3314

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2025	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2025 Request	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed? NA

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note template.

Prepared By:	David Flaten, Social Services Program Officer	Phone:	(907)465-8466
Division:	Juvenile Justice	Date:	02/23/2024 08:45 AM
Approved By:	Marian Sweet, Assistant Commissioner	Date:	02/23/24
Agency:	Family and Community Services		

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	CSHB 66(JUD)
Fiscal Note Number:	7
(H) Publish Date:	3/27/2023

Identifier: HB066-JUD-ACS-02-27-23
 Title: CONTROLLED
 SUB;HOMICIDE;CRIMES;SENTENCING
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: House Judiciary Committee

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

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates					
			FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	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	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2024) cost: 0.0 (separate capital appropriation required)

Does the bill create or modify a new fund or account? no
 (Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? NA
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Initial version

Prepared By: Nancy Meade, General Counsel	Phone: (907)463-4736
Division: Alaska Court System	Date: 02/27/2023 10:00 AM
Approved By: Nancy Meade for Stacey Marz, Administrative Director	Date: 02/27/23
Agency: Alaska Court System	

REPORTED OUT OF
HFC 05/08/2023

Control Code: kJIUN

Fiscal Note

State of Alaska
2024 Legislative Session

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

Identifier: HB066CS(FIN)-LAW-CJL-2-23-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: (S) JUD

Department: Department of Law
Appropriation: Criminal Division
Allocation: Criminal Justice Litigation
OMB Component Number: 2202

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
			FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES	FY 2025	FY 2025					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Transcription from SLA 2023 template to SLA 2024 template.

Prepared By: Dayna Mackey, Budget Manager	Phone: (907)465-3674
Division: Administrative Services Division	Date: 02/23/2024 09:30 AM
Approved By: Amber LeBlanc, Administrative Services Director	Date: 02/23/24
Agency: Department of Law	

Fiscal Note

State of Alaska
2024 Legislative Session

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

Identifier: HB066-DOA-OPA-2-23-24
Title: CONTROLLED
SUB;HOMICIDE;CRIMES;SENTENCING
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Judiciary

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

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates					
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
OPERATING EXPENDITURES								
Personal Services	184.3		184.3	184.3	184.3	184.3	184.3	184.3
Travel	5.5		5.5	5.5	5.5	5.5	5.5	5.5
Services	42.5		42.5	42.5	42.5	42.5	42.5	42.5
Commodities	3.5		3.5	3.5	3.5	3.5	3.5	3.5
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	235.8	0.0	235.8	235.8	235.8	235.8	235.8	235.8

Fund Source (Operating Only)

1004 Gen Fund (UGF)	235.8		235.8	235.8	235.8	235.8	235.8	235.8
Total	235.8	0.0	235.8	235.8	235.8	235.8	235.8	235.8

Positions

Full-time	1.0		1.0	1.0	1.0	1.0	1.0
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Updated from SLA2023 to SLA2024 fiscal note and cost increases due to salary adjustments.

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

Phone: (907)260-3500
Date: 02/23/2024 12:00 PM
Date: 02/23/24

33-GH1482Y
C. Radford
4/29/24

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

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

7 (A) a felony violation of AS 11.41;

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

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

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

16 * Sec. 3. AS 11.41.120(a) is amended to read:

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

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

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

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

28 * Sec. 4. AS 11.41.140 is amended to read:

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

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

1 AS 11.61.127.

2 * **Sec. 7.** AS 11.61.125(e) is amended to read:

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

4 (1) class B felony; or

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

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

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

16 * **Sec. 9.** AS 11.61.127(g) is amended to read:

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

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

20 (c) A person may not be prosecuted under (a)(1) of this section if the

21 (1) person witnessed or was a victim of, and reported to law
22 enforcement in good faith, one or more of the following crimes:

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

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

25 (C) manslaughter under AS 11.41.120;

26 (D) criminally negligent homicide under AS 11.41.130;

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

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

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

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

31 (I) sexual assault in the first degree under AS 11.41.410;

1 person under 19 years of age who is at least three years younger than the person
2 delivering the substance;

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

6 (3) engages in a continuing criminal enterprise; or

7 (4) delivers any amount of a schedule IA, IIA, IIIA, or IVA
8 controlled substance to a person who is

9 (A) mentally incapable;

10 (B) incapacitated; or

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

12 * Sec. 12. AS 11.71.010(b) is amended to read:

13 (b) For purposes of this section,

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

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

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

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

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

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

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

26 * Sec. 13. AS 11.71.021(a) is amended to read:

