



# LAWS OF ALASKA

2016

**Source**

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**Chapter No.**

36

**AN ACT**

Relating to civil in rem forfeiture actions; relating to criminal law and procedure; relating to controlled substances; relating to victims of criminal offenses; relating to probation; relating to sentencing; relating to treatment program credit for time spent toward service of a sentence of imprisonment; relating to the Violent Crimes Compensation Board; establishing a pretrial services program with pretrial services officers in the Department of Corrections; relating to permanent fund dividends; relating to electronic monitoring; relating to penalties for violations of municipal ordinances; relating to parole; relating to correctional restitution centers; relating to community work service; relating to revocation, termination, suspension, cancellation, or restoration of a driver's license; relating to identification cards and driver's licenses for parolees; relating to the disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to the duties of the commissioner of corrections; amending Rules 32, 32.1, 38, and 43, Alaska Rules of Criminal Procedure; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Relating to civil in rem forfeiture actions; relating to criminal law and procedure; relating to  
2 controlled substances; relating to victims of criminal offenses; relating to probation; relating  
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4 of imprisonment; relating to the Violent Crimes Compensation Board; establishing a pretrial  
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6 permanent fund dividends; relating to electronic monitoring; relating to penalties for  
7 violations of municipal ordinances; relating to parole; relating to correctional restitution  
8 centers; relating to community work service; relating to revocation, termination, suspension,  
9 cancellation, or restoration of a driver's license; relating to identification cards and driver's  
10 licenses for parolees; relating to the disqualification of persons convicted of certain felony  
11 drug offenses from participation in the food stamp and temporary assistance programs;

1 relating to the duties of the commissioner of corrections; amending Rules 32, 32.1, 38, and  
2 43, Alaska Rules of Criminal Procedure; and providing for an effective date.

3 \_\_\_\_\_  
4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 LEGISLATIVE INTENT. (a) It is the intent of the legislature that, if the taxes  
7 collected under AS 43.61.010 are lower than projected for fiscal year 2017, the legislature  
8 appropriate funds from the alcohol and other drug abuse treatment and prevention fund  
9 established in AS 43.60.050 to cover the shortfall.

10 (b) It is the intent of the legislature that reinvestment of excess funds be made into  
11 providing additional law enforcement resources in communities throughout the state.

12 \* **Sec. 2.** AS 04.16.160(a) is amended to read:

13 (a) Except as otherwise provided by law, a person who is 21 years of age or  
14 older may not purchase alcoholic beverages if the person has been ordered to refrain  
15 from consuming alcoholic beverages under AS 12.55.015(a)(13) or as part of a  
16 sentence for conviction of a crime under AS 28.35.030, 28.35.032, or a similar  
17 municipal ordinance, [OR] as a condition of probation or parole from a conviction  
18 under AS 28.35.030, 28.35.032, or a similar municipal ordinance, **or as a condition of**  
19 **probation or parole for any other crime.** The restriction on purchasing alcoholic  
20 beverages applies during the period that the person is required to refrain from  
21 consuming alcoholic beverages under the sentence or condition of probation or parole.

22 \* **Sec. 3.** AS 09.55 is amended by adding a new section to read:

23 **Article 10. Civil in rem Forfeiture.**

24 **Sec. 09.55.700. In rem civil forfeiture actions.** Common law civil in rem  
25 forfeiture actions are abolished if used instead of a criminal proceeding.

26 \* **Sec. 4.** AS 11.41.110(a) is amended to read:

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

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

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

4 (3) under circumstances not amounting to murder in the first degree  
5 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the  
6 person commits or attempts to commit arson in the first degree, kidnapping, sexual  
7 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor  
8 in the first degree, sexual abuse of a minor in the second degree, burglary in the first  
9 degree, escape in the first or second degree, robbery in any degree, or misconduct  
10 involving a controlled substance under AS 11.71.010(a), 11.71.030(a)(1), (2), or (4) -  
11 (8) [11.71.020(a), 11.71.030(a)(1) OR (2)], or 11.71.040(a)(1) or (2) and, in the course  
12 of or in furtherance of that crime or in immediate flight from that crime, any person  
13 causes the death of a person other than one of the participants;

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

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

21 (A) a felony violation of AS 11.41;

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

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

26 \* **Sec. 5.** AS 11.41.150(a) is amended to read:

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

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

30 (2) with intent to cause serious physical injury to an unborn child or to  
31 another person or knowing that the conduct is substantially certain to cause death or

1 serious physical injury to an unborn child or to another person, causes the death of an  
2 unborn child;

3 (3) while acting alone or with one or more persons, commits or  
4 attempts to commit arson in the first degree, kidnapping, sexual assault in the first  
5 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,  
6 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the  
7 first or second degree, robbery in any degree, or misconduct involving a controlled  
8 substance under AS 11.71.010(a), **11.71.030(a)(1), (2), or (4) - (8)** [11.71.020(a),  
9 11.71.030(a)(1) OR (2)], or 11.71.040(a)(1) or (2), and, in the course of or in  
10 furtherance of that crime or in immediate flight from that crime, any person causes the  
11 death of an unborn child;

12 (4) knowingly engages in conduct that results in the death of an unborn  
13 child under circumstances manifesting an extreme indifference to the value of human  
14 life; for purposes of this paragraph, a pregnant woman's decision to remain in a  
15 relationship in which domestic violence, as defined in AS 18.66.990, has occurred  
16 does not constitute conduct manifesting an extreme indifference to the value of human  
17 life.

18 \* **Sec. 6.** AS 11.46.130(a) is amended to read:

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

21 (1) the value of the property or services, **adjusted for inflation as**  
22 **provided in AS 11.46.982**, is **\$1,000** [\$750] or more but less than \$25,000;

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

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

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

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

29 (6) the value of the property, **adjusted for inflation as provided in**  
30 **AS 11.46.982**, is \$250 or more but less than **\$1,000** [\$750] and, within the preceding  
31 five years, the person has been convicted and sentenced on two or more separate

1 occasions in this or another jurisdiction of

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

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

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

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

10 (7) the property is an access device.

11 \* **Sec. 7.** AS 11.46.140(a) is amended to read:

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

14 (1) the value of the property or services, **adjusted for inflation as**  
15 **provided in AS 11.46.982**, is \$250 or more but less than **\$1,000** [\$750]; or

16 (2) [REPEALED]

17 (3) the value of the property is less than \$250 and, within the past five  
18 years, the person has been convicted and sentenced on two or more separate occasions  
19 in this or another jurisdiction of theft or concealment of merchandise, or an offense  
20 under another law or ordinance with similar elements.

21 \* **Sec. 8.** AS 11.46.150(a) is amended to read:

22 (a) A person commits the crime of theft in the fourth degree if the person  
23 commits theft as defined in AS 11.46.100 and the value of the property or services,  
24 **adjusted for inflation as provided in AS 11.46.982**, is less than \$250.

25 \* **Sec. 9.** AS 11.46.220(c) is amended to read:

26 (c) Concealment of merchandise is

27 (1) a class C felony if

28 (A) the merchandise is a firearm;

29 (B) the value of the merchandise, **adjusted for inflation as**  
30 **provided in AS 11.46.982**, is **\$1,000** [\$750] or more; or

31 (C) the value of the merchandise, **adjusted for inflation as**

1 **provided in AS 11.46.982**, is \$250 or more but less than **\$1,000** [\$750] and,  
2 within the preceding five years, the person has been convicted and sentenced  
3 on two or more separate occasions in this or another jurisdiction of

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

7 (ii) an offense under AS 11.46.120, 11.46.130, or  
8 11.46.140(a)(1), or an offense under another law or ordinance with  
9 similar elements;

10 (2) a class A misdemeanor if

11 (A) the value of the merchandise, **adjusted for inflation as**  
12 **provided in AS 11.46.982**, is \$250 or more but less than **\$1,000** [\$750]; or

13 (B) the value of the merchandise is less than \$250 and, within  
14 the preceding five years, the person has been convicted and sentenced on two  
15 or more separate occasions of the offense of concealment of merchandise or  
16 theft in any degree, or an offense under another law or ordinance with similar  
17 elements;

18 (3) a class B misdemeanor if the value of the merchandise, **adjusted**  
19 **for inflation as provided in AS 11.46.982**, is less than \$250.

20 \* **Sec. 10.** AS 11.46.260(b) is amended to read:

21 (b) Removal of identification marks is

22 (1) a class C felony if the value of the property on which the serial  
23 number or identification mark appeared, **adjusted for inflation as provided in**  
24 **AS 11.46.982**, is **\$1,000** [\$750] or more;

25 (2) a class A misdemeanor if the value of the property on which the  
26 serial number or identification mark appeared, **adjusted for inflation as provided in**  
27 **AS 11.46.982**, is \$250 or more but less than **\$1,000** [\$750];

28 (3) a class B misdemeanor if the value of the property on which the  
29 serial number or identification mark appeared, **adjusted for inflation as provided in**  
30 **AS 11.46.982**, is less than \$250.

31 \* **Sec. 11.** AS 11.46.270(b) is amended to read:

1 (b) Unlawful possession is

2 (1) a class C felony if the value of the property on which the serial  
3 number or identification mark appeared, **adjusted for inflation as provided in**  
4 **AS 11.46.982**, is **\$1,000** [\$750] or more;

5 (2) a class A misdemeanor if the value of the property on which the  
6 serial number or identification mark appeared, **adjusted for inflation as provided in**  
7 **AS 11.46.982**, is \$250 or more but less than **\$1,000** [\$750];

8 (3) a class B misdemeanor if the value of the property on which the  
9 serial number or identification mark appeared, **adjusted for inflation as provided in**  
10 **AS 11.46.982**, is less than \$250.

11 \* **Sec. 12.** AS 11.46.280(d) is amended to read:

12 (d) Issuing a bad check is

13 (1) a class B felony if the face amount of the check, **adjusted for**  
14 **inflation as provided in AS 11.46.982**, is \$25,000 or more;

15 (2) a class C felony if the face amount of the check, **adjusted for**  
16 **inflation as provided in AS 11.46.982**, is **\$1,000** [\$750] or more but less than  
17 \$25,000;

18 (3) a class A misdemeanor if the face amount of the check, **adjusted**  
19 **for inflation as provided in AS 11.46.982**, is \$250 or more but less than **\$1,000**  
20 **[\$750]**;

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

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

24 (b) Fraudulent use of an access device is

25 (1) a class B felony if the value of the property or services obtained,  
26 **adjusted for inflation as provided in AS 11.46.982**, is \$25,000 or more;

27 (2) a class C felony if the value of the property or services obtained,  
28 **adjusted for inflation as provided in AS 11.46.982**, is **\$1,000** [\$750] or more but  
29 less than \$25,000;

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

1           [\$750].

2   \* **Sec. 14.** AS 11.46.295 is amended to read:

3           **Sec. 11.46.295. Prior convictions.** For purposes of considering prior  
4   convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) [OR  
5   11.46.140(a)(3),] or in prosecuting the crime of concealment of merchandise under  
6   AS 11.46.220(c),

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

10                   (2) a conviction for an offense under Alaska law where the value of the  
11   property or services for the offense was lower than the value of property or services  
12   for the offense under current Alaska law is a prior conviction for that offense; and

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

15   \* **Sec. 15.** AS 11.46.360(a) is amended to read:

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

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

21                   (2) the propelled vehicle of another and

22                           (A) the vehicle or any other property of another is damaged in a  
23   total amount, **adjusted for inflation as provided in AS 11.46.982, of \$1,000**  
24   [\$750] or more;

25                           (B) the owner incurs reasonable expenses as a result of the loss  
26   of use of the vehicle, in a total amount, **adjusted for inflation as provided in**  
27   **AS 11.46.982, of \$1,000** [\$750] or more; or

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

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

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

3 (A) this section or AS 11.46.365;

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

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

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

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

11 \* **Sec. 16.** AS 11.46.420(a) is amended to read:

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

14 (1) by starting a fire or causing an explosion while that vehicle is  
15 located on **public** [STATE OR MUNICIPAL] land; **or**

16 (2) **that is the property of another person by starting a fire or**  
17 **causing an explosion while that vehicle is located on private property.**

18 \* **Sec. 17.** AS 11.46.460 is amended to read:

19 **Sec. 11.46.460. Disregard of a highway obstruction.** (a) A person commits  
20 the **offense** [CRIME] of disregard of a highway obstruction if, without the right to do  
21 so or a reasonable ground to believe the person has the right, the person

22 (1) drives a vehicle through, over, or around an obstruction erected **on**  
23 [UPON] a highway under authority of AS 19.10.100; or

24 (2) opens an obstruction erected **on** [UPON] a highway under authority  
25 of AS 19.10.100.

26 (b) Violation of this section is a **violation punishable by a fine of not more**  
27 **than \$1,000** [CLASS B MISDEMEANOR].

28 \* **Sec. 18.** AS 11.46.482(a) is amended to read:

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

1 (1) with intent to damage property of another, the person damages  
2 property of another in an amount, **adjusted for inflation as provided in**  
3 **AS 11.46.982**, of **\$1,000** [\$750] or more;

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

6 (3) the person knowingly

7 (A) defaces, damages, or desecrates a cemetery or the contents  
8 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,  
9 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or  
10 memorial appears to be abandoned, lost, or neglected;

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

14 \* **Sec. 19.** AS 11.46.484(a) is amended to read:

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

18 (1) with intent to damage property of another, the person damages  
19 property of another in an amount, **adjusted for inflation as provided in**  
20 **AS 11.46.982**, of \$250 or more but less than **\$1,000** [\$750];

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

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

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

29 (5) the person knowingly removes, relocates, defaces, alters, obscures,  
30 shoots at, destroys, or otherwise tampers with an official traffic control device or  
31 damages the work **on** [UPON] a highway under construction.

1 \* **Sec. 20.** AS 11.46.486(a) is amended to read:

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

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

8 (2) with intent to damage property of another, the person damages  
9 property of another in an amount, **adjusted for inflation as provided in**  
10 **AS 11.46.982**, less than \$250; or

11 (3) the person rides in a propelled vehicle knowing it has been stolen  
12 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

13 \* **Sec. 21.** AS 11.46.530(b) is amended to read:

14 (b) Criminal simulation is

15 (1) a class C felony if the value of what the object purports to  
16 represent, **adjusted for inflation as provided in AS 11.46.982**, is **\$1,000** [\$750] or  
17 more;

18 (2) a class A misdemeanor if the value of what the object purports to  
19 represent, **adjusted for inflation as provided in AS 11.46.982**, is \$250 or more but  
20 less than **\$1,000** [\$750];

21 (3) a class B misdemeanor if the value of what the object purports to  
22 represent, **adjusted for inflation as provided in AS 11.46.982**, is less than \$250.

23 \* **Sec. 22.** AS 11.46.620(d) is amended to read:

24 (d) Misapplication of property is

25 (1) a class C felony if the value of the property misapplied, **adjusted**  
26 **for inflation as provided in AS 11.46.982**, is **\$1,000** [\$750] or more;

27 (2) a class A misdemeanor if the value of the property misapplied,  
28 **adjusted for inflation as provided in AS 11.46.982**, is less than **\$1,000** [\$750].

29 \* **Sec. 23.** AS 11.46.730(c) is amended to read:

30 (c) Defrauding creditors is a class A misdemeanor unless that secured party,  
31 judgment creditor, or creditor incurs a pecuniary loss, **adjusted for inflation as**

1 **provided in AS 11.46.982**, of **\$1,000** [\$750] or more as a result **of** [TO] the  
2 defendant's conduct, in which case defrauding secured creditors is

3 (1) a class B felony if the loss, **adjusted for inflation as provided in**  
4 **AS 11.46.982**, is \$25,000 or more;

5 (2) a class C felony if the loss, **adjusted for inflation as provided in**  
6 **AS 11.46.982**, is **\$1,000** [\$750] or more but less than \$25,000.

7 \* **Sec. 24.** AS 11.46.980 is amended by adding a new subsection to read:

8 (d) In making a finding related to the degree or classification of a crime under  
9 this chapter, a court shall refer to the most recent property value threshold set by the  
10 Alaska Judicial Council under AS 11.46.982.

11 \* **Sec. 25.** AS 11.46 is amended by adding a new section to read:

12 **Sec. 11.46.982. Adjustment for inflation increasing the value of property**  
13 **or services as an element of an offense.** (a) The Alaska Judicial Council shall publish  
14 a report on July 1, 2020, calculating the increase in value, if any, of property or  
15 services as an element of an offense in this chapter from a base value of \$250 and  
16 \$1,000, based on a formula provided by the Department of Labor and Workforce  
17 Development, reflecting the change in the Consumer Price Index for the Anchorage  
18 metropolitan area compiled by the Bureau of Labor Statistics, United States  
19 Department of Labor.

20 (b) The Alaska Judicial Council shall, in calculating the price of property or  
21 services as provided in this section,

22 (1) recalculate the base value of property and services of \$250 and  
23 \$1,000 every five years; and

24 (2) report the base value of property and services of \$250 and \$1,000  
25 rounded to the nearest \$50 increment.

26 (c) The Alaska Judicial Council shall publish the report provided in this  
27 section by electronically providing copies of the report

28 (1) to all law enforcement agencies in the state;

29 (2) to the Public Defender Agency;

30 (3) to the office of public advocacy;

31 (4) to the attorney general;

- 1 (5) to the court system;  
2 (6) on the judicial council's Internet website; and  
3 (7) to the senate secretary and the chief clerk of the house of  
4 representatives.

5 \* **Sec. 26.** AS 11.56.730(a) is amended to read:

- 6 (a) A person commits the **offense** [CRIME] of failure to appear if the person  
7 (1) is released under the provisions of AS 12.30;  
8 (2) knows that the person is required to appear before a court or  
9 judicial officer at the time and place of a scheduled hearing; and  
10 (3) with criminal negligence does not appear before the court or  
11 judicial officer at the time and place of the scheduled hearing.

12 \* **Sec. 27.** AS 11.56.730(c) is amended to read:

13 (c) A person who commits failure to appear incurs a forfeiture of any security  
14 for any appearance of the person that was given or pledged to the court for the person's  
15 release [, AND IS GUILTY OF A

16 (1) CLASS C FELONY IF THE PERSON WAS RELEASED IN  
17 CONNECTION WITH A CHARGE OF A FELONY, OR WHILE AWAITING  
18 SENTENCE OR APPEAL AFTER CONVICTION OF A FELONY;

19 (2) CLASS A MISDEMEANOR IF THE PERSON WAS RELEASED  
20 IN CONNECTION WITH A

21 (A) CHARGE OF A MISDEMEANOR, OR WHILE  
22 AWAITING SENTENCE OR APPEAL AFTER CONVICTION OF A  
23 MISDEMEANOR; OR

24 (B) REQUIREMENT TO APPEAR AS A MATERIAL  
25 WITNESS IN A CRIMINAL PROCEEDING].