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

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

1 salts, isomers, or salts of isomers; or

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

4 * **Sec. 14.** AS 12.10.010(a) is amended to read:

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

6 (1) murder;

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

9 (3) felony sexual abuse of a minor;

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

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

15 (6) kidnapping;

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

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

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

22 * **Sec. 15.** AS 12.47.070(a) is amended to read:

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

1 and Community Services;

2 (2) the defendant's mental condition;

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

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

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

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

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

15 * **Sec. 18.** AS 12.47.110 is amended by adding new subsections to read:

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

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

23 (2) the defendant's mental condition;

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

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

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

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

1 under AS 11.71.021(a)(1) related to a schedule IA controlled substance set
2 out in AS 11.71.140(c)(29) or under AS 11.71.021(a)(6) related to a
3 schedule IIA controlled substance set out in AS 11.71.150(e)(2), four to 11
4 years;

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

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

8 * **Sec. 20.** AS 12.55.125(i) is amended to read:

9 (i) A defendant convicted of

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

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

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

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

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

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

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

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

31 (F) if the offense is a third felony conviction, the defendant is

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

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

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

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

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

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

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

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

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

1 * **Sec. 23.** AS 12.63.010(b) is amended to read:

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

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

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

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

24 (C) all aliases used;

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

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

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

1 * **Sec. 25.** AS 12.63.010 is amended by adding new subsections to read:

2 (g) If a sex offender or child kidnapper plans to leave the state after having
3 registered under (a) of this section, the sex offender or child kidnapper shall appear in
4 person at and provide to the department or a municipal police department in the state
5 written notice of the plan to leave the state at least seven calendar days before leaving
6 the state. If a sex offender or child kidnapper plans to leave the state for international
7 travel after having registered under (a) of this section, the sex offender or child
8 kidnapper shall appear in person at and provide to the department or a municipal
9 police department in the state written notice of the plan for any intended travel outside
10 the United States at least 21 days before leaving the state for international travel.

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

16 * **Sec. 26.** AS 12.63.020(a) is amended to read:

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

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

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

23 (i) one aggravated sex offense; or

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

29 (B) ends 15 years following the sex offender's or child
30 kidnapper's unconditional discharge from a conviction for a single sex offense
31 that is not an aggravated sex offense or for a single child kidnapping if the sex

1 one of the following crimes, or a similar law of another jurisdiction:

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

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

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

1 escape, promoting contraband, interference with official proceedings, receiving a bribe
 2 by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical
 3 evidence, hindering prosecution, terroristic threatening, riot, criminal possession of
 4 explosives, unlawful furnishing of explosives, sex trafficking, criminal mischief,
 5 misconduct involving a controlled substance or an imitation controlled substance,
 6 permitting an escape, promoting gambling, possession of gambling records,
 7 distribution of child sexual abuse material [PORNOGRAPHY], and possession of
 8 child sexual abuse material [PORNOGRAPHY];

9 * **Sec. 29.** AS 18.66.990(3) is amended to read:

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

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

15 (B) burglary under AS 11.46.300 - 11.46.310;

16 (C) criminal trespass under AS 11.46.320 - 11.46.330;

17 (D) arson or criminally negligent burning under AS 11.46.400 -
 18 11.46.430;

19 (E) criminal mischief under AS 11.46.475 - 11.46.486;

20 (F) terrorist threatening under AS 11.56.807 or 11.56.810;

21 (G) violating a protective order under AS 11.56.740(a)(1);

22 (H) harassment under AS 11.61.120(a)(2) - (4) or (6); [OR]

23 (I) cruelty to animals under AS 11.61.140(a)(5) if the animal is
 24 a pet;

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

28 **or**

29 **(K) unlawful contact under AS 11.56.750 or 11.56.755;**

30 * **Sec. 30.** AS 28.15.046(c) is amended to read:

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

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

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

6 * **Sec. 34.** AS 47.30 is amended by adding a new section to read:

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

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

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

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

27 (d) A defendant charged with a felony offense against a person under
28 AS 11.41 or felony arson and found to be incompetent to proceed under AS 12.47.100
29 is rebuttably presumed to be mentally ill and to present a likelihood of serious harm to
30 self or others. In evaluating whether a defendant is likely to cause serious harm under
31 this section, the court may consider the conduct with which the defendant was

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

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

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

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

29 * **Sec. 37.** AS 47.30.725 is amended by adding new subsections to read:

30 (g) If a criminal charge of a felony offense against a person under AS 11.41 or
31 felony arson against a respondent has been dismissed under AS 12.47.110 and the

1 attend a hearing in the civil commitment case but may not participate in the hearing as
2 a party.

3 * **Sec. 39.** AS 47.30.735(b) is amended to read:

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

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

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

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

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

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

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

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

28 (8) to remain silent;

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

31 * **Sec. 40.** AS 47.30 is amended by adding a new section to read:

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

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

9 * **Sec. 41.** AS 47.30.780(a) is amended to read:

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

15 * **Sec. 42.** AS 47.30.780 is amended by adding new subsections to read:

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

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

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

1 welfare services involved in caring for, treating, or rehabilitating the patient;

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

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

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

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

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

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

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

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

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

24 * **Sec. 45.** The uncodified law of the State of Alaska enacted in sec. 142(c), ch. 4, FSSLA
25 2019, is amended to read:

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

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

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

31 **(B) AS 12.63.020(a)(2) and (b) [(2) AS 12.63.020], as**

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 offenses committed before, on, or after the effective date of sec. 46 of this Act.

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

4 **CONDITIONAL EFFECT.** Rule 6(s), Alaska Rules of Criminal Procedure, as
5 amended by sec. 46 of this Act, takes effect only if sec. 46 of this Act receives the two-thirds
6 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

7 * **Sec. 50.** Section 45 of this Act takes effect immediately under AS 01.10.070(c).

8 * **Sec. 51.** Except as provided in sec. 50 of this Act, this Act takes effect January 1, 2025.



ALASKA STATE LEGISLATURE

Senate Judiciary Committee

SEN. MATT CLAMAN

Chairman
State Capitol, Room 429
Juneau, AK 99801
907.465.4919

Senator Jesse Kiehl, Vice Chair
Senator Cathy Giessel

Senator James Kaufman
Senator Löki Tobin

House Bill 66

“An Act relating to criminal law and procedure; relating to homicide resulting from conduct involving controlled substances; relating to misconduct involving a controlled substance; relating to the crime of stalking; changing the term ‘child pornography’ to ‘child sexual abuse material’; relating to competency to stand trial; relating to sentencing; relating to the duty to register as a sex offender; amending the definition of ‘sex offense’; amending the definition of ‘crime involving domestic violence’; relating to multidisciplinary child protection teams; relating to involuntary civil commitments; relating to victims’ rights during certain civil commitment proceedings; amending Rule 6(s), Alaska Rules of Criminal Procedure; and providing for an effective date.”

Summary of Changes

Senate Judiciary Committee: Version S to Version H

- **House Bill 66: CONTROLLED SUB;HOMICIDE;CRIMES;SENTENCING**
 - Amending Section 1 to change the violation of AS 11.71.010 – 11.71.030 to AS 11.71.010 or 11.71.010. This change has the effect of covering only Class IA and Class IIA controlled substances, including fentanyl and methamphetamine.
 - Amending Section 2 to add AS 11.71.030 to the list of crimes; which is Misconduct involving controlled substance in the third degree.
 - Amending Section 6
 - Deleting Section 7
 - Deleting Section 8
 - Modifying Section 9
- **House Bill 265: CHILD SEXUAL ABUSE MATERIAL**
 - All of HB 265, which changes the term “child pornography” to “child sexual abuse material” in Alaska Statute
- **Senate Bill 53: COMPETENCY; INVOLUNTARY CIVIL COMMITMENTS**
 - Adding new section regarding transport.
 - Deleting Section 5.
 - Modifications and clarifying language throughout the bill.
- **Senate Bill 65: HARASSMENT; SEX OFFENDERS & OFFENSES**
 - Updating the legislative findings in Section 1:
 - (a) Legislative Findings that the state has some of the highest rates of sexual assault and sexual abuse, and that presenting evidence to a grand jury in state court should be similar and not more difficult than presenting evidence to a grand jury in federal court in the state.