26 \* **Sec. 28.** AS 11.56.730 is amended by adding new subsections to read:

27 (d) Failure to appear is a

28 (1) class C felony if the person was released in connection with a  
29 charge of a felony or while awaiting sentence or appeal after conviction of a felony  
30 and the person

31 (A) does not make contact with the court or a judicial officer

1 within 30 days after the person does not appear at the time and place of a  
2 scheduled hearing; or

3 (B) does not appear at the time and place of a scheduled  
4 hearing to avoid prosecution;

5 (2) class A misdemeanor if the person was released in connection with  
6 a charge of a misdemeanor, while awaiting sentence or appeal after conviction of a  
7 misdemeanor, or in connection with a requirement to appear as a material witness in a  
8 criminal proceeding, and the person

9 (A) does not make contact with the court or a judicial officer  
10 within 30 days after the person does not appear at the time and place of a  
11 scheduled hearing; or

12 (B) does not appear at the time and place of a scheduled  
13 hearing to avoid prosecution; or

14 (3) violation punishable by a fine of up to \$1,000.

15 (e) In a prosecution for failure to appear under (a) of this section, it is not a  
16 defense that the defendant did not receive a reminder notification from a court or  
17 judicial officer under Rule 38(e), Alaska Rules of Criminal Procedure.

18 \* **Sec. 29.** AS 11.56.757(a) is amended to read:

19 (a) A person commits the **offense** [CRIME] of violation of condition of  
20 release if the person

21 (1) has been charged with a crime or convicted of a crime;

22 (2) has been released under AS 12.30; and

23 (3) violates a condition of release imposed by a judicial officer under  
24 AS 12.30, other than the requirement to appear as ordered by a judicial officer.

25 \* **Sec. 30.** AS 11.56.757(b) is amended to read:

26 (b) Violation of condition of release is **a violation punishable by a fine of up**  
27 **to \$1,000** [(1) A CLASS A MISDEMEANOR IF THE PERSON IS RELEASED  
28 FROM A CHARGE OR CONVICTION OF A FELONY;

29 (2) A CLASS B MISDEMEANOR IF THE PERSON IS RELEASED  
30 FROM A CHARGE OR CONVICTION OF A MISDEMEANOR].

31 \* **Sec. 31.** AS 11.56.759(a) is amended to read:

1 (a) A person commits the crime of violation by sex offender of condition of  
2 probation if the person

3 (1) is on probation for conviction of a sex offense;

4 (2) has served the entire term of incarceration imposed for conviction  
5 of the sex offense; and

6 (3) violates a condition of probation imposed under  
7 AS 12.55.100(a)(2)(E), (a)(2)(F) [AS 12.55.100(a)(5), (a)(6)], or (e), 12.55.101(a)(1),  
8 or any other condition imposed by the court that the court finds to be specifically  
9 related to the defendant's offense.

10 \* **Sec. 32.** AS 11.61.110(c) is amended to read:

11 (c) Disorderly conduct is a class B misdemeanor [AND IS PUNISHABLE AS  
12 AUTHORIZED IN AS 12.55 EXCEPT THAT A SENTENCE OF IMPRISONMENT,  
13 IF IMPOSED, SHALL BE FOR A DEFINITE TERM OF NOT MORE THAN 10  
14 DAYS].

15 \* **Sec. 33.** AS 11.61.145(d) is amended to read:

16 (d) Promoting an exhibition of fighting animals

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

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

19 (A) a violation

20 (i) for the first offense;

21 (ii) punishable by a fine of not more than \$1,000 [, A

22 CLASS B MISDEMEANOR] for the second offense; [,] and

23 (B) a class A misdemeanor for the third and each subsequent  
24 offense.

25 \* **Sec. 34.** AS 11.61.150(a) is amended to read:

26 (a) A person commits the offense [CRIME] of obstruction of highways if the  
27 person knowingly

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

30 (2) renders a highway impassable or passable only with unreasonable  
31 inconvenience or hazard.

1 \* **Sec. 35.** AS 11.61.150(c) is amended to read:

2 (c) Obstruction of highways is a **violation punishable by a fine of not more**  
3 **than \$1,000** [CLASS B MISDEMEANOR].

4 \* **Sec. 36.** AS 11.66.100 is amended by adding a new subsection to read:

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

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

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

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

10 (C) manslaughter under AS 11.41.120;

11 (D) criminally negligent homicide under AS 11.41.130;

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

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

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

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

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

17 (J) sexual assault in the second degree under AS 11.41.420;

18 (K) sexual assault in the third degree under AS 11.41.425;

19 (L) sexual assault in the fourth degree under AS 11.41.427;

20 (M) sexual abuse of a minor in the first degree under  
21 AS 11.41.434;

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

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

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

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

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

30 (S) extortion under AS 11.41.520;

31 (T) coercion under AS 11.41.530;

- (U) distribution of child pornography under AS 11.61.125;
- (V) possession of child pornography under AS 11.61.127;
- (W) sex trafficking in the first degree under AS 11.66.110;
- (X) sex trafficking in the second degree under AS 11.66.120;
- (Y) sex trafficking in the third degree under AS 11.66.130; or
- (Z) sex trafficking in the fourth degree under AS 11.66.135;

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

(3) person cooperated with law enforcement personnel.

\* **Sec. 37.** AS 11.66.110(a) is amended to read:

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

(1) induces or causes **another** [A] person to engage in prostitution through the use of force;

(2) as other than a patron of a prostitute, induces or causes **another** [A] person **who is** under 20 years of age to engage in prostitution; or

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

\* **Sec. 38.** AS 11.66.130(a) is amended to read:

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

(1) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution;

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

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

(4) engages in conduct that institutes, aids, or facilitates a prostitution

1 enterprise.

2 \* **Sec. 39.** AS 11.66.130 is amended by adding a new subsection to read:

3 (c) A person does not act with the intent to promote prostitution under (a) of  
4 this section if the person

5 (1) engages in prostitution in violation of AS 11.66.100(a) in a location  
6 even if that location is shared with another person; and

7 (2) has not induced or caused another person in that location to engage  
8 in prostitution.

9 \* **Sec. 40.** AS 11.66.135 is amended by adding a new subsection to read:

10 (c) A person does not institute, aid, or facilitate prostitution if the person

11 (1) engages in prostitution in violation of AS 11.66.100(a) in a location  
12 even if that location is shared with another person; and

13 (2) has not induced or caused another person in that location to engage  
14 in prostitution.

15 \* **Sec. 41.** AS 11.66.200(c) is amended to read:

16 (c) Gambling is a violation

17 (1) for the first offense;

18 (2) punishable by a fine of not more than \$1,000 [. GAMBLING IS

19 A CLASS B MISDEMEANOR] for the second and each subsequent offense.

20 \* **Sec. 42.** AS 11.71.030(a) is amended to read:

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

24 (1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER  
25 AS 11.71.020(a)(2) - (6),] manufactures or delivers, [ANY AMOUNT OF A  
26 SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] or possesses [ANY  
27 AMOUNT OF A SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] with  
28 intent to manufacture or deliver,

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

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

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

6                    **(D) 50 or more tablets, ampules, or syrettes containing a**  
7                    **schedule IIA or IIIA controlled substance;**

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

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

12                    (A) with reckless disregard that the possession occurs

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

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

15                    or

16                    (B) on a school bus;

17                    **(4) manufactures any material, compound, mixture, or**  
18                    **preparation that contains**

19                    **(A) methamphetamine, or its salts, isomers, or salts of**  
20                    **isomers; or**

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

23                    **(5) possesses an immediate precursor of methamphetamine, or the**  
24                    **salts, isomers, or salts of isomers of the immediate precursor of**  
25                    **methamphetamine, with the intent to manufacture any material, compound,**  
26                    **mixture, or preparation that contains methamphetamine, or its salts, isomers, or**  
27                    **salts of isomers;**

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

30                    **(A) methamphetamine, or its salts, isomers, or salts of**  
31                    **isomers; or**

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

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

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

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

13                   (B) a listed chemical to another person with reckless  
14                   disregard that the listed chemical will be used to manufacture any  
15                   material, compound, 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  
19                                its salts, isomers, or salts of isomers; or

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

22 \* **Sec. 43.** AS 11.71.030(c) is amended to read:

23                    (c) Misconduct involving a controlled substance in the **second** [THIRD]  
24                    degree is a class B felony.

25 \* **Sec. 44.** AS 11.71.030 is amended by adding new subsections to read:

26                    (d) In a prosecution under (a) of this section, possession of more than six  
27                    grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or  
28                    the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that  
29                    the person intended to use the listed chemicals to manufacture, aid or abet another  
30                    person to manufacture, or deliver to another person who intends to manufacture  
31                    methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers

1 of methamphetamine or its immediate precursors. The prima facie evidence described  
2 in this subsection does not apply to a person who possesses

3 (1) the listed chemicals ephedrine, pseudoephedrine,  
4 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

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

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

9 (i) retailer or wholesaler;

10 (ii) wholesale drug distributor licensed by the Board of  
11 Pharmacy;

12 (iii) manufacturer of drug products licensed by the  
13 Board of Pharmacy;

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

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

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

23 (e) In this section, "listed chemical" means a chemical described under  
24 AS 11.71.200.

25 \* **Sec. 45.** AS 11.71.040(a) is amended to read:

26 (a) Except as authorized in AS 17.30, a person commits the crime of  
27 misconduct involving a controlled substance in the **third** [FOURTH] degree if the  
28 person

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

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

5 (3) possesses

6 (A) any amount of a

7 (i) schedule IA controlled substance **listed in**  
8 **AS 11.71.140(e)**; or

9 (ii) IIA controlled substance except a controlled  
10 substance listed in AS 11.71.150(e)(11) - (15);

11 (B) 25 or more tablets, ampules, or syrettes containing a  
12 schedule IIIA or IVA controlled substance;

13 (C) one or more preparations, compounds, mixtures, or  
14 substances of an aggregate weight of

15 (i) three grams or more containing a schedule IIIA or  
16 IVA controlled substance except a controlled substance in a form listed  
17 in (ii) of this subparagraph;

18 (ii) 12 grams or more containing a schedule IIIA  
19 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been  
20 sprayed on or otherwise applied to tobacco, an herb, or another organic  
21 material; or

22 (iii) 500 milligrams or more of a schedule IIA  
23 controlled substance listed in AS 11.71.150(e)(11) - (15);

24 (D) 50 or more tablets, ampules, or syrettes containing a  
25 schedule VA controlled substance;

26 (E) one or more preparations, compounds, mixtures, or  
27 substances of an aggregate weight of six grams or more containing a schedule  
28 VA controlled substance;

29 (F) one or more preparations, compounds, mixtures, or  
30 substances of an aggregate weight of four ounces or more containing a  
31 schedule VIA controlled substance; or

- 1 (G) 25 or more plants of the genus cannabis;
- 2 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance
- 3 (A) with reckless disregard that the possession occurs
- 4 (i) on or within 500 feet of school grounds; or
- 5 (ii) at or within 500 feet of a recreation or youth center;
- 6 or
- 7 (B) on a school bus;
- 8 (5) knowingly keeps or maintains any store, shop, warehouse,
- 9 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for
- 10 keeping or distributing controlled substances in violation of a felony offense under this
- 11 chapter or AS 17.30;
- 12 (6) makes, delivers, or possesses a punch, die, plate, stone, or other
- 13 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
- 14 mark, imprint, or device of another or any likeness of any of these on [UPON] a drug,
- 15 drug container, or labeling so as to render the drug a counterfeit substance;
- 16 (7) knowingly uses in the course of the manufacture or distribution of a
- 17 controlled substance a registration number that is fictitious, revoked, suspended, or
- 18 issued to another person;
- 19 (8) knowingly furnishes false or fraudulent information in or omits
- 20 material information from any application, report, record, or other document required
- 21 to be kept or filed under AS 17.30;
- 22 (9) obtains possession of a controlled substance by misrepresentation,
- 23 fraud, forgery, deception, or subterfuge; [OR]
- 24 (10) affixes a false or forged label to a package or other container
- 25 containing any controlled substance; or
- 26 (11) manufactures or delivers, or possesses with the intent to
- 27 manufacture or deliver,
- 28 (A) one or more preparations, compounds, mixtures, or
- 29 substances of an aggregate weight of less than one gram containing a
- 30 schedule IA controlled substance;
- 31 (B) less than 25 tablets, ampules, or syrettes containing a

1 schedule IA controlled substance;

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

5 (D) less than 50 tablets, ampules, or syrettes containing a  
6 schedule IIA or IIIA controlled substance.

7 \* **Sec. 46.** AS 11.71.040(d) is amended to read:

8 (d) Misconduct involving a controlled substance in the **third** [FOURTH]  
9 degree is a class C felony.

10 \* **Sec. 47.** AS 11.71.050 is amended to read:

11 **Sec. 11.71.050. Misconduct involving a controlled substance in the fourth**  
12 **[FIFTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime of  
13 misconduct involving a controlled substance in the **fourth** [FIFTH] degree if the  
14 person

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

19 (2) possesses

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

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

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

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

31 (iii) 500 milligrams containing a schedule IIA

1 controlled substance listed in AS 11.71.150(e)(11) - (15);

2 (C) less than 50 tablets, ampules, or syrettes containing a  
3 schedule VA controlled substance;

4 (D) one or more preparations, compounds, mixtures, or  
5 substances of an aggregate weight of less than six grams containing a schedule  
6 VA controlled substance; or

7 (E) one or more preparations, compounds, mixtures, or  
8 substances of an aggregate weight of one ounce or more containing a schedule  
9 VIA controlled substance; [OR]

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

12 (4) under circumstances not proscribed under  
13 AS 11.71.040(a)(3)(A)(i) or 11.71.060(a)(2)(B), possesses any amount of a schedule  
14 IA, IIA, IIIA, IVA, VA, or VIA controlled substance.

15 (b) Misconduct involving a controlled substance in the fourth [FIFTH] degree  
16 is a class A misdemeanor.

17 \* **Sec. 48.** AS 11.71.060 is amended to read:

18 **Sec. 11.71.060. Misconduct involving a controlled substance in the fifth**  
19 **[SIXTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime of  
20 misconduct involving a controlled substance in the fifth [SIXTH] degree if the person

21 (1) uses or displays any amount of a schedule VIA controlled  
22 substance;

23 (2) possesses one or more preparations, compounds, mixtures, or  
24 substances of an aggregate weight of

25 (A) less than one ounce containing a schedule VIA controlled  
26 substance;

27 (B) six grams or less containing a schedule IIIA controlled  
28 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or  
29 otherwise applied to tobacco, an herb, or another organic material; or

30 (3) refuses entry into a premise for an inspection authorized under  
31 AS 17.30.

1 (b) Misconduct involving a controlled substance in the **fifth** [SIXTH] degree  
2 is a class B misdemeanor.

3 \* **Sec. 49.** AS 11.71.311(a) is amended to read:

4 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),  
5 11.71.040(a)(3) or (4), **11.71.050(a)(4)** [11.71.050(a)(2)], or 11.71.060(a)(1) or (2) if  
6 that person

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

10 (A) the evidence supporting the prosecution for an offense  
11 under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), **11.71.050(a)(4)**  
12 [11.71.050(a)(2)], or 11.71.060(a)(1) or (2) was obtained or discovered as a  
13 result of the person seeking medical or law enforcement assistance;

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

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

18 (2) was experiencing a drug overdose and sought medical assistance,  
19 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),  
20 11.71.040(a)(3) or (4), **11.71.050(a)(4)** [11.71.050(a)(2)], or 11.71.060(a)(1) or (2)  
21 was obtained as a result of the overdose and the need for medical assistance.

22 \* **Sec. 50.** AS 12.25.150(a) is amended to read:

23 (a) A person arrested shall be taken before a judge or magistrate without  
24 unnecessary delay [,] and in any event within **24** [48] hours after arrest, **absent**  
25 **compelling circumstances**, including Sundays and holidays. **The unavailability of a**  
26 **report prepared by the pretrial services officer under AS 33.07 or a delay in the**  
27 **transmittal of that report to the parties or to the court may not be considered a**  
28 **sufficient compelling circumstance to justify delaying a hearing beyond 24 hours.**  
29 **The hearing before the judge or magistrate may not take place more than 48**  
30 **hours after arrest.** This requirement applies to municipal police officers to the same  
31 extent as it does to state troopers.

1 \* **Sec. 51.** AS 12.25.180 is amended to read:

2 **Sec. 12.25.180. When peace officer may issue citation or take person**  
3 **before the court.** (a) When a peace officer stops or contacts a person for the  
4 commission of **a class C felony offense,** a misdemeanor, or the violation of a  
5 municipal ordinance, the officer may, in the officer's discretion, issue a citation to the  
6 person instead of taking the person before a judge or magistrate under AS 12.25.150,  
7 **except the officer may arrest if** [UNLESS]

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

9 (2) the **peace** [CONTACTING] officer reasonably believes the person  
10 is a danger to [SELF OR] others;

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

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

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

18 (b) When a peace officer stops or contacts a person for the commission of an  
19 infraction or a violation, the officer shall issue a citation instead of taking the person  
20 before a judge or magistrate under AS 12.25.150, **except the officer may arrest if**  
21 [UNLESS]

22 (1) the person does not furnish satisfactory evidence of identity; [OR]

23 (2) the person refuses to accept service of the citation; **or**

24 **(3) the peace officer has probable cause to believe the person has**  
25 **committed**

26 **(A) a violation of conditions of release under AS 11.56.757;**

27 **or**

28 **(B) the offense of failure to appear under AS 11.56.730.**

29 \* **Sec. 52.** AS 12.25.180 is amended by adding a new subsection to read:

30 (c) A person may not bring a civil action for damages for a failure to comply  
31 with the provisions of this section.

1 \* **Sec. 53.** AS 12.25.190(b) is amended to read:

2 (b) The time specified in the notice to appear shall be at least **two** [FIVE]  
3 working days after the issuance of the citation **under AS 12.25.180(a)**.

4 \* **Sec. 54.** AS 12.25.190 is amended by adding a new subsection to read:

5 (d) The time specified in the notice to appear shall be at least five working  
6 days after issuance of the citation under AS 12.25.180(b).

7 \* **Sec. 55.** AS 12.30.006(b) is amended to read:

8 (b) At the first appearance before a judicial officer, a person who is charged  
9 with a felony, **other than a class C felony and the person has been assessed as low**  
10 **risk under AS 12.30.011(c)(1)**, may be detained up to 48 hours for the prosecuting  
11 authority to demonstrate that release of the person under **AS 12.30.011**  
12 [AS 12.30.011(a)] would not reasonably **ensure** [ASSURE] the appearance of the  
13 person or will pose a danger to the victim, other persons, or the community.