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR KIEHL

TO: SCS CSHB 66(JUD), Draft Version "Y"

1 Page 1, lines 8 - 9:

2 Delete "**Rule 6(s)**"

3 Insert "**Rule 6(s)(2)**"

4

5 Page 1, line 11, through page 2, line 12:

6 Delete all material.

7

8 Page 2, line 13:

9 Delete "**Sec. 2**"

10 Insert "**Section 1**"

11

12 Renumber the following bill sections accordingly.

13

14 Page 9, following line 21:

15 Insert a new bill section to read:

16 "*** Sec. 14.** AS 12.40.110(a) is amended to read:

17 (a) In a prosecution for an offense under AS 11.41.410 - 11.41.458, hearsay
18 evidence of a statement related to the offense, not otherwise admissible, made by a
19 child who is the victim of the offense may be admitted into evidence before the grand
20 jury if

21 (1) the circumstances of the statement indicate its reliability;

22 (2) the child is under **16** [10] years of age when the hearsay evidence is
23 sought to be admitted;

- 1 Insert "sec. 2"
- 2 Delete "sec. 4"
- 3 Insert "sec. 3"
- 4
- 5 Page 38, line 10:
- 6 Delete "sec. 5"
- 7 Insert "sec. 4"
- 8
- 9 Page 38, line 11:
- 10 Delete "sec. 11"
- 11 Insert "sec. 10"
- 12 Delete "sec. 12"
- 13 Insert "sec. 11"
- 14
- 15 Page 38, line 12:
- 16 Delete "sec. 13"
- 17 Insert "sec. 12"
- 18
- 19 Page 38, line 14:
- 20 Delete "secs. 2 - 5, 11 - 13, and 29"
- 21 Insert "secs. 1 - 4, 10 - 12, and 29"
- 22
- 23 Page 38, line 30:
- 24 Delete "Rule 6(s)"
- 25 Insert "AS 12.40.110(a), as amended by sec. 14 of this Act, and Rule 6(s)(2)"
- 26 Delete "sec. 46"
- 27 Insert "secs. 14 and 46"
- 28
- 29 Page 38, line 31:
- 30 Delete "applies"
- 31 Insert "apply"

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 66(JUD), Draft Version "Y"

1 Page 1, line 6, following "**violence**";":

2 Insert "**relating to the use and possession of electronic devices by prisoners;**"

3

4 Page 2, line 11:

5 Delete "sec. 46"

6 Insert "sec. 47"

7

8 Page 24, following line 30:

9 Insert a new bill section to read:

10 **"* Sec. 31.** AS 33.30.015(a) is amended to read:

11 (a) The commissioner may not

12 (1) make per capita expenditures for food for prisoners in a state
13 correctional facility operated by the state that exceed 90 percent of per capita
14 expenditures for food that is available to enlisted personnel in the United States Army
15 stationed in the state;

16 (2) provide, in a state correctional facility operated by the state,

17 (A) living quarters for a prisoner into which the view is
18 obstructed; however, the commissioner is not required to renovate a facility to
19 comply with this subparagraph if the facility is being used as a correctional
20 facility on August 27, 1997, or if the facility was already built before being
21 acquired by the department;

22 (B) equipment or facilities for publishing or broadcasting
23 material the content of which is not subject to prior approval by the department

1 (F) possess or have access to free weights;

2 (G) possess in the prisoner's cell a coffee pot, hot plate,
3 appliance or heating element for food preparation, or more than three electrical
4 appliances of any kind;

5 (H) possess or appear in a state of dress, hygiene, grooming, or
6 appearance other than as permitted as uniform or standard in the correctional
7 facility;

8 (I) use a computer or electronic tablet other than those
9 approved by the correctional facility; the use of a computer or electronic
10 tablet under this subparagraph may be approved only to facilitate the
11 prisoner's rehabilitation or the prisoner's compliance with a reentry plan
12 or case plan developed under AS 33.30.011, as part of the prisoner's
13 employment, education, [OR] vocational training, access to legal reference
14 materials, visitation, or health care, or for another purpose identified by
15 the commissioner in regulation, and may not be used for any other purpose;

16 (J) smoke or use tobacco products of any kind."
17

18 Renumber the following bill sections accordingly.

19
20 Page 38, line 30:

21 Delete "sec. 46"

22 Insert "sec. 47"

23
24 Page 38, line 31:

25 Delete "sec. 46"

26 Insert "sec. 47"

27
28 Page 39, line 1:

29 Delete "sec. 46"

30 Insert "sec. 47"

31

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 66(JUD), Draft Version "Y"

1 Page 1, line 6, following "offense";":

2 Insert "establishing the process for vacating judgments for certain convictions of
3 prostitution; relating to victim confidentiality;"

4

5 Page 2, line 11:

6 Delete "sec. 46"

7 Insert "sec. 57"

8

9 Page 2, following line 12:

10 Insert a new bill section to read:

11 "* **Sec. 2.** AS 09.25.400 is amended to read:

12 **Sec. 09.25.400. Privilege relating to domestic violence, sex trafficking, and**
13 **sexual assault counseling.** Confidential communications between a victim of
14 domestic violence, sex trafficking, or sexual assault and a victim counselor are
15 privileged under AS 18.66.200 - 18.66.250."

16

17 Renumber the following bill sections accordingly.

18

19 Page 9, following line 21:

20 Insert a new bill section to read:

21 "* **Sec. 16.** AS 12.45.049 is amended to read:

22 **Sec. 12.45.049. Privilege relating to domestic violence, sex trafficking, and**
23 **sexual assault counseling.** Confidential communications between a victim of

1 (b) There is a rebuttable presumption that a person who was under 21 years of
 2 age at the time of an offense under AS 11.66.100 was or would have been a victim of
 3 sex trafficking.

4 **Sec. 12.72.120. Vacation of judgment.** (a) If the court grants the petition for a
 5 vacation of judgment,

6 (1) the judgment of conviction or adjudication of delinquency for
 7 prostitution under AS 11.66.100 or a similar municipal ordinance shall be vacated;

8 (2) the Alaska Court System may not publish on a publicly available
 9 Internet website the court records of the conviction for prostitution under
 10 AS 11.66.100 or a similar municipal ordinance if the person was not convicted of a
 11 felony charge in that case; and

12 (3) the Department of Public Safety may not release information
 13 related to the conviction for prostitution under AS 11.66.100 or a similar municipal
 14 ordinance in response to a request under AS 12.62.160(b)(6), (8), or (9).

15 (b) The Alaska Court System shall remove a person's court records from a
 16 publicly available Internet website under (a)(2) of this section within 30 days after the
 17 court grants a petition for vacation of judgment."
 18

19 Renumber the following bill sections accordingly.

20
 21 Page 23, following line 8:

22 Insert new bill sections to read:

23 **** Sec. 32.** AS 18.66.210 is amended to read:

24 **Sec. 18.66.210. Exceptions.** The privilege provided under AS 18.66.200 does
 25 not apply to

- 26 (1) reports of suspected child abuse or neglect under AS 47.17;
 27 (2) evidence that the victim is about to commit a crime;
 28 (3) a proceeding that occurs after the victim's death;
 29 (4) a communication relevant to an issue of breach by the victim or
 30 victim counselor of a duty arising out of the victim-victim counselor relationship;
 31 (5) a communication that is determined to be admissible hearsay as an

1 services to victims for trauma resulting from [A] sexual assault, sex
 2 trafficking, or domestic violence;

3 (B) is not affiliated with a law enforcement agency or a
 4 prosecutor's office; and

5 (C) is not on contract with the state to provide services under
 6 AS 47;

7 * **Sec. 37.** AS 18.66.250(6) is amended to read:

8 (6) "victim counselor" means an employee or supervised volunteer of a
 9 victim counseling center that provides counseling to victims

10 (A) who has undergone a minimum of 40 hours of training in
 11 sex trafficking, domestic violence, or sexual assault, crisis intervention, victim
 12 support, treatment, and related areas; or

13 (B) whose duties include victim counseling."
 14

15 Renumber the following bill sections accordingly.
 16

17 Page 23, following line 29:

18 Insert a new bill section to read:

19 *** Sec. 39.** AS 18.85.100(c) is amended to read:

20 (c) An indigent person is entitled to representation under (a) and (b) of this
 21 section for purposes of bringing a timely application for post-conviction relief or
 22 petition for vacation of judgment under AS 12.72. An indigent person is not entitled
 23 to representation under (a) and (b) of this section for purposes of bringing

24 (1) an untimely or successive application for post-conviction relief or
 25 petition for vacation of judgment under AS 12.72 or an untimely or successive
 26 motion for reduction or modification of sentence;

27 (2) a petition for review or certiorari from an appellate court ruling on
 28 an application for post-conviction relief; or

29 (3) an action or claim for habeas corpus in federal court attacking a
 30 state conviction."
 31

- 1 Delete "sec. 12"
- 2 Insert "sec. 13"
- 3
- 4 Page 38, line 12:
 - 5 Delete "sec. 13"
 - 6 Insert "sec. 14"
 - 7 Delete "sec. 19"
 - 8 Insert "sec. 21"
 - 9
- 10 Page 38, line 13:
 - 11 Delete "sec. 29"
 - 12 Insert "sec. 38"
 - 13
- 14 Page 38, line 14:
 - 15 Delete "secs. 2 - 5, 11 - 13, and 29"
 - 16 Insert "secs. 3 - 6, 12 - 14, and 38"
 - 17
- 18 Page 38, line 16:
 - 19 Delete "sec. 23"
 - 20 Insert "sec. 25"
 - 21 Delete "sec. 24"
 - 22 Insert "sec. 26"
 - 23
- 24 Page 38, line 17:
 - 25 Delete "sec. 25"
 - 26 Insert "sec. 27"
 - 27
- 28 Page 38, line 19:
 - 29 Delete "secs. 23 - 25"
 - 30 Insert "secs. 25 - 27"
 - 31