14 \* **Sec. 56.** AS 12.30.006(c) is amended to read:

15 (c) A person who remains in custody 48 hours after appearing before a judicial  
16 officer because of inability to meet the conditions of release shall, upon application, be  
17 entitled to have the conditions reviewed by the judicial officer who imposed them. If  
18 the judicial officer who imposed the conditions of release is not available, any judicial  
19 officer in the judicial district may review the conditions. **Upon review of the**  
20 **conditions, the judicial officer shall revise any conditions of release that have**  
21 **prevented the defendant from being released unless the judicial officer finds on**  
22 **the record that there is clear and convincing evidence that less restrictive release**  
23 **conditions cannot reasonably ensure the**

24 **(1) appearance of the person in court; and**

25 **(2) safety of the victim, other persons, and the community.**

26 \* **Sec. 57.** AS 12.30.006(d) is amended to read:

27 (d) If a person remains in custody after review of conditions by a judicial  
28 officer under (c) of this section, the person may request a subsequent review of  
29 conditions. Unless the prosecuting authority stipulates otherwise or the person has  
30 been incarcerated for a period equal to the maximum sentence for the most serious  
31 charge for which the person is being held, a judicial officer may not schedule a bail

1 review hearing under this subsection unless

2 (1) the person provides to the court and the prosecuting authority a  
3 written statement that new information not considered at the previous review will be  
4 presented at the hearing; the statement must include a description of the information  
5 and the reason the information was not presented at a previous hearing; in this  
6 paragraph, "new information" **includes** [DOES NOT INCLUDE] the **person's**  
7 inability to post the required bail;

8 (2) the prosecuting authority and any surety, if applicable, have at least  
9 48 hours' written notice before the time set for the review requested under this  
10 subsection; the defendant shall notify the surety; and

11 (3) at least seven days have elapsed between the previous review and  
12 the time set for the requested review; **however, a person may receive only one bail**  
13 **review hearing solely for inability to pay.**

14 \* **Sec. 58.** AS 12.30.006(f) is amended to read:

15 (f) The judicial officer shall issue written or oral findings that explain the  
16 reasons the officer imposed the particular conditions of release or modifications or  
17 additions to conditions previously imposed. The judicial officer shall inform the  
18 person that a law enforcement officer **or a pretrial services officer under AS 33.07**  
19 may arrest the person without a warrant for violation of the court's order establishing  
20 conditions of release.

21 \* **Sec. 59.** AS 12.30.011 is repealed and reenacted to read:

22 **Sec. 12.30.011. Release before trial.** (a) A judicial officer may order that a  
23 person charged with an offense, in addition to other conditions imposed under this  
24 section, be released

25 (1) on the person's own recognizance;

26 (2) upon execution of an unsecured appearance bond; or

27 (3) upon execution of an unsecured performance bond.

28 (b) A person charged with a misdemeanor that does not include an offense  
29 under AS 11.41, AS 11.56.730, 11.56.757, AS 28.35.030, or 28.35.032, a sex offense  
30 as defined in AS 12.63.100, or a crime involving domestic violence as defined in  
31 AS 18.66.990 and who is assessed by a pretrial services officer as

1 (1) low to moderate risk shall be released on the person's own  
2 recognizance or upon execution of an unsecured appearance bond or unsecured  
3 performance bond; or

4 (2) high risk shall be released on the person's own recognizance or  
5 upon execution of an unsecured appearance bond or unsecured performance bond  
6 unless the judicial officer finds on the record that there is clear and convincing  
7 evidence that no nonmonetary conditions of release in combination with the release of  
8 the person on the person's own recognizance or upon execution of an unsecured bond  
9 can reasonably ensure the appearance of the person in court and the safety of the  
10 victim, other persons, and the community.

11 (c) A person charged with a class C felony that does not include an offense  
12 under AS 11.41, AS 11.56.730, AS 28.35.030, or 28.35.032, a sex offense as defined  
13 in AS 12.63.100, or a crime involving domestic violence as defined in AS 18.66.990  
14 and who is assessed by a pretrial services officer as

15 (1) low risk shall be released on the person's own recognizance or  
16 upon execution of an unsecured appearance bond or unsecured performance bond; or

17 (2) moderate to high risk shall be released on the person's own  
18 recognizance or upon execution of an unsecured appearance bond or unsecured  
19 performance bond unless the judicial officer finds on the record that there is clear and  
20 convincing evidence that no nonmonetary conditions of release in combination with  
21 the release of the person on the person's own recognizance or upon execution of an  
22 unsecured bond can reasonably ensure the appearance of the person in court and the  
23 safety of the victim, other persons, and the community.

24 (d) A person charged under AS 28.35.030 or 28.35.032 who is assessed by a  
25 pretrial services officer as low, moderate, or high risk shall be released on the person's  
26 own recognizance or upon execution of an unsecured appearance bond or unsecured  
27 performance bond unless the judicial officer finds on the record that there is clear and  
28 convincing evidence that no nonmonetary conditions of release in combination with  
29 the release of the person on the person's own recognizance or upon execution of an  
30 unsecured bond can reasonably ensure the appearance of the person in court and the  
31 safety of the victim, other persons, and the community.

1 (e) A person charged under AS 11.56.730 or 11.56.757 who is assessed by a  
2 pretrial services officer as

3 (1) low to moderate risk shall be released on the person's own  
4 recognizance or upon execution of an unsecured appearance bond or unsecured  
5 performance bond unless the judicial officer finds on the record that there is clear and  
6 convincing evidence that no nonmonetary conditions of release in combination with  
7 the release of the person on the person's own recognizance or upon execution of an  
8 unsecured bond can reasonably ensure the appearance of the person in court and the  
9 safety of the victim, other persons, and the community; or

10 (2) high risk may be required, singly or in combination, in addition to  
11 other conditions specified in this section, to deposit with the court and execute

12 (A) an appearance bond with a posting not to exceed 10 percent  
13 of the specified amount of the bond with the condition that the deposit be  
14 returned upon the appearance of the person at scheduled hearings;

15 (B) a bail bond with sufficient solvent sureties or the deposit of  
16 cash; or

17 (C) a performance bond with a full or partial posting of the  
18 specified amount of the bond with the condition that the deposit be returned  
19 upon the performance of the conditions of release set by the court.

20 (f) A person charged with an offense who is not otherwise required to be  
21 released under (b) - (e) of this section and who is assessed by a pretrial services officer  
22 as

23 (1) low risk shall be released on the person's own recognizance or  
24 upon execution of an unsecured appearance bond or unsecured performance bond  
25 unless the judicial officer finds on the record that there is clear and convincing  
26 evidence that no nonmonetary conditions of release in combination with the release of  
27 the person on the person's own recognizance or upon execution of an unsecured bond  
28 can reasonably ensure the appearance of the person in court and the safety of the  
29 victim, other persons, and the community; or

30 (2) moderate to high risk may be required, singly or in combination, in  
31 addition to other conditions specified in this section, to deposit with the court and

1 execute

2 (A) an appearance bond with a posting not to exceed 10 percent  
3 of the specified amount of the bond with the condition that the deposit be  
4 returned upon the appearance of the person at scheduled hearings;

5 (B) a bail bond with sufficient solvent sureties or the deposit of  
6 cash; or

7 (C) a performance bond with a full or partial posting of the  
8 specified amount of the bond with the condition that the deposit be returned  
9 upon the performance of the conditions of release set by the court.

10 (g) A person released under this section shall be released on the condition that  
11 the person

12 (1) obey all court orders;

13 (2) obey all laws;

14 (3) make all court appearances;

15 (4) maintain contact with the person's pretrial services officer, if one is  
16 appointed by the court, and follow the pretrial services officer's instructions;

17 (5) maintain contact with the person's attorney;

18 (6) notify the person's attorney or, if the person is not represented by  
19 an attorney, the pretrial services officer or the court within 24 hours after a change in  
20 the person's residence.

21 (h) The judicial officer may, singly or in combination, order additional  
22 conditions if the condition or conditions are the least restrictive conditions that will  
23 reasonably ensure the appearance of the person in court and the safety of the victim,  
24 other persons, and the community. The judicial officer may

25 (1) place restrictions on the person's travel, association, or residence;

26 (2) order the person to refrain from possessing a deadly weapon on the  
27 person or in the person's vehicle or residence;

28 (3) require the person to maintain employment or, if unemployed,  
29 actively seek employment;

30 (4) require the person to notify the person's lawyer and the prosecuting  
31 authority within two business days after any change in employment;

1 (5) require the person to avoid all contact with a victim, a potential  
2 witness, or a codefendant;

3 (6) require the person to refrain from the consumption and possession  
4 of alcoholic beverages;

5 (7) require the person to refrain from the use of a controlled substance  
6 as defined in AS 11.71, unless prescribed by a licensed health care provider with  
7 prescriptive authority;

8 (8) require the person to be physically inside the person's residence, or  
9 in the residence of the person's third-party custodian, at times set by the court, subject  
10 to AS 12.30.021;

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

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

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

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

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

21 (14) require the person to comply with a program established under  
22 AS 47.38.020 if the person has been charged with an alcohol-related or substance-  
23 abuse-related offense;

24 (15) order the person to comply with any other condition that is  
25 reasonably necessary to ensure the appearance of the person and to ensure the safety  
26 of the victim, other persons, and the community.

27 (i) In determining the conditions of release under this chapter, the court shall  
28 consider the following:

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

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

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

- 1 (4) the person's employment status and history;
- 2 (5) the length and character of the person's past and present residence;
- 3 (6) the person's record of convictions;
- 4 (7) the person's record of appearance at court proceedings;
- 5 (8) assets available to the person to meet monetary conditions of
- 6 release;
- 7 (9) the person's reputation, character, and mental condition;
- 8 (10) the effect of the offense on the victim, any threats made to the
- 9 victim, and the danger that the person poses to the victim;
- 10 (11) the conditions of release recommended by the pretrial services
- 11 officer;
- 12 (12) the person's pretrial risk assessment score; and
- 13 (13) any other facts that are relevant to the person's appearance or the
- 14 person's danger to the victim, other persons, or the community.

15 (j) Except as otherwise provided in this chapter, the burden of proof is on the  
16 prosecuting authority that a person charged with an offense should be detained or  
17 released with conditions described in this section or AS 12.30.016. Any monetary or  
18 nonmonetary condition or conditions imposed by the court under this section shall be  
19 the least restrictive condition or conditions that will reasonably ensure the appearance  
20 of the person in court and the safety of the victim, other persons, and the community.

21 (k) If the report prepared by the pretrial services officer under AS 33.07 is not  
22 available at the time of the first appearance, bail review hearing, or bail hearing in  
23 connection with a petition to revoke probation, the court shall impose the least  
24 restrictive condition or conditions that will reasonably ensure the appearance of the  
25 person in court and the safety of the victim, other persons, and the community.

26 \* **Sec. 60.** AS 12.30.016(b) is amended to read:

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

29 (1) to refrain from

30 (A) consuming alcoholic beverages; or

31 (B) possessing on the person, in the person's residence, or in

1 any vehicle or other property over which the person has control, alcoholic  
2 beverages;

3 (2) to submit to a search without a warrant of the person, the person's  
4 personal property, the person's residence, or any vehicle or other property over which  
5 the person has control, for the presence of alcoholic beverages by a peace officer **or**  
6 **pretrial services officer** who has reasonable suspicion that the person is violating the  
7 conditions of the person's release by possessing alcoholic beverages;

8 (3) to submit to a breath test when requested by a law enforcement  
9 officer **or pretrial services officer**;

10 (4) to provide a sample for a urinalysis or blood test when requested by  
11 a law enforcement officer **or pretrial services officer**;

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

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

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

17 \* **Sec. 61.** AS 12.30.016(c) is amended to read:

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

20 (1) to refrain from

21 (A) consuming a controlled substance; or

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

25 (2) to submit to a search without a warrant of the person, the person's  
26 personal property, the person's residence, or any vehicle or other property over which  
27 the person has control, for the presence of a controlled substance or drug paraphernalia  
28 by a peace officer **or pretrial services officer** who has reasonable suspicion that the  
29 person is violating the terms of the person's release by possessing controlled  
30 substances or drug paraphernalia;

31 (3) to enroll in a random drug testing program, at the person's expense,

1 **with testing to occur not less than once a week, or to submit to random drug**  
2 **testing by the pretrial services office in the Department of Corrections** to detect  
3 the presence of a controlled substance, [WITH TESTING TO OCCUR NOT LESS  
4 THAN ONCE A WEEK, AND] with the results being submitted to the court and the  
5 prosecuting authority;

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

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

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

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

13 \* **Sec. 62.** AS 12.30.021(a) is amended to read:

14 (a) In addition to other conditions imposed under AS 12.30.011 or 12.30.016,  
15 a judicial officer may appoint a third-party custodian if the officer finds, **on the**  
16 **record,** that

17 (1) **pretrial supervision under AS 33.07 is not available in the**  
18 **person's location;**

19 (2) **no secured appearance or performance bonds have been**  
20 **ordered; and**

21 (3) **no other conditions of release or combination of conditions can**  
22 [THE APPOINTMENT WILL, SINGLY OR IN COMBINATION WITH OTHER  
23 CONDITIONS,] reasonably **ensure** [ASSURE] the person's appearance and the safety  
24 of the victim, other persons, and the community.

25 \* **Sec. 63.** AS 12.30.021(c) is amended to read:

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

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

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

31 (3) criminal charges are pending in this state or another jurisdiction

1 against the proposed custodian;

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

4 (5) there is a reasonable probability that the state will call the  
5 proposed custodian [MAY BE CALLED] as a witness in the prosecution of the  
6 person;

7 (6) the proposed custodian resides out of state; however, a nonresident  
8 may serve as a custodian if the nonresident resides in the state while serving as  
9 custodian.

10 \* **Sec. 64.** AS 12.30.055 is amended by adding a new subsection to read:

11 (b) A person who is in custody in connection with a petition to revoke  
12 probation for a technical violation of probation under AS 12.55.110 shall be released  
13 after the person has served the maximum number of days that the court could impose  
14 on the person for a technical violation of probation under AS 12.55.110.

15 \* **Sec. 65.** AS 12.55.011 is amended by adding a new subsection to read:

16 (b) At the time of sentencing, the court shall provide the victim with a form  
17 that

18 (1) provides information on

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

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

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

26 \* **Sec. 66.** AS 12.55.025(a) is amended to read:

27 (a) When imposing a sentence for conviction of a felony offense or a sentence  
28 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a  
29 regulation adopted under AS 04, or an ordinance adopted in conformity with  
30 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that  
31 includes the following:

1 (1) a verbatim record of the sentencing hearing and any other in-court  
2 sentencing procedures;

3 (2) findings on material issues of fact and on factual questions required  
4 to be determined as a prerequisite to the selection of the sentence imposed;

5 (3) a clear statement of the terms of the sentence imposed; if a term of  
6 imprisonment is imposed, the statement must include

7 (A) the approximate minimum term the defendant is expected  
8 to serve before being released or placed on mandatory parole if the defendant  
9 is eligible for and does not forfeit good conduct deductions under  
10 AS 33.20.010; and

11 (B) if applicable, the approximate minimum term of  
12 imprisonment the defendant must serve before becoming eligible for release on  
13 discretionary **or administrative** parole;

14 (4) any recommendations as to the place of confinement or the manner  
15 of treatment; and

16 (5) in the case of a conviction for a felony offense, information  
17 assessing

18 (A) the financial, emotional, and medical effects of the offense  
19 on the victim;

20 (B) the need of the victim for restitution; and

21 (C) any other information required by the court.

22 \* **Sec. 67.** AS 12.55.025(c) is amended to read:

23 (c) Except as provided in (d) of this section, when a defendant is sentenced to  
24 imprisonment, the term of confinement commences on the date of imposition of  
25 sentence unless the court specifically provides that the defendant must report to serve  
26 the sentence on another date. If the court provides another date to begin the term of  
27 confinement, the court shall provide the defendant with written notice of the date,  
28 time, and location of the correctional facility to which the defendant must report. A  
29 defendant shall receive credit for time spent in custody pending trial, sentencing, or  
30 appeal, if the detention was in connection with the offense for which sentence was  
31 imposed **including a technical violation of probation as provided in AS 12.55.110.**

1 A defendant may not receive credit for more than the actual time spent in custody  
2 pending trial, sentencing, or appeal. The time during which a defendant is voluntarily  
3 absent from official detention after the defendant has been sentenced may not be  
4 credited toward service of the sentence.

5 \* **Sec. 68.** AS 12.55.027(a) is amended to read:

6 (a) A court may grant a defendant credit toward a sentence of imprisonment  
7 for time spent in a treatment program **that furthers the reformation and**  
8 **rehabilitation of the defendant if the court finds that the program places a**  
9 **substantial restriction on the defendant's freedom of movement and behavior and**  
10 **is consistent with** [OR UNDER ELECTRONIC MONITORING ONLY AS  
11 PROVIDED IN] this section.

12 \* **Sec. 69.** AS 12.55.027(b) is amended to read:

13 (b) A court may **only** grant **credit under this section** [A DEFENDANT ONE  
14 DAY OF CREDIT TOWARD A SENTENCE OF IMPRISONMENT FOR EACH  
15 FULL DAY THE DEFENDANT RESIDED IN THE FACILITY OF A  
16 TREATMENT PROGRAM AND OBSERVED THE RULES OF THE  
17 TREATMENT PROGRAM AND THE FACILITY IF]

18 (1) **in the amount of one day of credit toward a sentence of**  
19 **imprisonment for each full day the defendant spent in a treatment program; and**  
20 [THE COURT FINDS THAT THE TREATMENT PROGRAM MEETS THE  
21 STANDARDS DESCRIBED IN (c) OF THIS SECTION;]

22 (2) **if the court ordered** [BEFORE] the defendant [ENTERED THE  
23 TREATMENT PROGRAM, THE COURT ORDERED THE DEFENDANT] to  
24 [RESIDE IN THE FACILITY OF THE TREATMENT PROGRAM AND] participate  
25 in **and comply with the conditions of** the treatment program **before the defendant**  
26 **entered the program** [AS A CONDITION OF BAIL RELEASE OR A CONDITION  
27 OF PROBATION; AND

28 (3) THE COURT HAS RECEIVED A WRITTEN REPORT FROM  
29 THE DIRECTOR OF THE PROGRAM THAT

30 (A) STATES THAT THE DEFENDANT HAS  
31 PARTICIPATED IN THE TREATMENT PLAN PRESCRIBED FOR THE

1 DEFENDANT AND HAS COMPLIED WITH THE REQUIREMENTS OF  
2 THE PLAN; AND

3 (B) SETS OUT THE NUMBER OF FULL DAYS THE  
4 DEFENDANT RESIDED IN THE FACILITY OF THE TREATMENT  
5 PROGRAM AND OBSERVED THE RULES OF THE TREATMENT  
6 PROGRAM AND FACILITY].

7 \* **Sec. 70.** AS 12.55.027(c) is repealed and reenacted to read:

8 (c) In granting credit toward a sentence of imprisonment for time spent in a  
9 treatment program, a court shall consider the following factors:

10 (1) the restrictions on the defendant's freedom of movement and  
11 behavior;

12 (2) the circumstances under which the defendant was enrolled in the  
13 program;

14 (3) the residency requirements of the program;

15 (4) the physical custody and supervision of the defendant at the  
16 program;

17 (5) the circumstances under which the defendant is permitted to leave  
18 the program's facility;

19 (6) the rules of the program and the requirement that the defendant  
20 obey the orders of persons who have immediate custody or control over the defendant;

21 (7) the sanctions on the defendant for violating the program's rules or  
22 orders;

23 (8) whether the defendant is subject to arrest for leaving the program's  
24 facility without permission;

25 (9) the use of an electronic monitoring device;

26 (10) whether the program provides substance abuse treatment;

27 (11) the use of other technology that monitors or restricts the  
28 defendant's movement and behavior;

29 (12) other factors that support the court's finding that the program  
30 places a substantial restriction on the defendant's freedom of movement and behavior;

31 (13) other factors that support the court's finding that the program

1 furthers the reformation and rehabilitation of the defendant.

2 \* **Sec. 71.** AS 12.55.027 is amended by adding new subsections to read:

3 (f) To qualify as a treatment program under this section, a program must

4 (1) be intended to address criminogenic traits or behaviors;

5 (2) provide measures of progress or completion; and

6 (3) require notification to the pretrial services office or probation  
7 officer if the person is discharged from the program for noncompliance.

8 (g) A court granting credit against a sentence of imprisonment under (d) of  
9 this section may grant credit of not more than 360 days against a total term of  
10 imprisonment imposed for

11 (1) a felony crime against a person under AS 11.41;

12 (2) a crime involving domestic violence as defined in AS 18.66.990;

13 (3) a sex offense as defined in AS 12.63.100;

14 (4) an offense under AS 11.71 involving the delivery of a controlled  
15 substance to a person under 19 years of age;

16 (5) burglary in the first degree under AS 11.46.300; or

17 (6) arson in the first degree under AS 11.46.400.

18 \* **Sec. 72.** AS 12.55.035(b) is amended to read:

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

22 (1) \$500,000 for murder in the first or second degree, attempted  
23 murder in the first degree, murder of an unborn child, sexual assault in the first degree,  
24 sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first  
25 degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in  
26 the first degree;

27 (2) \$250,000 for a class A felony;

28 (3) \$100,000 for a class B felony;

29 (4) \$50,000 for a class C felony;

30 (5) **\$25,000** [\$10,000] for a class A misdemeanor;

31 (6) \$2,000 for a class B misdemeanor;

1 (7) \$500 for a violation.

2 \* **Sec. 73.** AS 12.55.051(a) is amended to read:

3 (a) If the defendant defaults in the payment of a fine or any installment or of  
4 restitution or any installment, the court may order the defendant to show cause why  
5 the defendant should not be sentenced to imprisonment for nonpayment and, if the  
6 payment was made a condition of the defendant's probation, may revoke the probation  
7 of the defendant **subject to the limits set out in AS 12.55.110**. In a contempt or  
8 probation revocation proceeding brought as a result of failure to pay a fine or  
9 restitution, it is an affirmative defense that the defendant was unable to pay despite  
10 having made continuing good faith efforts to pay the fine or restitution. If the court  
11 finds that the defendant was unable to pay despite having made continuing good faith  
12 efforts, the defendant may not be imprisoned solely because of the inability to pay. If  
13 the court does not find that the default was attributable to the defendant's inability to  
14 pay despite having made continuing good faith efforts to pay the fine or restitution, the  
15 court may order the defendant imprisoned **subject to the limits set out in**  
16 **AS 12.55.110** [UNTIL THE ORDER OF THE COURT IS SATISFIED]. A term of  
17 imprisonment imposed under this section may not exceed one day for each \$50 of the  
18 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall  
19 be given toward satisfaction of the order of the court for every day a person is  
20 incarcerated for nonpayment of a fine or restitution.

21 \* **Sec. 74.** AS 12.55.055(a) is amended to read:

22 (a) The court may order a defendant convicted of an offense to perform  
23 community work as a condition of probation, a suspended sentence, [OR] suspended  
24 imposition of sentence, **or suspended entry of judgment**, or in addition to any fine or  
25 restitution ordered. If the defendant is sentenced to imprisonment, the court may  
26 recommend to the Department of Corrections that the defendant perform community  
27 work.

28 \* **Sec. 75.** AS 12.55.055(c) is amended to read:

29 (c) The court may offer a defendant convicted of an offense the option of  
30 performing community work in lieu of a fine, surcharge, or portion of a fine or  
31 surcharge if the court finds the defendant is unable to pay the fine. The value of

1 community work in lieu of a fine is the state's minimum wage for each [\$3 PER]  
2 hour.

3 \* **Sec. 76.** AS 12.55.055 is amended by adding new subsections to read:

4 (g) The court may not

5 (1) offer a defendant convicted of an offense the option of serving jail  
6 time in lieu of performing uncompleted community work previously ordered by the  
7 court; or

8 (2) convert uncompleted community work hours into a sentence of  
9 imprisonment.

10 (h) If a court orders community work as part of the defendant's sentence under  
11 this section, the court shall provide notice to the defendant at sentencing and include  
12 as a provision of the judgment that if the defendant fails to provide proof of  
13 community work within 20 days after the date set by the court, the court shall convert  
14 those community work hours to a fine equal to the number of uncompleted work hours  
15 multiplied by the state's minimum hourly wage and issue a judgment against the  
16 defendant for that amount.

17 \* **Sec. 77.** AS 12.55 is amended by adding a new section to read:

18 **Sec. 12.55.078. Suspending entry of judgment.** (a) Except as provided in (f)  
19 of this section, if a person is found guilty or pleads guilty to a crime, the court may,  
20 with the consent of the defendant and the prosecution and without imposing or  
21 entering a judgment of guilt, defer further proceedings and place the person on  
22 probation. The period of probation may not exceed the applicable terms set out in  
23 AS 12.55.090(c).

24 (b) The court shall impose conditions of probation for a person on probation  
25 as provided in (a) of this section, which may include that the person

26 (1) abide by all local, state, and federal laws;

27 (2) not leave the state without prior consent of the court;

28 (3) pay restitution as ordered by the court; and

29 (4) obey any other conditions of probation set by the court.

30 (c) At any time during the probationary term of the person released on  
31 probation, a probation officer may, without warrant or other process, rearrest the

1 person so placed in the officer's care and bring the person before the court, or the court  
2 may, in its discretion, issue a warrant for the rearrest of the person. The court may  
3 revoke and terminate the probation if the court finds that the person placed on  
4 probation is

5 (1) violating the conditions of probation;

6 (2) engaging in criminal practices; or

7 (3) violating an order of the court to participate in or comply with the  
8 treatment plan of a rehabilitation program under AS 12.55.015(a)(10).

9 (d) If the court finds that the person has successfully completed probation, the  
10 court shall, at the end of the probationary period set by the court, or at any time after  
11 the expiration of one year from the date of the original probation, discharge the person  
12 and dismiss the proceedings against the person.

13 (e) If the court finds that the person has violated the conditions of probation  
14 ordered by the court, the court may revoke and terminate the person's probation, enter  
15 judgment on the person's previous plea or finding of guilt, and pronounce sentence at  
16 any time within the maximum probation period authorized by this section.

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

19 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260  
20 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,  
21 AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.135;

22 (2) uses a firearm in the commission of the offense for which the  
23 person is convicted;

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

29 (4) is convicted of a violation of AS 11.41.230, 11.41.250, or a felony  
30 and the person has one or more prior convictions for a misdemeanor violation of  
31 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction

1 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a  
2 felony in this state; for the purposes of this paragraph, a person shall be considered to  
3 have a prior conviction even if

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

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

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

8 (5) has been convicted of a crime involving domestic violence, as  
9 defined in AS 18.66.990.

10 \* **Sec. 78.** AS 12.55.090(b) is amended to read:

11 (b) Except as otherwise provided in (f) of this section, the court may revoke or  
12 modify any condition of probation, [OR MAY] change the period of probation, **or**  
13 **terminate probation and discharge the defendant from probation.**

14 \* **Sec. 79.** AS 12.55.090(c) is amended to read:

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

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

17 (2) 10 years for **an unclassified felony under AS 11;**

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

20 **(4) three years for a misdemeanor offense**

21 **(A) under AS 11.41;**

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

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

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

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

30 [ANY OTHER OFFENSE].

31 \* **Sec. 80.** AS 12.55.090(f) is amended to read:

1 (f) Unless the defendant and the prosecuting authority agree at the probation  
2 revocation proceeding or other proceeding **related to a probation violation, the**  
3 **person qualifies for a reduction under AS 33.05.020(h), or a probation officer**  
4 **recommends to the court that probation be terminated and the defendant be**  
5 **discharged from probation under (g) of this section or AS 33.05.040**, the court may  
6 not reduce the specific period of probation [,] or the specific term of suspended  
7 incarceration except by the amount of incarceration imposed for a probation violation,  
8 if

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

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

13 \* **Sec. 81.** AS 12.55.090 is amended by adding new subsections to read:

14 (g) A probation officer shall recommend to the court that probation be  
15 terminated and a defendant be discharged from probation if the defendant

16 (1) has completed at least

17 (A) two years on probation if the person was convicted of a  
18 class A or class B felony that is not a crime under (5) of this subsection; or

19 (B) one year on probation if the person was convicted of a  
20 crime that is not a crime

21 (i) under (A) of this paragraph; or

22 (ii) under (5) of this subsection;

23 (2) has completed all treatment programs required as a condition of  
24 probation;

25 (3) has not been found in violation of conditions of probation by the  
26 court for the period specified in (1) of this subsection;

27 (4) is currently in compliance with all conditions of probation for all of  
28 the cases for which the person is on probation; and

29 (5) has not been convicted of an unclassified felony offense, a sexual  
30 felony as defined in AS 12.55.185, or a crime involving domestic violence as defined  
31 in AS 18.66.990.

1 (h) Before a court may terminate probation and discharge the defendant before  
2 the period of probation for the offense has been completed under (g) of this section,  
3 the court shall allow victims to comment in writing to the court or allow a victim to  
4 give sworn testimony or make an unsworn oral presentation at a hearing held to  
5 determine whether to reduce the period of probation or terminate probation and  
6 discharge the defendant.

7 (i) If a probation officer recommends to the court that probation be terminated  
8 and a defendant be discharged from probation under (g) of this section, and if the  
9 victim has earlier requested to be notified, the Department of Corrections shall send  
10 the victim notice of the recommendation under (g) of this section and inform the  
11 victim of the victim's rights under this section, the deadline for receipt of written  
12 comments, the hearing date, and the court's address.

13 (j) If the victim submits written comments directly to the court and the parties  
14 do not otherwise have the victim statements, the court shall distribute the statements to  
15 the parties.

16 (k) In deciding whether to terminate probation and discharge the defendant  
17 from probation under (g) of this section, the court shall consider the victim's  
18 comments, testimony, or unsworn oral presentation, when relevant, and any response  
19 by the prosecuting attorney and defendant.

20 (l) If a victim desires notice under this section, the victim shall maintain a  
21 current, valid mailing address on file with the commissioner of corrections. The  
22 commissioner shall send the notice to the victim's last known address. The victim's  
23 address may not be disclosed to the defendant or the defendant's attorney.

24 (m) The court shall discharge the defendant from probation upon completion  
25 of the period of probation. The period of probation is considered to be completed  
26 when the combination of time served and credits earned under AS 33.05.020 is equal  
27 to the probation period imposed, or after the probationer has been discharged from  
28 probation under this section.

29 (n) In this section, "sex offense" has the meaning given in AS 12.63.100.

30 \* **Sec. 82.** AS 12.55.100(a) is amended to read:

31 (a) While on probation and among the conditions of probation, the defendant

1                   **(1) shall be required to obey all state, federal, and local laws or**  
2                   **ordinances, and any court orders applicable to the probationer; and**

3                   **(2)** may be required

4                   **(A)** [(1)] to pay a fine in one or several sums;

5                   **(B)** [(2)] to make restitution or reparation to aggrieved parties  
6 for actual damages or loss caused by the crime for which conviction was had,  
7 including compensation to a victim that is a nonprofit organization for the  
8 value of labor or goods provided by volunteers if the labor or goods were  
9 necessary to alleviate or mitigate the effects of the defendant's crime; when  
10 determining the amount of actual damages or loss under this **subparagraph**  
11 [PARAGRAPH], the court shall value property as the market value of the  
12 property at the time and place of the crime or, if the market value cannot  
13 reasonably be ascertained, the cost of the replacement of the property within a  
14 reasonable time after the crime;

15                   **(C)** [(3)] to provide for the support of any persons for whose  
16 support the defendant is legally responsible;

17                   **(D)** [(4)] to perform community work in accordance with  
18 AS 12.55.055;

19                   **(E)** [(5)] to participate in or comply with the treatment plan of  
20 an inpatient or outpatient rehabilitation program specified by either the court or  
21 the defendant's probation officer that is related to the defendant's offense or to  
22 the defendant's rehabilitation;

23                   **(F)** [(6)] to satisfy the screening, evaluation, referral, and  
24 program requirements of an agency authorized by the court to make referrals  
25 for rehabilitative treatment or to provide rehabilitative treatment;

26                   **(G)** [AND (7)] to comply with a program established under  
27 AS 47.38.020; **and**

28                   **(H) to comply with the sanctions imposed by the**  
29 **defendant's probation officer under AS 33.05.020(g).**

30 \* **Sec. 83.** AS 12.55.100(c) is amended to read:

31                   (c) A program of inpatient treatment may be required by the authorized

1 agency under **(a)(2)(F)** [(a)(6)] of this section only if authorized in the judgment, and  
2 may not exceed the maximum term of inpatient treatment specified in the judgment. A  
3 person who has been referred for inpatient treatment may make a written request to the  
4 sentencing court asking the court to review the referral. The request for review shall be  
5 made within seven days **after** [OF] the agency's referral, and shall specifically set out  
6 the grounds **on** [UPON] which the request for review is based. The court may order a  
7 hearing on the request for review.

8 \* **Sec. 84.** AS 12.55.110 is amended by adding new subsections to read:

9 (c) If a defendant is serving a period of probation for an offense, the court may  
10 find that the defendant has committed a technical violation of probation. If the court  
11 finds that a defendant has committed a technical violation of probation that does not  
12 include absconding, the court may reinstate the term of probation with appropriate  
13 conditions or impose a sentence of imprisonment of not more than

14 (1) three days for the first probation revocation;

15 (2) five days for the second probation revocation;

16 (3) 10 days for the third probation revocation; or

17 (4) the remainder of the suspended portion of the sentence for a fourth  
18 or subsequent probation revocation.

19 (d) If the court revokes a person's probation for absconding, the court may  
20 impose a period of imprisonment not to exceed 30 days.

21 (e) The limits set out in this section on the length of imprisonment for a  
22 revocation do not apply if a probationer is enrolled in a program established under  
23 AS 33.05.020(f).

24 (f) If the defendant is ordered to complete treatment under  
25 AS 12.55.100(a)(2)(E) and does not comply with the court's order, the court may order  
26 the defendant to show cause why the defendant should not be sentenced to  
27 imprisonment for noncompletion of treatment and may revoke the suspended sentence  
28 subject to the limits established in this section. In a contempt or probation revocation  
29 proceeding brought as a result of failure to complete treatment, it is an affirmative  
30 defense that the defendant was unable to afford the cost of treatment or secure a place  
31 in a free treatment program, despite having made continuing good faith efforts. If the

1 court finds that the defendant was unable to complete treatment despite having made  
2 continuing good faith efforts, the defendant may not be imprisoned solely because of  
3 an inability to pay. If the court does not find that the noncompletion of treatment was  
4 attributable to the defendant's inability to pay, the court may order the defendant  
5 imprisoned subject to the limits established in this section.

6 (g) Notwithstanding (c) of this section, a court may not find a technical  
7 violation under this section if a person convicted of a sex offense, as described in  
8 AS 12.63.100, violates a condition of probation provided in AS 12.55.100(e).

9 (h) In this section,

10 (1) "absconding" means failing to report within five working days after  
11 release from custody under AS 33.20.030 or failing to report for a scheduled meeting  
12 with a probation officer, as ordered by the court or as directed by the probation officer,  
13 and failing to make contact with the probation officer within 30 days following the  
14 missed meeting;

15 (2) "technical violation" means a violation of the conditions of  
16 probation that does not constitute

17 (A) a new criminal offense;

18 (B) failing to complete sex offender treatment; or

19 (C) failing to complete an intervention program for batterers.

20 \* **Sec. 85.** AS 12.55.115 is amended to read:

21 **Sec. 12.55.115. Fixing eligibility for discretionary or administrative parole**  
22 **at sentencing.** The court may, as part of a sentence of imprisonment, further restrict  
23 the eligibility of a prisoner for discretionary **or administrative** parole for a term  
24 greater than that required under **AS 33.16.089, 33.16.090,** [AS 33.16.090] and  
25 33.16.100.

26 \* **Sec. 86.** AS 12.55.125(a) is amended to read:

27 (a) A defendant convicted of murder in the first degree or murder of an unborn  
28 child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment  
29 of at least **30** [20] years but not more than 99 years. A defendant convicted of murder  
30 in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years  
31 when

1 (1) the defendant is convicted of the murder of a uniformed or  
2 otherwise clearly identified peace officer, firefighter, or correctional employee who  
3 was engaged in the performance of official duties at the time of the murder;

4 (2) the defendant has been previously convicted of

5 (A) murder in the first degree under AS 11.41.100 or former  
6 AS 11.15.010 or 11.15.020;

7 (B) murder in the second degree under AS 11.41.110 or former  
8 AS 11.15.030; or

9 (C) homicide under the laws of another jurisdiction when the  
10 offense of which the defendant was convicted contains elements similar to first  
11 degree murder under AS 11.41.100 or second degree murder under  
12 AS 11.41.110;

13 (3) the defendant subjected the murder victim to substantial physical  
14 torture;

15 (4) the defendant is convicted of the murder of and personally caused  
16 the death of a person, other than a participant, during a robbery; or

17 (5) the defendant is a peace officer who used the officer's authority as a  
18 peace officer to facilitate the murder.

19 \* **Sec. 87.** AS 12.55.125(b) is amended to read:

20 (b) A defendant convicted of attempted murder in the first degree, solicitation  
21 to commit murder in the first degree, conspiracy to commit murder in the first degree,  
22 kidnapping, or misconduct involving a controlled substance in the first degree shall be  
23 sentenced to a definite term of imprisonment of at least five years but not more than  
24 99 years. A defendant convicted of murder in the second degree or murder of an  
25 unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of  
26 imprisonment of at least **15** [10] years but not more than 99 years. A defendant  
27 convicted of murder in the second degree shall be sentenced to a definite term of  
28 imprisonment of at least 20 years but not more than 99 years when the defendant is  
29 convicted of the murder of a child under 16 years of age and the court finds by clear  
30 and convincing evidence that the defendant (1) was a natural parent, a stepparent, an  
31 adoptive parent, a legal guardian, or a person occupying a position of authority in

1 relation to the child; or (2) caused the death of the child by committing a crime against  
2 a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and  
3 "position of authority" have the meanings given in AS 11.41.470.