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Page 38, line 31:

Delete "sec. 46"

Insert "sec. 57"

Page 39, line 1:

Delete "sec. 46"

Insert "sec. 57"

Page 39, following line 1:

Insert new subsections to read:

"(g) The following sections apply to communications made on or after the effective date of those sections relating to offenses occurring on or after the effective date of those sections:

- (1) AS 09.25.400, as amended by sec. 2 of this Act;
- (2) AS 12.45.049, as amended by sec. 16 of this Act;
- (3) AS 18.66.210, as amended by sec. 32 of this Act;
- (4) AS 18.66.250(1), as amended by sec. 33 of this Act;
- (5) AS 18.66.250(3), as amended by sec. 34 of this Act;
- (6) AS 18.66.250(4), as amended by sec. 35 of this Act;
- (7) AS 18.66.250(5), as amended by sec. 36 of this Act;
- (8) AS 18.66.250(6), as amended by sec. 37 of this Act.

(h) AS 12.72.100 - 12.72.120, enacted by sec. 30 of this Act, and AS 18.85.100(c), as amended by sec. 39 of this Act, apply to petitions filed on or after the effective date of sec. 30 of this Act for conduct occurring before, on, or after the effective date of secs. 30 and 39 of this Act."

Page 39, line 5:

Delete "sec. 46" in both places

Insert "sec. 57" in both places

33-GH1482N
C. Radford
5/2/24

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

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

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

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to criminal law and procedure; relating to homicide resulting from**
2 **conduct involving controlled substances; 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 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;

1 (b) In this section, "present" means physically present or within hearing of the
2 assault.

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

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

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

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

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

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

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

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

19 (6) the defendant has been previously convicted of a crime, or an
20 attempt or solicitation to commit a crime, under (A) 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, 11.61.120, or (B) a
22 law or an ordinance of this or another jurisdiction with elements similar to a crime, or
23 an attempt or solicitation to commit a crime, under 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, or 11.61.120,
25 involving the same victim as the present offense.

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

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

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

- 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;

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

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

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

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

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

12 or

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

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

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

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

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

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

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

31 (iii) methamphetamine, or its salts, isomers, or salts of

1 committed under AS 12.47.090(c). The court may order the defendant to be committed
2 to a secure facility for the purpose of the examination for not more than 60 days or **for**
3 **a** [SUCH] longer period as the court determines to be necessary for the purpose and
4 may direct that a qualified psychiatrist retained by the defendant be permitted to
5 witness and participate in the examination.

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

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

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

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

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

31 (2) the defendant's mental condition;

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

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

5 * **Sec. 21.** AS 12.55.045(a) is amended to read:

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

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

25 (2) financial burden placed on the victim and those who provide
26 services to the victim and other persons injured by the offense as a result of the
27 criminal conduct of the defendant.

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

29 (c) Except as provided in (i) of this section, a defendant convicted of a class A
30 felony may be sentenced to a definite term of imprisonment of not more than 20 years,
31 and shall be sentenced to a definite term within the following presumptive ranges,

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

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

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

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

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

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

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

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

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

24 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B),
25 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor
26 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault
27 in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a
28 minor in the first degree, or sex trafficking in the first degree under
29 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
30 than 99 years and shall be sentenced to a definite term within the following
31 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

1 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 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 offender or child kidnapper has supplied proof that is acceptable to the
2 department of the unconditional discharge; the registration period under this
3 subparagraph

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

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

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

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

23 * **Sec. 32.** AS 12.63.100(7) is amended to read:

24 (7) "sex offense" means

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

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

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

2 (A) a violation, or an attempt, solicitation, or conspiracy to
3 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,
4 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

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

7 (C) felony indecent viewing or production of a picture under
8 AS 11.61.123;

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

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

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

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

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

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

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

21 or

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

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

25 (B) reckless endangerment under AS 11.41.250;

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

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

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

31 * **Sec. 36.** AS 47.12.110(d) is amended to read:

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

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

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

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

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

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

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

1 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 amended by sec. 83, ch. 4, FSSLA 2019 [OF THIS ACT];

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

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

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

7 (A) AS 12.63.020(a)(1), as amended by sec. 83, ch. 4, FSSLA
8 2019;

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

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

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

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

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

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

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

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.