4 \* **Sec. 88.** AS 12.55.125(c) is amended to read:

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

9 (1) if the offense is a first felony conviction and does not involve  
10 circumstances described in (2) of this subsection, **three** [FIVE] to **six** [EIGHT] years;

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

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

19 (B) and the conviction is for manufacturing related to  
20 methamphetamine under AS 11.71.020(a)(2)(A) or (B), seven to 11 years, if

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

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

28 (3) if the offense is a second felony conviction, **eight** [10] to **12** [14]  
29 years;

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

1 \* **Sec. 89.** AS 12.55.125(d) is amended to read:

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

6 (1) if the offense is a first felony conviction and does not involve  
7 circumstances described in (2) of this subsection, **zero** [ONE] to **two** [THREE] years;  
8 a defendant sentenced under this paragraph may, if the court finds it appropriate, be  
9 granted a suspended imposition of sentence under AS 12.55.085 [IF, AS A  
10 CONDITION OF PROBATION UNDER AS 12.55.086, THE DEFENDANT IS  
11 REQUIRED TO SERVE AN ACTIVE TERM OF IMPRISONMENT WITHIN THE  
12 RANGE SPECIFIED IN THIS PARAGRAPH, UNLESS THE COURT FINDS  
13 THAT A MITIGATION FACTOR UNDER AS 12.55.155 APPLIES];

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

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

16 **(i)** a child under 16 years of age, two to four years; **or**

17 **(ii)** **was 16 years of age or older, one to three years;**

18 (B) two to four years if the conviction is for an attempt,  
19 solicitation, or conspiracy to manufacture related to methamphetamine under  
20 AS 11.31 and AS 11.71.020(a)(2)(A) or (B), and

21 (i) the attempted manufacturing occurred, or the  
22 solicited or conspired offense was to have occurred, in a building with  
23 reckless disregard that the building was used as a permanent or  
24 temporary home or place of lodging for one or more children under 18  
25 years of age or the building was a place frequented by children; or

26 (ii) in the course of an attempt to manufacture, the  
27 defendant obtained the assistance of one or more children under 18  
28 years of age or one or more children were present;

29 (3) if the offense is a second felony conviction, **two** [FOUR] to **five**  
30 [SEVEN] years;

31 (4) if the offense is a third felony conviction, **four** [SIX] to 10 years.

1 \* **Sec. 90.** AS 12.55.125(e) is amended to read:

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

6 (1) if the offense is a first felony conviction and does not involve  
7 circumstances described in (4) of this subsection, **probation, with a suspended term**  
8 **of imprisonment of zero to 18 months** [TWO YEARS]; a defendant sentenced under  
9 this paragraph may, if the court finds it appropriate, be granted a suspended imposition  
10 of sentence under AS 12.55.085 [, AND THE COURT MAY, AS A CONDITION OF  
11 PROBATION UNDER AS 12.55.086, REQUIRE THE DEFENDANT TO SERVE  
12 AN ACTIVE TERM OF IMPRISONMENT WITHIN THE RANGE SPECIFIED IN  
13 THIS PARAGRAPH];

14 (2) if the offense is a second felony conviction, **one to three** [TWO  
15 TO FOUR] years;

16 (3) if the offense is a third felony conviction, **two** [THREE] to five  
17 years;

18 (4) if the offense is a first felony conviction, and the defendant violated

19 **(A) AS 08.54.720(a)(15), one to two years;**

20 **(B) AS 28.35.030(n)(1)(A) or 28.35.032(p)(1)(A), 120 days to**

21 **239 days;**

22 **(C) AS 28.35.030(n)(1)(B) or 28.35.032(p)(1)(B), 240 days to**

23 **359 days;**

24 **(D) AS 28.35.030(n)(1)(C) or 23.35.032(p)(1)(C), 360 days to**

25 **two years.**

26 \* **Sec. 91.** AS 12.55.135(a) is amended to read:

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

29 **(1) one year, if the**

30 **(A) conviction is for a crime with a mandatory minimum**

31 **term of 30 days or more of active imprisonment;**

1                    (B) trier of fact finds the aggravating factor that the  
2                    conduct constituting the offense was among the most serious conduct  
3                    included in the definition of the offense;

4                    (C) defendant has past criminal convictions for conduct  
5                    violative of criminal laws, punishable as felonies or misdemeanors, similar  
6                    in nature to the offense for which the defendant is being sentenced;

7                    (D) conviction is for an assault in the fourth degree under  
8                    AS 11.41.230; or

9                    (E) conviction is for a violation of

10                    (i) AS 11.41.427;

11                    (ii) AS 11.41.440;

12                    (iii) AS 11.41.460, if the indecent exposure is before  
13                    a person under 16 years of age; or

14                    (iv) AS 11.61.118(a)(2);

15                    (2) 30 days.

16 \* **Sec. 92.** AS 12.55.135(b) is amended to read:

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

19                    (1) 10 [90] days unless otherwise specified in the provision of law  
20                    defining the offense **or in this section;**

21                    **(2) 90 days if the conviction is for a violation of**

22                    **(A) AS 11.61.116(c)(1) and the person is 21 years of age or**  
23                    **older; or**

24                    **(B) AS 11.61.120(a)(6) and the person is 21 years of age or**  
25                    **older.**

26 \* **Sec. 93.** AS 12.55.135 is amended by adding new subsections to read:

27                    (l) A court sentencing a person convicted of theft in the fourth degree under  
28                    AS 11.46.150, concealment of merchandise under AS 11.46.220(c)(3), removal of  
29                    identification marks under AS 11.46.260(b)(3), unlawful possession under  
30                    AS 11.46.270(b)(3), issuing a bad check under AS 11.46.280(d)(4), or criminal  
31                    simulation under AS 11.46.530(b)(3) may not impose

1 (1) a sentence of more than five days of suspended imprisonment and a  
2 term of probation of more than six months if the person has previously been convicted  
3 two or more times of an offense under AS 11.46.110 - 11.46.220, 11.46.260 -  
4 11.46.290, 11.46.360 or 11.46.365, or a law or ordinance of this or another jurisdiction  
5 with substantially similar elements; or

6 (2) a sentence of active or suspended imprisonment if the person has  
7 not been previously convicted, or has previously been convicted once, of an offense  
8 under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360 or 11.46.365, or a  
9 law or ordinance of this or another jurisdiction with substantially similar elements.

10 (m) A court may not impose a sentence of imprisonment for a definite term of  
11 more than 24 hours for a person convicted of disorderly conduct under AS 11.61.110.

12 (n) A court sentencing a person convicted of misconduct involving a  
13 controlled substance in the fourth degree under AS 11.71.050(a)(4) or misconduct  
14 involving a controlled substance in the fifth degree under AS 11.71.060(a)(2) may not  
15 impose

16 (1) a sentence of active imprisonment, unless the person has previously  
17 been convicted more than once of an offense under AS 11.71 or a law of this or  
18 another jurisdiction with elements substantially similar to an offense under AS 11.71;  
19 or

20 (2) a sentence of suspended imprisonment greater than

21 (A) 30 days, if the defendant has not been previously convicted  
22 of an offense under AS 11.71 or a law of this or another jurisdiction with  
23 elements substantially similar to an offense under AS 11.71; or

24 (B) 180 days, if the person has been previously convicted of an  
25 offense under AS 11.71 or a law of this or another jurisdiction with elements  
26 substantially similar to an offense under AS 11.71.

27 (o) If an aggravating factor is a necessary element of the present offense, that  
28 factor may not be used to impose a sentence above the high end of the range.

29 (p) If the state seeks to establish an aggravating factor at sentencing

30 (1) under (a)(1)(C) of this section, written notice must be served on the  
31 opposing party and filed with the court not later than 10 days before the date set for

1 imposition of sentence; the aggravating factor in (a)(1)(C) of this section must be  
2 established by clear and convincing evidence before the court sitting without a jury; all  
3 findings must be set out with specificity;

4 (2) an aggravating factor under (a)(1)(B) of this section shall be  
5 presented to a trial jury under procedures set by the court, unless the defendant waives  
6 trial by jury, stipulates to the existence of the factor, or consents to have the factor  
7 proven under procedures set out in (1) of this subsection; an aggravating factor  
8 presented to a jury is established if proved beyond a reasonable doubt; written notice  
9 of the intent to establish an aggravating factor must be served on the defendant and  
10 filed with the court

11 (A) not later than 10 days before trial or at a time specified by  
12 the court;

13 (B) not later than 48 hours, or at a time specified by the court,  
14 if the court instructs the jury about the option to return a verdict for a lesser  
15 included offense; or

16 (C) not later than five days before entering a plea that results in  
17 a finding of guilt or at a time specified by the court unless the defendant  
18 waives the notice requirement.

19 \* **Sec. 94.** AS 12.61.015(a) is amended to read:

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

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

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

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

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

1 or an unsworn oral presentation;

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

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

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

7 (4) confer with the victim [OF A CRIME INVOLVING DOMESTIC  
8 VIOLENCE] concerning a proposed plea agreement before entering into an  
9 agreement;

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

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

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

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

16 \* **Sec. 95.** AS 12.61 is amended by adding a new section to read:

17 **Sec. 12.61.016. Duties of agency investigating a sexual offense.** A law  
18 enforcement agency investigating an offense under AS 11.41.410 - 11.41.470 may not  
19 disclose information related to the investigation to an employer of the victim unless

20 (1) the victim expressly permits the disclosure; or

21 (2) the agency determines the disclosure is necessary to investigate or  
22 prevent a crime.

23 \* **Sec. 96.** AS 12.61.017(a) is amended to read:

24 (a) An employer may not penalize or threaten to penalize a victim **of an**  
25 **offense** because the victim

26 **(1)** is subpoenaed or requested by the prosecuting attorney to attend a  
27 court proceeding for the purpose of giving testimony; **or**

28 **(2) reports the offense to a law enforcement agency or participates**  
29 **in the investigation of the offense by a law enforcement agency** [. IN THIS  
30 SUBSECTION, "PENALIZE" MEANS TO TAKE ACTION AFFECTING THE  
31 EMPLOYMENT STATUS, WAGES, AND BENEFITS PAYABLE TO THE

1 VICTIM, INCLUDING

2 (1) DEMOTION OR SUSPENSION;

3 (2) DISMISSAL FROM EMPLOYMENT; AND

4 (3) LOSS OF PAY OR BENEFITS, EXCEPT PAY AND BENEFITS

5 THAT ARE DIRECTLY ATTRIBUTABLE TO THE VICTIM'S ABSENCE FROM  
6 EMPLOYMENT TO ATTEND THE COURT PROCEEDING].

7 \* **Sec. 97.** AS 12.61.017 is amended by adding a new subsection to read:

8 (d) In this section, "penalize" means to take action affecting the employment  
9 status, wages, and benefits payable to the victim, including

10 (1) demotion or suspension;

11 (2) dismissal from employment; and

12 (3) loss of pay or benefits, except pay and benefits that are directly  
13 attributable to the victim's absence from employment to

14 (A) attend the court proceeding;

15 (B) report the offense to a law enforcement agency;

16 (C) participate in a law enforcement agency investigation of the  
17 offense.

18 \* **Sec. 98.** AS 12.70.130 is amended to read:

19 **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be  
20 lawfully made by a peace officer or a private person without a warrant upon  
21 reasonable information that the accused stands charged in the courts of another state  
22 with a crime punishable by death or imprisonment for a term exceeding one year, but  
23 when arrested the accused must be taken before a judge or magistrate without  
24 unnecessary delay and, in any event, within 24 [48] hours after arrest, **absent**  
25 **compelling circumstances**, including Sundays and holidays, and complaint shall be  
26 made against the accused under oath setting out the ground for the arrest as in  
27 AS 12.70.120. **The hearing before the judge or magistrate may not take place**  
28 **more than 48 hours after arrest.** Thereafter the answer of the accused shall be heard  
29 as if the accused had been arrested on a warrant.

30 \* **Sec. 99.** AS 18.67.020(a) is amended to read:

31 (a) **The** [THERE IS THE] Violent Crimes Compensation Board **is** [IN THE

1 DEPARTMENT OF ADMINISTRATION] composed of three members to be  
2 appointed by the governor. One of the members shall be designated as chair by the  
3 governor. At least one member must be a medical or osteopathic physician, a  
4 physician assistant, or an advanced nurse practitioner licensed to practice in this  
5 state or [HOLDING A] retired from practice [STATUS LICENSE] in this state, and  
6 one member must be an attorney licensed to practice in this state or retired from  
7 practice in this state.

8 \* **Sec. 100.** AS 22.35.030, added by sec. 2, ch. 1, SLA 2016, is amended to read:

9 **Sec. 22.35.030. Records concerning criminal cases resulting in acquittal or**  
10 **dismissal.** The Alaska Court System may not publish a court record of a criminal case  
11 on a publicly available website if 60 days have elapsed from the date of acquittal or  
12 dismissal and

13 (1) the defendant was acquitted of all charges filed in the case;

14 (2) all criminal charges against the defendant in the case have been  
15 dismissed and were not dismissed as part of a plea agreement in another criminal case  
16 under Rule 11, Alaska Rules of Criminal Procedure; [OR]

17 (3) the defendant was acquitted of some of the criminal charges in the  
18 case and the remaining charges were dismissed; or

19 (4) all criminal charges against the defendant in the case have been  
20 dismissed after a suspended entry of judgment under AS 12.55.078.

21 \* **Sec. 101.** AS 28.15.165 is amended by adding a new subsection to read:

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

30 (1) the person has been acquitted of driving while under the influence  
31 under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a

1 similar municipal ordinance for the incident on which the revocation was based; or

2 (2) all criminal charges against the person for driving while under the  
3 influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit  
4 to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to  
5 the incident on which the revocation is based have been dismissed without prejudice.

6 \* **Sec. 102.** AS 28.15.191(g) is amended to read:

7 (g) A court that has ordered a person to refrain from consuming alcoholic  
8 beverages as part of a sentence for conviction of a crime under AS 28.35.030,  
9 28.35.032, or a similar municipal ordinance or as a condition of probation or parole  
10 following a conviction under those sections or a similar municipal ordinance, **or as a**  
11 **condition of probation or parole for any other crime** shall

12 (1) require the surrender of the person's license and identification card  
13 and forward the license and identification card to the department;

14 (2) report the order to the department within two days; and

15 (3) inform the person that the person's license and identification card  
16 are subject to cancellation under AS 28.15.161 and AS 18.65.310 and, if the person is  
17 otherwise qualified to receive a license or identification card, when the person obtains  
18 a new license or identification card, the license or identification card must list the  
19 restriction imposed by AS 04.16.160 for the period of probation or parole.

20 \* **Sec. 103.** AS 28.15.201 is amended by adding new subsections to read:

21 (g) Notwithstanding (d) of this section, a court revoking a driver's license,  
22 privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the  
23 department when revoking a driver's license, privilege to drive, or privilege to obtain a  
24 license under AS 28.15.165(c), may grant limited license privileges if

25 (1) the revocation was for a felony conviction under AS 28.35.030;

26 (2) the person is participating in and has successfully participated for  
27 at least six months in, or has successfully completed, a court-ordered treatment  
28 program under AS 28.35.028, and submits verification acceptable to the department;

29 (3) the person provides proof of insurance as required by AS 28.20.230  
30 and 28.20.240;

31 (4) the person is required to use an ignition interlock device during the

1 period of the limited license whenever the person operates a motor vehicle in a  
2 community not included in the list published by the department under  
3 AS 28.22.011(b) and, when applicable,

4 (A) the person provides proof of installation of the ignition  
5 interlock device on every vehicle the person operates;

6 (B) the person signs an affidavit acknowledging that

7 (i) operation by the person of a vehicle that is not  
8 equipped with an ignition interlock device is subject to penalties for  
9 driving with a revoked license;

10 (ii) circumventing or tampering with the ignition  
11 interlock device is a class A misdemeanor; and

12 (iii) the person is required to maintain the ignition  
13 interlock device throughout the period of the limited license, to keep  
14 up-to-date records in each vehicle showing that any required service  
15 and calibration is current, and to produce those records immediately on  
16 request;

17 (5) the person has not previously been granted a limited license under  
18 this section and had the license revoked under (j) of this section.

19 (h) Notwithstanding (g)(2) of this section, if a person resides in a community  
20 where a court-ordered treatment program under AS 28.35.028 is not available, the  
21 person shall

22 (1) provide proof to the court that the person has successfully  
23 completed a rehabilitative treatment program appropriate for the person's alcohol or  
24 substance abuse condition; the program must

25 (A) include planning and treatment for alcohol or drug  
26 addiction;

27 (B) include emphasis on personal responsibility;

28 (C) require payment of restitution to victims and completion of  
29 community work service;

30 (D) include physician-approved treatment of physical addiction  
31 and treatment of the psychological causes of addiction; and

1 (E) include a monitoring program and physical placement or  
2 housing in communities where the court finds that a monitoring program and  
3 placement or housing is available;

4 (2) provide proof by clear and convincing evidence to the court that the  
5 person is currently sober and has maintained sobriety for a period of at least 18  
6 months; and

7 (3) provide written notice to the district attorney's office of the person's  
8 request for a limited license under this section.

9 (i) A person is not entitled to court-appointed counsel under (h) of this section.

10 (j) The court or the department may immediately revoke a limited license  
11 granted under (g) of this section if the person is convicted of a violation of  
12 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction  
13 or if the person is not in compliance with a court-ordered treatment program under  
14 AS 28.35.028 or a rehabilitative treatment program under (h) of this section.

15 \* **Sec. 104.** AS 28.15.291(a) is repealed and reenacted to read:

16 (a) A person commits the crime of driving while license canceled, suspended,  
17 revoked, or in violation of a limitation if the person drives

18 (1) a motor vehicle on a highway or vehicular way or area at a time  
19 when that person's driver's license, privilege to drive, or privilege to obtain a license  
20 has been canceled, suspended, or revoked under circumstances described in  
21 AS 28.15.181(c) or a similar law in another jurisdiction;

22 (2) a motor vehicle on a highway or vehicular way or area at a time  
23 when that person's driver's license, privilege to drive, or privilege to obtain a license  
24 has been canceled, suspended, or revoked under circumstances other than those  
25 described in (1) of this subsection; or

26 (3) in violation of a limitation placed on that person's license or  
27 privilege to drive in this or another jurisdiction.

28 \* **Sec. 105.** AS 28.15.291(b) is repealed and reenacted to read:

29 (b) Driving while license canceled, suspended, revoked, or in violation of a  
30 limitation is

31 (1) a class A misdemeanor if the person violates (a)(1) of this section;

1 upon conviction, the court shall impose a minimum sentence of imprisonment of not  
2 less than 10 days

3 (A) with 10 days suspended if the person has not been  
4 previously convicted under (a)(1) of this section or a similar law of another  
5 jurisdiction; or

6 (B) if the person has been previously convicted under (a)(1) of  
7 this section or a similar law in another jurisdiction;

8 (2) an infraction if the person violates (a)(2) or (3) of this section.

9 \* **Sec. 106.** AS 28.35.028(b) is amended to read:

10 (b) Once the court elects to proceed under this section, the defendant shall  
11 enter a no contest or guilty plea to the offense or shall admit to a probation violation,  
12 as appropriate. The state and the defendant may enter into a plea agreement to  
13 determine the offense or offenses to which the defendant is required to plead. If the  
14 court accepts the agreement, the court shall enforce the terms of the agreement. The  
15 court shall enter a judgment of conviction for the offense or offenses for which the  
16 defendant has pleaded or an order finding that the defendant has violated probation, as  
17 appropriate. A judgment of conviction or an order finding a probation violation must  
18 set a schedule for payment of restitution owed by the defendant. In a judgment of  
19 conviction and on probation conditions that the court considers appropriate, the court  
20 may withhold pronouncement of a period of imprisonment or a fine to provide an  
21 incentive for the defendant to complete recommended treatment successfully.  
22 Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any  
23 mandatory minimum or other sentencing provision applicable to the offense.  
24 However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any  
25 other provision of law, the court, at any time after the period when a reduction of  
26 sentence is normally available, may consider and reduce the defendant's sentence,  
27 **including imprisonment, fine, or license revocation,** based on the defendant's  
28 compliance with the treatment plan; when reducing a sentence, the court (1) may not  
29 reduce the sentence below the mandatory minimum sentence for the offense unless the  
30 court finds that the defendant has successfully complied with and completed the  
31 treatment plan and that the treatment plan approximated the severity of the minimum

1 period of imprisonment, and (2) may consider the defendant's compliance with the  
2 treatment plan as a mitigating factor allowing a reduction of a sentence under  
3 AS 12.55.155(a). A court entering an order finding the defendant has violated  
4 probation may withhold pronouncement of disposition to provide an incentive for the  
5 defendant to complete the recommended treatment successfully.

6 \* **Sec. 107.** AS 28.35.030(k) is amended to read:

7 (k) Imprisonment required under (b)(1)(A) of this section shall be served [AT  
8 A COMMUNITY RESIDENTIAL CENTER OR] by electronic monitoring at a  
9 private residence **under AS 33.30.065**. If [A COMMUNITY RESIDENTIAL  
10 CENTER OR] electronic monitoring [AT A PRIVATE RESIDENCE] is not available,  
11 imprisonment required under (b)(1)(A) of this section **shall** [MAY] be served at **a**  
12 **private residence by other means determined by the commissioner of corrections.**  
13 **A person who is serving a sentence of imprisonment required under (b)(1)(A) of**  
14 **this section by electronic monitoring at a private residence may not be subject to**  
15 **a search of the person's dwelling by a peace officer or a person required to**  
16 **administer the electronic monitoring under AS 33.30.065(a), except upon**  
17 **probable cause** [ANOTHER APPROPRIATE PLACE DETERMINED BY THE  
18 COMMISSIONER OF CORRECTIONS]. Imprisonment required under (b)(1)(B) -  
19 (F) of this section may be served at a community residential center or at a private  
20 residence if approved by the commissioner of corrections. Imprisonment served at a  
21 private residence must include electronic monitoring **under AS 33.30.065 or, if**  
22 **electronic monitoring is not available, by other means as determined by the**  
23 **commissioner of corrections**. The cost of imprisonment resulting from the sentence  
24 imposed under (b)(1) of this section shall be paid to the state by the person being  
25 sentenced. **The** [PROVIDED, HOWEVER, THAT THE] cost of imprisonment  
26 required to be paid under this subsection may not exceed \$2,000. Upon the person's  
27 conviction, the court shall include the costs of imprisonment as a part of the judgment  
28 of conviction. Except for reimbursement from a permanent fund dividend as provided  
29 in this subsection, payment of the cost of imprisonment is not required if the court  
30 determines the person is indigent. For costs of imprisonment that are not paid by the  
31 person as required by this subsection, the state shall seek reimbursement from the

1 person's permanent fund dividend as provided under AS 43.23.065. [WHILE AT THE  
2 COMMUNITY RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A  
3 PERSON SENTENCED UNDER (b)(1)(A) OF THIS SECTION SHALL PERFORM  
4 AT LEAST 24 HOURS OF COMMUNITY SERVICE WORK.] A person sentenced  
5 under (b)(1)(B) of this section shall perform at least 160 hours of community service  
6 work, as required by the director of the community residential center or other  
7 appropriate place, or as required by the commissioner of corrections if the sentence is  
8 being served at a private residence. In this subsection, "appropriate place" means a  
9 facility with 24-hour on-site staff supervision that is specifically adapted to provide a  
10 residence, and includes a correctional center, residential treatment facility, hospital,  
11 halfway house, group home, work farm, work camp, or other place that provides  
12 varying levels of restriction.

13 \* **Sec. 108.** AS 28.35.030(l) is amended to read:

14 (l) The commissioner of corrections shall determine and prescribe by  
15 regulation a uniform average cost of imprisonment for the purpose of determining the  
16 cost of imprisonment required to be paid under (k) of this section by a convicted  
17 person. **The regulations must include the costs associated with electronic**  
18 **monitoring under AS 33.30.065.**

19 \* **Sec. 109.** AS 28.35.030(o) is amended to read:

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

22 **(1)** may restore the driver's license if

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

25 **(B)** [(2)] the person has not been convicted of a **driving-**  
26 **related** criminal offense since the license was revoked; and

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

28 **(2)** shall restore the driver's license if

29 **(A)** **the person has been granted limited license privileges**  
30 **under AS 28.15.201(g) and has successfully driven under that limited**  
31 **license for three years without having the limited license privileges**

1            revoked;

2                            (B) the person has successfully completed a court-ordered  
3                            treatment program under AS 28.35.028 or a rehabilitative treatment  
4                            program under AS 28.15.201(h);

5                            (C) the person has not been convicted of a violation of  
6                            AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another  
7                            jurisdiction since the license was revoked;

8                            (D) the person is otherwise eligible to have the person's  
9                            driving privileges restored as provided in AS 28.15.211; in an application  
10                           under this subsection, a person whose license was revoked for a violation  
11                           of AS 28.35.030(n) or 28.35.032(p) is not required to submit compliance as  
12                           required under AS 28.35.030(h) or 28.35.032(l); and

13                           (E) the person provides proof of financial responsibility.

14 \* **Sec. 110.** AS 28.35.032(o) is amended to read:

15                           (o) Imprisonment required under (g)(1)(A) of this section shall be served **at a**  
16                           **private residence by electronic monitoring under AS 33.30.065. If electronic**  
17                           **monitoring** [AT A COMMUNITY RESIDENTIAL CENTER, OR IF A  
18                           COMMUNITY RESIDENTIAL CENTER] is not available, **imprisonment under**  
19                           **(g)(1)(A) of this section shall be served at a private residence by other means as**  
20                           **determined by the commissioner of corrections. A person who is serving a**  
21                           **sentence of imprisonment required under (g)(1)(A) of this section by electronic**  
22                           **monitoring at a private residence may not be subject to a search of the person's**  
23                           **dwelling by a peace officer or a person required to administer the electronic**  
24                           **monitoring under AS 33.30.065(a), except upon probable cause** [AT ANOTHER  
25                           APPROPRIATE PLACE DETERMINED BY THE COMMISSIONER OF  
26                           CORRECTIONS]. Imprisonment required under (g)(1)(B) - (F) of this section may be  
27                           served at a community residential center or at a private residence if approved by the  
28                           commissioner of corrections. Imprisonment served at a private residence must include  
29                           electronic monitoring **under AS 33.30.065 or, if electronic monitoring is not**  
30                           **available, shall be served by other means as determined by the commissioner of**  
31                           **corrections.** The cost of imprisonment resulting from the sentence imposed under

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

21 \* **Sec. 111.** AS 29.10.200(21) is amended to read:

22 (21) AS 29.25.070(e) **and (g) (penalties)** [(NOTICES OF CERTAIN  
23 CIVIL ACTIONS)];

24 \* **Sec. 112.** AS 29.25.070(a) is amended to read:

25 (a) For the violation of an ordinance, a municipality may by ordinance  
26 prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days,  
27 **except as limited by (g) of this section.** For a violation that cannot result in  
28 incarceration or the loss of a valuable license, a municipality may allow disposition of  
29 the violation without court appearance and establish a schedule of fine amounts for  
30 each offense.

31 \* **Sec. 113.** AS 29.25.070 is amended by adding a new subsection to read:

1 (g) If a municipality prescribes a penalty for a violation of a municipal  
2 ordinance, including a violation under (a) of this section, and there is a comparable  
3 state offense under AS 11 or AS 28 with elements that are similar to the municipal  
4 ordinance, the municipality may not impose a greater punishment than that imposed  
5 for a violation of the state law. This subsection applies to home rule and general law  
6 municipalities.

7 \* **Sec. 114.** AS 33.05.020 is amended by adding new subsections to read:

8 (g) The commissioner shall establish an administrative sanction and incentive  
9 program to facilitate a swift and effective response to a probationer's compliance with  
10 or violation of the conditions of probation. The commissioner shall adopt regulations  
11 to implement the program. At a minimum, the regulations must include

12 (1) a decision-making process to guide probation officers in  
13 determining the suitable response to positive and negative offender behavior that  
14 includes a list of sanctions for the most common types of negative behavior, including  
15 technical violations of conditions of probation, and a list of incentives for compliance  
16 with conditions and positive behavior that exceeds those conditions;

17 (2) policies and procedures that ensure

18 (A) a process for responding to negative behavior that includes  
19 a review of previous violations and sanctions;

20 (B) that enhanced sanctions for certain negative conduct are  
21 approved by the commissioner or the commissioner's designee; and

22 (C) that appropriate due process protections are included in the  
23 process, including notice of negative behavior, an opportunity to dispute the  
24 accusation and the sanction, and an opportunity to request a review of the  
25 accusation and the sanction.

26 (h) The commissioner shall establish by regulation a program allowing  
27 probationers to earn credits for complying with the conditions of probation. The  
28 credits earned reduce the period of probation. Nothing in this subsection prohibits the  
29 department from recommending to the court the early discharge of the probationer as  
30 provided in AS 33.30. At a minimum, the regulations must

31 (1) require that a probationer earn a credit of 30 days for each 30-day

1 period served in which the defendant complied with the conditions of probation;

2 (2) include policies and procedures for

3 (A) calculating and tracking credits earned by probationers;

4 (B) reducing the probationer's period of probation based on  
5 credits earned by the probationer; and

6 (C) notifying a victim under AS 33.30.013.

7 \* **Sec. 115.** AS 33.05.040 is amended to read:

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

9 (1) furnish to each probationer under the supervision of the officer a  
10 written statement of the conditions of probation and shall instruct the probationer  
11 regarding the same;

12 (2) keep informed concerning the conduct and condition of each  
13 probationer under the supervision of the officer and shall report on the probationer to  
14 the court placing **the** [SUCH] person on probation;

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

18 (4) keep records of the probation work, **including administrative**  
19 **sanctions and incentives the probation officer imposes under AS 33.05.020(g),**  
20 keep accurate and complete accounts of all money collected from persons under the  
21 supervision of the officer, give receipts for money collected and make at least monthly  
22 returns of it, make the reports to the court and the commissioner required by them, and  
23 perform other duties the court may direct;

24 (5) perform **the** [SUCH] duties with respect to persons on parole as the  
25 commissioner shall request [,] and, in **that** [SUCH] service, shall be termed a parole  
26 officer;

27 **(6) use administrative sanctions and incentives developed under**  
28 **AS 33.05.020(g) to respond to a probationer's negative and positive behavior,**  
29 **including responses to technical violations of conditions of probation, in a way**  
30 **that is intended to interrupt negative behavior in a swift, certain, and**  
31 **proportional manner and support progress with a recognition of positive**

1 behavior;

2 (7) upon determining that a probationer under the supervision of  
3 the officer meets the requirements of AS 12.55.090(g), recommend to the court as  
4 soon as practicable that probation be terminated and the probationer be  
5 discharged from probation; and

6 (8) for each probationer who owes restitution and who is under the  
7 supervision of the officer, create a restitution payment schedule based on the  
8 probationer's income and ability to pay if the court has not already set a  
9 restitution payment schedule.

10 \* **Sec. 116.** AS 33.05.080 is amended by adding a new paragraph to read:

11 (3) "administrative sanctions and incentives" means responses by a  
12 probation officer to a probationer's compliance with or violation of the conditions of  
13 probation under AS 33.05.020(g).

14 \* **Sec. 117.** AS 33 is amended by adding a new chapter to read:

15 **Chapter 07. Pretrial Services Program.**

16 **Sec. 33.07.010. Pretrial services program; establishment.** The commissioner  
17 shall establish and administer a pretrial services program that provides a pretrial risk  
18 assessment for all defendants, recommendations to the court concerning pretrial  
19 release decisions, and supervision of defendants released while awaiting trial as  
20 ordered by the court.

21 **Sec. 33.07.020. Duties of commissioner; pretrial services.** The commissioner  
22 shall

23 (1) appoint and make available to the superior court and district court  
24 qualified pretrial services officers;

25 (2) fix pretrial services officers' salaries;

26 (3) assign pretrial services officers to each judicial district;

27 (4) provide for the necessary supervision, training, expenses, including  
28 clerical services, and travel of pretrial services officers;

29 (5) approve a risk assessment instrument that is objective,  
30 standardized, and developed based on analysis of empirical data and risk factors  
31 relevant to pretrial failure, that evaluates the likelihood of failure to appear in court

1 and the likelihood of rearrest during the pretrial period, and that is validated on the  
2 state's pretrial population; and

3 (6) adopt regulations in consultation with the Department of Law, the  
4 public defender, the Department of Public Safety, the office of victims' rights, and the  
5 Alaska Court System, consistent with this chapter and as necessary to implement the  
6 program; the regulations must include a process for pretrial services officers to make a  
7 recommendation to the court concerning a pretrial release decision and guidelines for  
8 pretrial diversion recommendations.

9 **Sec. 33.07.030. Duties of pretrial services officers.** (a) Pretrial services  
10 officers shall, in advance of a first appearance before a judicial officer under  
11 AS 12.30, conduct a pretrial risk assessment on the defendant using an instrument  
12 approved by the commissioner for the purpose of making a recommendation to the  
13 court concerning an appropriate pretrial release decision and conditions of release. In  
14 conducting a pretrial risk assessment and making a recommendation to the court, the  
15 pretrial services officer shall follow the decision-making process established by  
16 regulation under this chapter. The pretrial risk assessment shall be completed and  
17 presented to the court in a pretrial release report that contains a risk assessment rating  
18 of low, moderate, or high and a recommendation regarding release and release  
19 conditions, including a recommendation concerning a defendant's dependency on,  
20 abuse of, or addiction to alcohol or controlled substances, to the extent those factors  
21 are indicated by the offense or criminal history, before the defendant's first appearance  
22 before a judicial officer.

23 (b) A pretrial services officer shall make a recommendation under (a) of this  
24 section for pretrial release to the court based on factors that include the results of a  
25 pretrial risk assessment, the offense charged, and the least restrictive condition or  
26 conditions that will reasonably ensure the appearance of the person in court and the  
27 safety of the victim, other persons, and the community. If the offense or criminal  
28 history of a defendant identifies that a dependency on, abuse of, or addiction to  
29 alcohol or controlled substances is a factor in the defendant's offense, the pretrial  
30 services officer shall include that identified fact in the report to the court and to the  
31 attorneys. The recommendation must take into account

1 (1) the defendant's risk rating;  
2 (2) the appropriateness for release on the defendant's own  
3 recognizance or upon the execution of an unsecured appearance bond, unsecured  
4 performance bond, or both; and

5 (3) the appropriateness of nonmonetary release conditions permitted  
6 under AS 12.30.011, 12.30.016, 12.30.021, and 12.30.027 and supervision of those  
7 conditions by a pretrial services officer for defendants who are recommended for  
8 release.

9 (c) A pretrial services officer shall recommend for release on personal  
10 recognizance, upon execution of an unsecured appearance bond, or upon execution of  
11 an unsecured performance bond, with nonmonetary conditions as appropriate, if a  
12 defendant is charged with

13 (1) a misdemeanor, unless that misdemeanor is

14 (A) a crime involving domestic violence, as defined in  
15 AS 18.66.990;

16 (B) a crime against the person under AS 11.41;

17 (C) an offense under AS 11.56.730 or 11.56.757;

18 (2) a class C felony, unless that felony is

19 (A) a crime involving domestic violence, as defined in  
20 AS 18.66.990;

21 (B) a crime against the person under AS 11.41;

22 (C) an offense under AS 11.56.730;

23 (3) an offense under AS 28.35.030 or 28.35.032, if the defendant has  
24 been assessed as being low or moderate risk on the pretrial risk assessment.

25 (d) A pretrial services officer shall recommend release on personal  
26 recognizance, upon execution of an unsecured appearance bond, or upon execution of  
27 an unsecured performance bond, with nonmonetary conditions as appropriate, unless  
28 the pretrial services officer finds

29 (1) by substantial evidence that no nonmonetary conditions of release  
30 in combination with release on personal recognizance or upon execution of unsecured  
31 bond can reasonably ensure public safety and appearance in court; and

1 (2) the defendant has been charged with

2 (A) an offense under AS 28.35.030 or 28.35.032, and the  
3 offender has been assessed as high risk under a pretrial risk assessment;

4 (B) an offense under AS 11.56.730 or 11.56.757, and the  
5 offender has been assessed as low to moderate risk under a pretrial risk  
6 assessment; or

7 (C) any other offense, and the defendant has been assessed as  
8 being low risk under a pretrial risk assessment.

9 (e) A pretrial services officer may recommend release on personal  
10 recognizance, upon execution of an unsecured appearance bond, or upon execution of  
11 an unsecured performance bond, with nonmonetary conditions as appropriate, for a  
12 defendant not otherwise recommended for release under (c) or (d) of this section.

13 (f) A pretrial services officer may supervise a defendant released while  
14 awaiting trial, imposing the least restrictive level of supervision that will reasonably  
15 ensure the appearance of the person in court and the safety of the victim, other  
16 persons, and the community, and prioritizing higher levels of supervision for a  
17 defendant accused of serious charges or assessed as moderate or high risk under a  
18 pretrial risk assessment. The commissioner may, in accordance with AS 36.30,  
19 procure and enter into agreements or contracts for the supervision of defendants on  
20 electronic monitoring during the pretrial period.

21 (g) A pretrial services officer may

22 (1) recommend pretrial diversion to the court and parties before  
23 adjudication in accordance with the guidelines established by the commissioner under  
24 AS 33.07.020(6);

25 (2) arrest, without a warrant, a defendant who has been released while  
26 awaiting trial if the officer has probable cause to believe the defendant has committed  
27 an offense under AS 11.56.730 or 11.56.757 or has violated the defendant's release  
28 conditions;

29 (3) refer interested defendants for substance abuse screening,  
30 assessment, and treatment on a voluntary basis and assist any defendant whose offense  
31 or criminal history identified a dependency on, abuse of, or addiction to alcohol or

1 controlled substances with accessing and obtaining appropriate treatment in the  
2 community to address those needs;

3 (4) recommend that a defendant charged with an offense involving the  
4 use of alcohol or controlled substances comply with a program established under  
5 AS 47.38.020; and

6 (5) coordinate with community-based organizations and tribal courts  
7 and councils to develop and expand pretrial diversion options.

8 **Sec. 33.07.040. Pretrial services officers as officers of court.** All pretrial  
9 services officers shall be available to the superior and district courts and shall be  
10 officers of the court.

11 **Sec. 33.07.090. Definitions.** In this chapter,

12 (1) "commissioner" means the commissioner of corrections;

13 (2) "program" means the pretrial services program.

14 \* **Sec. 118.** AS 33.16.010(c) is amended to read:

15 (c) A prisoner who is not eligible for special medical, administrative, or  
16 discretionary parole, or who is not released on special medical, administrative, or  
17 discretionary parole, shall be released on mandatory parole for the term of good time  
18 deductions credited under AS 33.20, if the term or terms of imprisonment are two  
19 years or more.