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: 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: 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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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: Cory Baggen [REDACTED]
Sent: Thursday, May 2, 2024 1:34 PM
To: Senate Judiciary; Sen. Matt Claman; Sen. Jesse Kiehl; Sen. James Kaufman; Sen. Cathy Giessel; Sen. Löki Tobin; Senate Finance Committee; Sen. Lyman Hoffman; Sen. Donny Olson; Sen. Bert Stedman; Sen. Click Bishop; Sen. Kelly Merrick; Sen. David Wilson
Subject: Support for Senate CS for HB66 (JUD)
Follow Up Flag: Follow up
Flag Status: Flagged

Chairman Claman and members of the Senate Judiciary Committee,
Thank you for introducing draft Senate Committee Substitute (CS) for HB66 (JUD).
I strongly support this draft CS (33-GH1482\Y).

On behalf of myself, the Baggen family and especially my late sister Jessica Baggen, we thank you. It is tremendously encouraging to see the Senate, the House, and the Governor all working together to protect and help Alaska crime victims and survivors. This bipartisan effort and support for survivors and victims of crime gives us hope.

Please support and pass Senate CS for HB66 (JUD).

I'm truly thankful for your willingness to serve our great state. I know you work so hard work on these important public policy changes and I want you to know you are appreciated!

Respectfully,

Cory Baggen
[REDACTED]

Breanna Kakaruk

From: 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



DISABILITY LAW CENTER

8711 Teal Street, Suite 303
Juneau AK 99801

www.dlcak.org

May 1, 2024

by scan and e-mail to Senate.Judiciary@akleg.gov

The Honorable Matt Claman, Chair
Senate Judiciary Committee
Alaska State Legislature
Juneau, Alaska 99811

Re: Holding people in hospital emergency rooms and other unsuitable places: section 36 of SCSHB 66

Dear Chair Claman and Members of the Committee:

The portion of SCSHB 66 that would effectively allow someone's liberties to be curtailed for an extendable seven-day period, held at a police station or local hospital which does not provide adequate mental health treatment, ought to be deleted from the bill. The first subsection of section 36 of the bill requires authorities "immediately" to take a person facing civil commitment, once a judge has issued an ex parte order for evaluation, to a crisis residential center or evaluation facility for evaluation. Other subsections, however, suggest that "immediately" means "after seven days at a hospital emergency room or other non-therapeutic facility, maybe more."

SB 53 originally addressed, and continues to address, a different civil commitment issue. The Senate amended it on the floor to put in what at that time was an up-to-10-days expandable pre-evaluation hold period. No one has explained, at least not in a committee hearing, why this amendment was necessary. It's our view that the seven-day hold period in the current bill will not relieve the Department of its obligation to find a way to do evaluations even if a place like API is at capacity, an obligation to which it agreed in the settlement of the Disability Law Center v. State case. The Senate committee substitute will, however, make it easier for all concerned, except the person being held and his or her attorneys, to ignore the fact that someone is being held in the wrong place under non-therapeutic conditions without anyone having evaluated him or her.

Please delete the expandable seven-day pre-evaluation hold period from the bill.

Sincerely,


Mark Regan
Legal Director

THE PROTECTION AND ADVOCACY SYSTEM FOR THE STATE OF ALASKA

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1-800-478-1234

Fax (907) 565-1000

Assistance with SSI Application Phone (907) 312-8615 Fax 907-586-1066



Feb. 27th, 2023

Re: Oppose HB66

Dear Legislators,

We are writing to urge you to vote no on HB66, **"An Act relating to homicide resulting from conduct involving controlled substances; 2 relating to the computation of good time; and providing for an effective date."**

Our main concern is "the person knowingly manufactures or **delivers** a controlled 21 substance in violation of AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule 22 IVA controlled substances, and a person dies as a direct result of ingestion of the 23 controlled substance; the death is a result that does not require a culpable mental 24 state; in this paragraph, "ingestion" mean voluntarily or involuntarily taking a 25 substance into the body in any manner.