20 \* **Sec. 119.** AS 33.16.010(d) is amended to read:

21 (d) A prisoner released on special medical, administrative, discretionary, or  
22 mandatory parole is subject to the conditions of parole imposed under AS 33.16.150.  
23 Parole may be revoked under AS 33.16.220.

24 \* **Sec. 120.** AS 33.16.010 is amended by adding a new subsection to read:

25 (f) A prisoner eligible under AS 33.16.089 shall be released on administrative  
26 parole by the board of parole.

27 \* **Sec. 121.** AS 33.16.060(a) is amended to read:

28 (a) The board shall

29 (1) serve as the parole authority for the state;

30 (2) [UPON RECEIPT OF AN APPLICATION,] consider the  
31 suitability for parole of a prisoner who is eligible for discretionary parole at least 90

1 days before the prisoner's first date of eligibility and upon receipt of the  
2 prisoner's application for special medical [OR DISCRETIONARY] parole;

3 (3) impose parole conditions on all prisoners released under special  
4 medical, administrative, discretionary, or mandatory parole;

5 (4) under AS 33.16.210, discharge a person from parole when custody  
6 is no longer required;

7 (5) maintain records of the meetings and proceedings of the board;

8 (6) recommend to the governor and the legislature changes in the law  
9 administered by the board;

10 (7) recommend to the governor or the commissioner changes in the  
11 practices of the department and of other departments of the executive branch  
12 necessary to facilitate the purposes and practices of parole;

13 (8) upon request of the governor, review and recommend applicants  
14 for executive clemency; and

15 (9) execute other responsibilities prescribed by law.

16 \* **Sec. 122.** AS 33.16 is amended by adding a new section to read:

17 **Sec. 33.16.089. Eligibility for administrative parole.** (a) A prisoner  
18 convicted of a misdemeanor or a class B or C felony that is not a sex offense as  
19 defined in AS 12.63.100 or an offense under AS 11.41 who has not been previously  
20 convicted of a felony in this or another jurisdiction and who has been sentenced to an  
21 active term of imprisonment of at least 181 days shall be released on administrative  
22 parole by the board without a hearing if

23 (1) the prisoner has served the greater of

24 (A) one-fourth of the active term of imprisonment imposed;

25 (B) the mandatory minimum term of imprisonment imposed; or

26 (C) a term of imprisonment imposed under AS 12.55.115;

27 (2) the prisoner is not excluded from eligibility for administrative  
28 parole by court order;

29 (3) the prisoner has agreed to and signed the conditions of parole under  
30 AS 33.16.150;

31 (4) the victim does not request a hearing to consider issues of public

1 safety under AS 33.16.120; and

2 (5) the prisoner has met the requirements of the case plan, including  
3 completing programming in the case plan, under AS 33.30.011(8).

4 (b) If a prisoner who is eligible for discretionary parole under AS 33.16.090  
5 does not meet the criteria for release on administrative parole under (a) of this section,  
6 the board shall consider the prisoner for discretionary parole.

7 (c) If a victim makes a request at least 60 days before the prisoner's earliest  
8 parole eligibility date for a hearing under AS 33.16.120, the board shall conduct the  
9 hearing not later than 30 days before the prisoner's earliest parole eligibility date. The  
10 board may release or deny release of a prisoner on administrative parole after the  
11 hearing.

12 (d) The board shall send notice to the victim at least 90 days before the  
13 prisoner's earliest parole eligibility date and provide instructions on how to request a  
14 hearing under AS 33.16.120.

15 \* **Sec. 123.** AS 33.16.090(a) is amended to read:

16 (a) A prisoner sentenced to an active term of imprisonment of at least 181  
17 days **and who has not been released on administrative parole as provided in**  
18 **AS 33.16.089** may, in the discretion of the board, be released on discretionary parole  
19 if the prisoner

20 **(1)** has served the amount of time specified under (b) of this section,  
21 except that

22 **(A)** [(1)] a prisoner sentenced to one or more mandatory 99-  
23 year terms under AS 12.55.125(a) or one or more definite terms under  
24 AS 12.55.125(l) is not eligible for consideration for discretionary parole;

25 **(B)** [(2)] a prisoner is not eligible for consideration of  
26 discretionary parole if made ineligible by order of a court under AS 12.55.115;

27 **(C)** [(3)] a prisoner imprisoned under AS 12.55.086 is not  
28 eligible for discretionary parole unless the actual term of imprisonment is more  
29 than one year; **or**

30 **(2) is at least 60 years of age, has served at least 10 years of a**  
31 **sentence for one or more crimes in a single judgment, and has not been convicted**

1 **of an unclassified felony or a sexual felony as defined in AS 12.55.185.**

2 \* **Sec. 124.** AS 33.16.090(b) is amended to read:

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

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

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

14 (3) to a single sentence under **AS 12.55.125(i)** [AS 12.55.125(c), (d)(2)  
15 - (4), (e)(3) AND (4), OR (i)], and has been allowed by the three-judge panel under  
16 AS 12.55.175 to be considered for discretionary parole release during the second half  
17 of the sentence, may not be released on discretionary parole until

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

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

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

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

27 (4) to a single enhanced sentence under AS 12.55.155(a) that is above  
28 the applicable presumptive range may not be released on discretionary parole until the  
29 prisoner has served the greater of the following:

30 (A) an amount of time, less good time earned under  
31 AS 33.20.010, equal to the upper end of the presumptive range plus one-fourth

1 of the amount of time above the presumptive range; or

2 (B) any term set under AS 12.55.115;

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

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

9 (A) any mandatory minimum sentence or sentences imposed  
10 under any provision of law;

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

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

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

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

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

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

25 **(8) to a single sentence under AS 12.55.125(i)(3) and (4), and has**  
26 **not been allowed by the three-judge panel under AS 12.55.175 to be considered**  
27 **for discretionary parole release, may not be released on discretionary parole until**  
28 **the prisoner has served, after a deduction for good time earned under**  
29 **AS 33.20.010, one-half of the active term of imprisonment imposed.**

30 \* Sec. 125. AS 33.16.100(a) is amended to read:

31 (a) The board may authorize the release of a prisoner **convicted of an**

1 **unclassified felony who is otherwise eligible under AS 12.55.115 and**  
2 **AS 33.16.090(a)(1)** on discretionary parole if it determines a reasonable probability  
3 exists that

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

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

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

10 (4) release of the prisoner on parole would not diminish the  
11 seriousness of the crime.

12 \* **Sec. 126.** AS 33.16.100(b) is amended to read:

13 (b) If the board finds a change in circumstances in a prisoner's **preparole**  
14 **reports listed in AS 33.16.110(a)** [PAROLE RELEASE PLAN SUBMITTED  
15 UNDER AS 33.16.130(a)], or discovers new information concerning a prisoner who  
16 has been granted a parole release date, the board may rescind or revise the previously  
17 granted parole release date. In reconsidering the release date, the procedures set out in  
18 **AS 33.16.130** [AS 33.16.130(b) AND (c)] shall be followed.

19 \* **Sec. 127.** AS 33.16.100 is amended by adding new subsections to read:

20 (f) The board shall authorize the release of a prisoner who has been convicted  
21 of a class A, class B, or class C felony, or a misdemeanor, who is eligible for parole  
22 under AS 12.55.115 and AS 33.16.090, has met the requirement of a case plan created  
23 under AS 33.30.011(8), has agreed to and signed the condition of parole under  
24 AS 33.16.150, and has not been released on administrative parole under AS 33.16.089,  
25 unless the board finds by clear and convincing evidence on the record that the prisoner  
26 poses a threat of harm to the public if released on parole. If the board finds that the  
27 incomplete case plan is not the fault of the prisoner or that the prisoner would not pose  
28 a threat of harm to the public if released on parole, the board may waive the case plan  
29 requirement.

30 (g) When considering a prisoner for release on discretionary parole under  
31 AS 33.16.090(a)(2), the board may release a prisoner if, taking into consideration the

1 prisoner's likelihood of recidivism given the prisoner's age, criminal history, behavior  
2 in prison, participation in treatment, and plans for reentering the community, a  
3 reasonable probability exists that

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

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

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

10 (4) release of the prisoner on parole would not diminish the  
11 seriousness of the crime.

12 \* **Sec. 128.** AS 33.16.110(a) is amended to read:

13 (a) In determining whether a prisoner is suitable for discretionary parole, the  
14 board shall consider the preparole reports including

15 (1) the presentence report made to the sentencing court;

16 (2) the recommendations made by the sentencing court, by the  
17 prosecuting attorney, and by the defense attorney, and any statements made by the  
18 victim or the prisoner at sentencing;

19 (3) the prisoner's institutional conduct history while incarcerated;

20 (4) recommendations made by the staff of the correctional facilities in  
21 which the prisoner was incarcerated;

22 (5) reports of prior crimes, juvenile histories, and previous experiences  
23 of the prisoner on parole or probation;

24 (6) physical, mental, and psychiatric examinations of the prisoner;

25 (7) information submitted by the prisoner, the sentencing court, the  
26 victim of the crime, the prosecutor, or other persons having knowledge of the prisoner  
27 or the crime;

28 (8) information concerning an unjustified disparity in the sentence  
29 imposed on a prisoner in relation to other sentences imposed under similar  
30 circumstances;

31 **(9) the case plan created under AS 33.30.011(8) for the prisoner,**

1 **including a compliance report on the case plan;**

2 **(10) a reentry plan created under AS 33.30.011(9); and**

3 **(11)** [AND (9)] other relevant information that may be reasonably  
4 available.

5 \* **Sec. 129.** AS 33.16.120(a) is amended to read:

6 (a) If the victim of a crime against a person or arson in the first degree  
7 requests notice of a scheduled hearing to review or consider discretionary parole for a  
8 prisoner convicted of that crime, the board shall send notice of the hearing to the  
9 victim at least 30 days before the hearing. The notice must be accompanied by a copy  
10 of the prisoner's **parole plan submitted to the board** [APPLICATION FOR  
11 PAROLE SUBMITTED UNDER AS 33.16.130(a)]. However, the copy of the **parole**  
12 **plan** [APPLICATION] sent to the victim may not include the prisoner's **confidential**  
13 **health information, information protected under AS 33.16.170,** proposed  
14 residence, **or** [AND] employment addresses.

15 \* **Sec. 130.** AS 33.16.120(f) is amended to read:

16 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c),  
17 **33.16.089, or 33.16.090,** the board shall make every reasonable effort to notify the  
18 victim before the prisoner's release date. Notification under this subsection must  
19 include the expected date of the prisoner's release, the geographic area in which the  
20 prisoner is required to reside, and other pertinent information concerning the prisoner's  
21 conditions of parole that may affect the victim.

22 \* **Sec. 131.** AS 33.16.120(g) is amended to read:

23 (g) A victim of a crime involving domestic violence **or of a sexual assault**  
24 **under AS 11.41.410 - 11.41.427** shall be informed by the board at least 30 days in  
25 advance of a scheduled hearing to review or consider [DISCRETIONARY] parole for  
26 a prisoner. The board shall inform the victim of any decision to grant or deny  
27 [DISCRETIONARY] parole or to release the prisoner under AS 33.16.010(c). If the  
28 prisoner is to be released, the victim shall be notified of the expected date of the  
29 release, the geographic area in which the prisoner will reside, and any other  
30 information concerning conditions of parole that may affect the victim. The victim  
31 shall also be informed of any changes in the conditions of parole that may affect the

1 victim. The board shall send the notice required to the last known address of the  
2 victim. A person may not bring a civil action for damages for a failure to comply with  
3 the provisions of this subsection.

4 \* **Sec. 132.** AS 33.16.120 is amended by adding a new subsection to read:

5 (h) A victim who has a right to notice under (a) of this section may request a  
6 hearing before a prisoner is released on administrative parole under AS 33.16.089. The  
7 notice to the victim must include the procedure and time frame for requesting a  
8 hearing.

9 \* **Sec. 133.** AS 33.16.130 is repealed and reenacted to read:

10 **Sec. 33.16.130. Parole procedures.** (a) The parole board shall hold a hearing  
11 before granting an eligible prisoner special medical or discretionary parole. The board  
12 shall also hold a hearing if requested by a victim under procedures established for the  
13 request for a prisoner eligible for administrative parole. A hearing shall be conducted  
14 within the following time frames:

15 (1) for prisoners eligible under AS 33.16.100(a) or (f), not less than 90  
16 days before the first parole eligibility date, unless the prisoner is eligible for  
17 administrative parole;

18 (2) for all other prisoners, not less than 30 days after the board is  
19 notified of the need for a hearing by the commissioner or the commissioner's designee.

20 (b) The commissioner or the commissioner's designee shall furnish to the  
21 prisoner a copy of the preparole reports listed in AS 33.16.110(a), and the prisoner  
22 shall be permitted access to all records that the board will consider in making its  
23 decision except those that are made confidential by law. The prisoner may also  
24 respond in writing to all materials the board considers, be present at the hearing, and  
25 present evidence to the board.

26 (c) If the board denies parole, the board shall state the reasons for the denial,  
27 identify all of the factors considered relevant to the denial, and provide a written plan  
28 for addressing all of the factors relevant to the denial. The board may schedule a  
29 subsequent parole hearing at the time of the denial or at a later date as follows:

30 (1) for the first parole denial, within two years after the first parole  
31 eligibility date;

1 (2) for the second and subsequent denials, within two years after the  
2 most recent parole hearing.

3 (d) The board shall issue its decision in writing and provide a copy of the  
4 decision to the prisoner.

5 \* **Sec. 134.** AS 33.16.140 is amended to read:

6 **Sec. 33.16.140. Order for parole.** An order for parole issued by the board,  
7 setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole  
8 custody ends, shall be furnished to each prisoner released on special medical,  
9 **administrative**, discretionary, or mandatory parole.

10 \* **Sec. 135.** AS 33.16.150(a) is amended to read:

11 (a) As a condition of parole, a prisoner released on special medical,  
12 **administrative**, discretionary, or mandatory parole

13 (1) shall obey all state, federal, or local laws or ordinances, and any  
14 court orders applicable to the parolee;

15 (2) shall make diligent efforts to maintain steady employment or meet  
16 family obligations;

17 (3) shall, if involved in education, counseling, training, or treatment,  
18 continue in the program unless granted permission from the parole officer assigned to  
19 the parolee to discontinue the program;

20 (4) shall report

21 (A) upon release to the parole officer assigned to the parolee;

22 (B) at other times, and in the manner, prescribed by the board  
23 or the parole officer assigned to the parolee;

24 (5) shall reside at a stated place and not change that residence without  
25 notifying, and receiving permission from, the parole officer assigned to the parolee;

26 (6) shall remain within stated geographic limits unless written  
27 permission to depart from the stated limits is granted the parolee;

28 (7) may not use, possess, handle, purchase, give, distribute, or  
29 administer a controlled substance as defined in AS 11.71.900 or under federal law or a  
30 drug for which a prescription is required under state or federal law without a  
31 prescription from a licensed medical professional to the parolee;

1 (8) may not possess or control a firearm; in this paragraph, "firearm"  
2 has the meaning given in AS 11.81.900;

3 (9) may not enter into an agreement or other arrangement with a law  
4 enforcement agency or officer that will place the parolee in the position of violating a  
5 law or parole condition without the prior approval of the board;

6 (10) may not contact or correspond with anyone confined in a  
7 correctional facility of any type serving any term of imprisonment or a felon without  
8 the permission of the parole officer assigned to a parolee;

9 (11) shall agree to waive extradition from any state or territory of the  
10 United States and to not contest efforts to return the parolee to the state;

11 (12) shall provide a blood sample, an oral sample, or both, when  
12 requested by a health care professional acting on behalf of the state to provide the  
13 sample or samples, or an oral sample when requested by a juvenile or adult  
14 correctional, probation, or parole officer, or a peace officer, if the prisoner is being  
15 released after a conviction of an offense requiring the state to collect the sample or  
16 samples for the deoxyribonucleic acid identification system under AS 44.41.035;

17 (13) from a conviction for a sex offense shall submit to regular  
18 periodic polygraph examinations; in this paragraph, "sex offense" has the meaning  
19 given in AS 12.63.100.

20 \* **Sec. 136.** AS 33.16.150(b) is amended to read:

21 (b) The board may require as a condition of special medical, **administrative**,  
22 discretionary, or mandatory parole, or a member of the board acting for the board  
23 under (e) of this section may require as a condition of **administrative or** mandatory  
24 parole, that a prisoner released on parole

25 (1) not possess or control a defensive weapon, a deadly weapon other  
26 than an ordinary pocket knife with a blade three inches or less in length, or  
27 ammunition for a firearm, or reside in a residence where there is a firearm capable of  
28 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly  
29 weapon," "defensive weapon," and "firearm" have the meanings given in  
30 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

31 (2) refrain from possessing or consuming alcoholic beverages;

1 (3) submit to reasonable searches and seizures by a parole officer, or a  
2 peace officer acting under the direction of a parole officer;

3 (4) submit to appropriate medical, mental health, or controlled  
4 substance or alcohol examination, treatment, or counseling;

5 (5) submit to periodic examinations designed to detect the use of  
6 alcohol or controlled substances; the periodic examinations may include testing under  
7 the program established under AS 33.16.060(c);

8 (6) make restitution ordered by the court according to a schedule  
9 established by the board;

10 (7) refrain from opening, maintaining, or using a checking account or  
11 charge account;

12 (8) refrain from entering into a contract other than a prenuptial contract  
13 or a marriage contract;

14 (9) refrain from operating a motor vehicle;

15 (10) refrain from entering an establishment where alcoholic beverages  
16 are served, sold, or otherwise dispensed;

17 (11) refrain from participating in any other activity or conduct  
18 reasonably related to the parolee's offense, prior record, behavior or prior behavior,  
19 current circumstances, or perceived risk to the community, or from associating with  
20 any other person that the board determines is reasonably likely to diminish the  
21 rehabilitative goals of parole, or that may endanger the public; in the case of special  
22 medical parole, for a prisoner diagnosed with a communicable disease, comply with  
23 conditions set by the board designed to prevent the transmission of the disease.

24 \* **Sec. 137.** AS 33.16.150(e) is amended to read:

25 (e) The board may designate a member of the board to act on behalf of the  
26 board in imposing conditions of **administrative or** mandatory parole under (a) and (b)  
27 of this section, in delegating imposition of conditions of **administrative or** mandatory  
28 parole under (c) of this section, and in setting the period of compliance with the  
29 conditions of **administrative or** mandatory parole under (d) of this section. The  
30 decision of a member of the board under this section is the decision of the board. A  
31 prisoner or parolee aggrieved by a decision of a member of the board acting for the

1 board under this subsection may apply to the board under AS 33.16.160 for a change  
2 in the conditions of **administrative or** mandatory parole.