Alaskans suffering from substance use and addictions will sometimes share with or sell to others in their circle. If an overdose results from that exchange, the person will fear calling 911 to save their friend's life and being charged with homicide. This is a bad bill that seeks to punish an already vulnerable population. If the intent was not necessarily to profit from selling drugs but to support a personal habit or partake in sharing their drugs, this bill does nothing to remedy the actual issue of what is driving addiction, nor the underlying causes of addiction. We cannot incarcerate our way out of drug or alcohol misuse. Alaskans deserve better, and the legislature can do better by spending time looking at this issue rather than throwing bad laws at it. Putting effort into prevention and treatment for Alaskans, creating treatment and prevention resources to make lives healthier and safer will be a long term successful plan.



May 1, 2024

The Honorable Matt Claman, Chair
Senate Judiciary Committee
Alaska Capitol Building
Juneau, AK 99801

Re: House Bill 66 (Version Y)

Dear Chairman Claman,

The ACLU of Alaska writes to express our concerns about Version Y of House Bill (HB) 66, which was introduced in the Senate Judiciary Committee on Monday and packages together HB 66 with SB 53, SB 65, and HB 265.

As we have stated to this and other committees, we appreciate the legislature's desire to address the state's overdose death crisis, gaps in Alaska's civil commitment system that have led to harm, and ways to reduce the trauma of criminal prosecutions on victims.

However, we are opposed to HB 66 because it represents a serious and broad erosion of Alaskans' constitutional rights, and relies on ineffective strategies to address a public health overdose crisis.

Instead of further criminalizing drug use, we urge you strengthen Alaska's Good Samaritan statutes to reduce overdose deaths. AS 11.71.311 provides immunity from prosecution for certain charges of possession of a controlled substance, when a person seeks assistance for someone experiencing a drug overdose. This type of protection can help save lives, especially when backed by strong public and law enforcement awareness, by reducing hesitancy to call first responders. HB 66 should:

- Expand the category of offenses to which the Good Samaritan statute applies, including all types of drug possession and other types of drug offenses, such as delivery and the proposed charges under Sec. 2 and Sec. 3 of the bill.
- Expand applicability of Good Samaritan statute to include immunity from arrest and charging. Forty-one states provide this type of immunity.¹
- Provide immunity from revocation of pretrial release, probation, and parole in situations where calling for assistance would constitute a violation.

Such steps will be more effective than HB 66's purely punitive approach, which has been shown to deter people from seeking help rather than deterring distribution of dangerous drugs. Alaska cannot overcome its overdose epidemic by relying on Alaska's prison system, where 80 percent of people have a substance use disorder. Prison is not an appropriate place to store people while they detox or go through withdrawal, which often occurs in isolation. Access to appropriate care, and

¹ U.S. Government Accountability Office, GAO-21-248, *Drug Misuse: Most States Have Good Samaritan Laws and Research Indicates They May Have Positive Effects*, Page 14, available at <https://www.gao.gov/assets/gao-21-248.pdf>.



ALASKA STATE LEGISLATURE

Senate Judiciary Committee

SEN. MATT CLAMAN

Chairman
State Capitol, Room 429
Juneau, AK 99801
907.465.4919

Senator Jesse Kiehl, Vice Chair
Senator Cathy Giessel

Senator James Kaufman
Senator Lōki Tobin

House Bill 66 Summary of Changes

Senate Judiciary Committee: Version Y to Version N

In the Committee Substitute to HB 66 version N we included the following changes:

- **Add “affirmative defense in to murder in the second degree” provisions:**
 - Sec. 2 11.31.110, page 2, line 19
 - Delete "11.41.110(a)"
 - Insert: “Sec. 11.41.110. Murder in the second degree. (a)”
 - Sec. 2 11.31.110, page 2, line 21
 - Delete the first occurrence of “a”
 - Insert “another”
 - Add new materials on page 3, lines 22-31 and page 4, lines 1-3
 - Sec. 2 11.31.110, page 3, line 19
 - Delete the first occurrence of “a”
 - Insert “another”
 - Update applicability to include murder in the second degree provisions
- **Sec. 30 AS 12.63.010, page 22**
 - Delete “appear in person at and” in two instances.
- **Sec. 47.30.706(b), page 30, line 22**
 - Delete “after entry of the ex parte order.”
 - Insert “after the respondent’s arrival at the evaluation facility”
- **Sec. 47.30.715, page 31, line 11**
 - Delete “under AS 47.30.705(a) or 47.30.706
- **Sec. 47.30.715, page 31, line 22**
 - Delete “section, AS 47.30.705(a), or 47.30.706”
 - Insert “AS 47.30.700 – 47.30.815”
- **Adding new legislation**
 - HB 11: CRIME: ASSAULT IN THE PRESENCE OF A CHILD
 - HB 28: ACCESS TO MARIJUANA CONVICTION RECORDS