3 \* **Sec. 138.** AS 33.16.150(f) is amended to read:

4 (f) In addition to other conditions of parole imposed under this section, the  
5 board may impose as a condition of special medical, **administrative,** discretionary, or  
6 mandatory parole for a prisoner serving a term for a crime involving domestic  
7 violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) - (7); (2) a  
8 requirement that, at the prisoner's expense, the prisoner participate in and complete, to  
9 the satisfaction of the board, a program for the rehabilitation of perpetrators of  
10 domestic violence that meets the standards set by, and that is approved by, the  
11 department under AS 44.28.020(b); and (3) any other condition necessary to  
12 rehabilitate the prisoner. The board shall establish procedures for the exchange of  
13 information concerning the parolee with the victim and for responding to reports of  
14 nonattendance or noncompliance by the parolee with conditions imposed under this  
15 subsection. The board may not under this subsection require a prisoner to participate  
16 in and complete a program for the rehabilitation of perpetrators of domestic violence  
17 unless the program meets the standards set by, and is approved by, the department  
18 under AS 44.28.020(b).

19 \* **Sec. 139.** AS 33.16.150(g) is amended to read:

20 (g) In addition to other conditions of parole imposed under this section for a  
21 prisoner serving a sentence for an offense where the aggravating factor provided in  
22 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a  
23 condition of special medical, **administrative,** discretionary, and mandatory parole a  
24 requirement that the prisoner submit to electronic monitoring. Electronic monitoring  
25 under this subsection must **comply with AS 33.30.011(10) and** provide for  
26 monitoring of the prisoner's location and movements by Global Positioning System  
27 technology. The board shall require a prisoner serving a period of **parole**  
28 [PROBATION] with electronic monitoring as provided under this subsection to pay  
29 all or a portion of the costs of the electronic monitoring, but only if the prisoner has  
30 sufficient financial resources to pay the costs or a portion of the costs. A prisoner  
31 subject to electronic monitoring under this subsection is not entitled to a credit for

1 time served in a correctional facility while the defendant is on parole. In this  
2 subsection, "correctional facility" has the meaning given in AS 33.30.901.

3 \* **Sec. 140.** AS 33.16.150 is amended by adding new subsections to read:

4 (h) In addition to other conditions of parole imposed under this section, for a  
5 prisoner serving a sentence for an offense involving the use of alcohol or controlled  
6 substances, the board may impose, as a condition of special medical, administrative,  
7 discretionary, or mandatory parole, a requirement that the prisoner comply with a  
8 program established under AS 33.16.060(c) or AS 47.38.020. The board may require a  
9 prisoner serving a period of parole and complying with a program established under  
10 AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of the costs associated with  
11 the program.

12 (i) In addition to other conditions of parole imposed under this section, for a  
13 prisoner who is serving a sentence for an offense involving the use of alcohol and  
14 whom the board has ordered to refrain from possessing or consuming alcoholic  
15 beverages, the board shall require the surrender of the person's driver's license or  
16 identification card, forward the license or identification card to the department, and  
17 impose as a condition of parole that, if the parolee is eligible for a driver's license or  
18 identification card, the parolee shall apply to the department for a new license or  
19 identification card with a restriction imposed on the person under AS 04.16.160. The  
20 board shall notify the department of the board's order under this subsection by  
21 providing a copy of the board's order. Upon discharge from parole, the board shall  
22 notify the department of the parolee's discharge. In this subsection, "department"  
23 means the Department of Administration.

24 \* **Sec. 141.** AS 33.16.180 is amended to read:

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

26 (1) conduct investigations of prisoners eligible for **administrative or**  
27 **discretionary parole**, as requested by the board **and as provided in this section**;

28 (2) supervise the conduct of parolees;

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

30 (4) provide the board, within 30 days after sentencing, information on  
31 a sentenced prisoner who may be eligible for **administrative parole under**

1 AS 33.16.089 or discretionary parole under AS 33.16.090;

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

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

6 (7) prepare parole reports under AS 33.16.110(a);

7 (8) notify the board in writing of a prisoner's compliance or  
8 noncompliance with the prisoner's case plan created under AS 33.30.011(8) not  
9 less than 30 days before the prisoner's next parole eligibility date or the  
10 prisoner's parole hearing date, whichever is earlier;

11 (9) establish an administrative sanction and incentive program to  
12 facilitate a swift and certain response to a parolee's compliance with or violation  
13 of the conditions of parole and shall adopt regulations to implement the program;  
14 at a minimum, the regulations must include

15 (A) a decision-making process to guide parole officers in  
16 determining the suitable response to positive and negative offender  
17 behavior that includes a list of sanctions for the most common types of  
18 negative behavior, including technical violations of conditions of parole,  
19 and a list of incentives for compliance with conditions and positive  
20 behavior that exceeds those conditions;

21 (B) policies and procedures that ensure

22 (i) a process for responding to negative behavior  
23 that includes a review of previous violations and sanctions;

24 (ii) that enhanced sanctions for certain negative  
25 conduct are approved by the commissioner or the commissioner's  
26 designee; and

27 (iii) that appropriate due process protections are  
28 included in the process, including notice of negative behavior, an  
29 opportunity to dispute the accusation and the sanction, and an  
30 opportunity to request a review of the accusation and the sanction;  
31 and

1                    **(10) within 30 days after sentencing of an offender, provide the**  
2                    **victim of a crime information on the earliest dates the offender could be released**  
3                    **on furlough, probation, or parole, including deductions or reductions for good**  
4                    **time or other good conduct incentives, and the process for release, including**  
5                    **contact information for the decision-making bodies.**

6                    \* **Sec. 142.** AS 33.16.200 is amended to read:

7                    **Sec. 33.16.200. Custody of parolee.** Except as provided in AS 33.16.210, the  
8                    board retains custody of special medical, **administrative**, discretionary, and  
9                    mandatory parolees until the expiration of the maximum term or terms of  
10                    imprisonment to which the parolee is sentenced.

11                    \* **Sec. 143.** AS 33.16.210 is amended to read:

12                    **Sec. 33.16.210. Discharge of parolee.** (a) The board may unconditionally  
13                    discharge a parolee from the jurisdiction and custody of the board after the parolee has  
14                    completed **one year** [TWO YEARS] of parole. A discretionary parolee with a residual  
15                    period of probation may, after **one year** [TWO YEARS] of parole, be discharged by  
16                    the board to immediately begin serving the residual period of probation.

17                    (b) Notwithstanding (a) of this section, the board may unconditionally  
18                    discharge a mandatory parolee before the parolee has completed **one year** [TWO  
19                    YEARS] of parole if the parolee is serving a concurrent period of residual probation  
20                    under AS 33.20.040(c), and the period of residual probation and the period of  
21                    suspended imprisonment each equal or exceed the period of mandatory parole.

22                    \* **Sec. 144.** AS 33.16.210 is amended by adding a new subsection to read:

23                    (c) A parole officer shall recommend to the board early discharge for a parolee  
24                    who

25                    (1) has completed at least one year on parole;

26                    (2) has completed all treatment programs required as a condition of  
27                    parole;

28                    (3) has not been found in violation of conditions of parole by the board  
29                    for at least one year; and

30                    (4) has not been convicted of

31                    (A) an unclassified felony offense under AS 11;

1 (B) a sexual felony as defined in AS 12.55.185; or

2 (C) a crime involving domestic violence as defined in  
3 AS 18.66.990.

4 \* **Sec. 145.** AS 33.16 is amended by adding a new section to read:

5 **Sec. 33.16.215. Sanctions for technical violations and other violations of**  
6 **parole.** (a) If a parolee is serving a period of parole for an offense, the board may find  
7 that the parolee has committed a technical violation of parole. If the board finds that a  
8 parolee has committed a technical violation of parole that does not include  
9 absconding, the board may reinstate the term of parole with appropriate conditions or  
10 revoke parole and impose a term of imprisonment of not more than

11 (1) three days for the first parole revocation;

12 (2) five days for the second parole revocation;

13 (3) 10 days for the third parole revocation; and

14 (4) the remainder of the sentence for a fourth or subsequent parole  
15 revocation.

16 (b) If the board revokes a parolee's parole for absconding, the board may  
17 impose a period of imprisonment not to exceed 30 days.

18 (c) The limits on length of imprisonment the board may impose under this  
19 section if the board revokes a parolee's parole do not apply if the parolee is enrolled in  
20 the program established under AS 33.16.060(c).

21 (d) If the defendant is ordered to complete treatment under AS 33.16.150(a)(3)  
22 and does not comply with the board's order, the board may order the parolee to show  
23 cause why the board should not revoke the parole for noncompletion of treatment. In a  
24 parole revocation proceeding brought as a result of failure to complete treatment, it is  
25 an affirmative defense that the parolee was unable to afford the cost of treatment or  
26 secure a place in a free treatment program, despite having made continuing good faith  
27 efforts. If the board finds that the parolee was unable to complete treatment despite  
28 having made continuing good faith efforts, the parole may not be revoked solely  
29 because of an inability to pay. If the board does not find that the noncompletion of  
30 treatment was attributable to the parolee's inability to pay, the board may revoke  
31 parole subject to the limits established in this section.

1 (e) Notwithstanding (a) of this section, the board may not find a technical  
2 violation under this section if a person convicted of a sex offense as defined in  
3 AS 12.63.100 violates a special condition of parole that is similar to a probation  
4 condition described in AS 12.55.100(e).

5 (f) In this section,

6 (1) "absconding" means failing to report within five working days after  
7 release from custody under AS 33.20.030 or failing to report for a scheduled meeting  
8 with a parole officer, as directed by the board or the parole officer, and failing to make  
9 contact with the parole officer within 30 days following the missed meeting;

10 (2) "technical violation" means a violation of the conditions of parole  
11 that does not constitute

12 (A) a new criminal offense;

13 (B) failing to complete sex offender treatment; or

14 (C) failing to complete an intervention program for batterers.

15 \* **Sec. 146.** AS 33.16.220(b) is amended to read:

16 (b) Except as provided in (e) of this section, within 15 working days after the  
17 arrest and incarceration of a parolee for violation of a condition of parole, **other than**  
18 **a technical violation under AS 33.16.215**, the board or its designee shall hold a  
19 preliminary hearing. At the preliminary hearing, the board or its designee shall  
20 determine if there is probable cause to believe that the parolee violated the conditions  
21 of parole and, when probable cause exists, whether the parolee should be released  
22 pending a final revocation hearing. A finding of probable cause at a preliminary  
23 hearing in a criminal case is conclusive proof of probable cause that a parole violation  
24 occurred.

25 \* **Sec. 147.** AS 33.16.220(f) is amended to read:

26 (f) **If a parolee has had a preliminary hearing under (b) of this section, the**  
27 [THE] board shall hold a final revocation hearing **not** [NO] later than 120 days after a  
28 parolee's arrest, subject to restrictions arising under AS 33.36.110 and (g) of this  
29 section.

30 \* **Sec. 148.** AS 33.16.220(i) is amended to read:

31 (i) If, after the final revocation hearing, the board finds that the parolee has

1 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or  
2 ordinance, the board may revoke all or a portion of the **remaining period of** parole  
3 **subject to the limits set out in AS 33.16.215**, or change any condition of parole. **A**  
4 **parolee's period of parole is tolled from the date of filing with the parole board of**  
5 **a violation report for absconding and the date of the parolee's arrest, if the**  
6 **parole board finds, after a hearing, that the parolee violated parole by**  
7 **absconding, as defined in AS 33.16.215(f). The board may not extend the period**  
8 **of parole beyond the maximum release date calculated by the department on the**  
9 **parolee's original sentence plus any time that has been tolled as described in this**  
10 **section.**

11 \* **Sec. 149.** AS 33.16.220 is amended by adding a new subsection to read:

12 (j) If a parolee has been arrested for a technical violation of conditions of  
13 parole, the board or its designee shall hold a final hearing within 15 working days.

14 \* **Sec. 150.** AS 33.16.240 is amended by adding new subsections to read:

15 (h) A parolee arrested under this section for a technical violation shall be  
16 released once the parolee has served the maximum number of days that could be  
17 served for a technical violation under AS 33.16.215. Nothing in this subsection  
18 prohibits the board or its designee from releasing a parolee sooner.

19 (i) The board or its designee may impose additional conditions necessary to  
20 ensure the parolee's appearance at a hearing held under AS 33.16.220(h).

21 \* **Sec. 151.** AS 33.16 is amended by adding a new section to read:

22 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish  
23 by regulation a program allowing parolees to earn credits for complying with the  
24 conditions of parole. The earned compliance credits reduce the period of parole.  
25 Nothing in this section prohibits the department from recommending to the board the  
26 early discharge of the parolee as provided in this chapter. At a minimum, the  
27 regulations must

28 (1) require that a parolee earn a credit of 30 days for each 30-day  
29 period served in which the parolee complied with the conditions of parole;

30 (2) include policies and procedures for

31 (A) calculating and tracking credits earned by parolees;

1 (B) reducing the parolee's period of parole based on credits  
2 earned by the parolee and notifying a victim under AS 33.30.013.

3 \* **Sec. 152.** AS 33.16.900 is amended by adding new paragraphs to read:

4 (14) "administrative parole" means the release of a prisoner who is  
5 eligible for administrative parole under AS 33.16.089 and who has satisfied the  
6 criteria for release, subject to conditions imposed by the board and subject to its  
7 custody and jurisdiction;

8 (15) "administrative sanctions and incentives" means responses by a  
9 parole officer to a parolee's compliance with or violation of the conditions of parole  
10 under AS 33.16.180.

11 \* **Sec. 153.** AS 33.20.010(a) is amended to read:

12 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner  
13 convicted of an offense against the state or a political subdivision of the state and  
14 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction  
15 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner  
16 follows the rules of the correctional facility in which the prisoner is confined. A  
17 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

18 (1) to a mandatory 99-year term of imprisonment under  
19 AS 12.55.125(a) after June 27, 1996;

20 (2) to a definite term under AS 12.55.125(l); [OR]

21 (3) for a sexual felony under AS 12.55.125(i)

22 (A) and has one or more prior sexual felony convictions as  
23 determined under AS 12.55.145(a)(4); or

24 (B) that is an unclassified or a class A felony; **or**

25 **(4) to a definite term of imprisonment of not more than 10 days for**  
26 **a technical violation of AS 12.55.110(c) or AS 33.16.215.**

27 \* **Sec. 154.** AS 33.20.010(c) is repealed and reenacted to read:

28 (c) A prisoner is entitled to a good time deduction under (a) of this section for  
29 any time spent under electronic monitoring or in a residential program for treatment of  
30 alcohol or drug abuse under a prerelease furlough as provided in AS 33.30.101.

31 \* **Sec. 155.** AS 33.30.011 is amended to read:

1                   **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

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

7                   (2) classify prisoners;

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

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

12                   (B) maintain health;

13                   (C) create or improve occupational skills;

14                   (D) enhance educational qualifications;

15                   (E) support court-ordered restitution; and

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

18                   (4) provide necessary

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

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

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

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

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

1 disorder;

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

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

6 (7) establish a program to conduct assessments of the risks and needs  
7 of offenders sentenced to serve a term of incarceration of 30 days or more and provide  
8 to the legislature, by electronic means, by January 15, 2017, and thereafter by  
9 January 15, preceding the first regular session of each legislature, a report  
10 summarizing the findings and results of the program; **the program must include a**  
11 **requirement for an assessment before a prisoner's release on parole, furlough, or**  
12 **electronic monitoring from a correctional facility;**

13 **(8) establish a procedure that provides for each prisoner required**  
14 **to serve an active term of imprisonment of 30 days or more a written case plan**  
15 **that**

16 **(A) is provided to the prisoner within 90 days after**  
17 **sentencing;**

18 **(B) is based on the results of the assessment of the**  
19 **prisoner's risks and needs under (7) of this section;**

20 **(C) includes a requirement to follow the rules of the**  
21 **institution;**

22 **(D) is modified when necessary for changes in classification,**  
23 **housing status, medical or mental health, and resource availability;**

24 **(E) includes participation in programming that addresses**  
25 **the needs identified in the assessment;**

26 **(9) establish a program to begin reentry planning with each**  
27 **prisoner serving an active term of imprisonment of 90 days or more; reentry**  
28 **planning must begin at least 90 days before release on furlough or probation or**  
29 **parole; the reentry program must include**

30 **(A) a written reentry plan for each prisoner completed**  
31 **upon release on furlough or probation or parole that includes information**

1 on the prisoner's proposed

2 (i) residence;

3 (ii) employment or alternative means of support;

4 (iii) treatment options;

5 (iv) counseling services;

6 (v) education or job training services;

7 (B) any other requirements for successful transition back to  
8 the community, including electronic monitoring or furlough for the period  
9 between a scheduled parole hearing and parole eligibility;

10 (C) coordination with the Department of Labor and  
11 Workforce Development to provide access, after release, to job training  
12 and employment assistance;

13 (10) for offenders under electronic monitoring, establish

14 (A) minimum standards for electronic monitoring, which  
15 may include the requirement of active, real-time monitoring using global  
16 positioning systems; and

17 (B) procedures for oversight and approving electronic  
18 monitoring programs and systems provided by private contractors; and

19 (11) assist a prisoner in obtaining a valid state identification card if  
20 the prisoner does not have a valid state identification card before the prisoner's  
21 release; the department shall pay the application fee for the identification card.

22 \* **Sec. 156.** AS 33.30.013(a) is amended to read:

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

24 (1) escapes from custody;

25 (2) is discharged from parole under AS 33.16; or

26 (3) is released to the community on a furlough, on an early release  
27 program, or for any other reason.

28 \* **Sec. 157.** AS 33.30.065(a) is amended to read:

29 (a) If the commissioner designates a prisoner to serve the prisoner's term of  
30 imprisonment or period of temporary commitment, or a part of the term or period, by  
31 electronic monitoring, the commissioner shall direct the prisoner to serve the term or

1 period at the prisoner's residence or other place selected by the commissioner. The  
2 electronic monitoring shall be administered by the department **or by a private**  
3 **contractor approved by the department under AS 33.30.011(10)(B)** and shall be  
4 designed so that any attempt to remove, tamper with, or disable the monitoring  
5 equipment or to leave the place selected for the service of the term or period will result  
6 in a report or notice to the department.

7 \* **Sec. 158.** AS 33.30 is amended by adding a new section to read:

8 **Sec. 33.30.095. Duties of commissioner before release of prisoner.** (a) The  
9 commissioner shall establish a program to prepare a prisoner who is serving a sentence  
10 of imprisonment exceeding one year for the prisoner's discharge, release on parole or  
11 probation, or prerelease furlough under AS 33.30.111 that begins 90 days before the  
12 date of the prisoner's discharge, release, or furlough.

13 (b) The program established under (a) of this section must include

14 (1) instruction on

15 (A) obtaining state identification;

16 (B) community resources available for housing, employment,  
17 and treatment;

18 (2) an individualized reentry plan under AS 33.30.011(9) for the  
19 prisoner;

20 (3) probation and parole orientation, if appropriate; and

21 (4) a partnership with one or more nonprofit organizations to allow  
22 access to a prisoner before the prisoner's discharge, release, or furlough to assist the  
23 prisoner with the prisoner's application for Medicaid, social security benefits, public  
24 assistance under AS 47.25, and a state identification card or driver's license and  
25 provide other programs to assist the prisoner's transition into the community, promote  
26 rehabilitation, and reduce recidivism.

27 \* **Sec. 159.** AS 33.30.151 is amended to read:

28 **Sec. 33.30.151. Correctional restitution centers.** (a) The commissioner shall  
29 establish correctional restitution centers in the state. The purpose of the centers is to  
30 provide certain offenders with rehabilitation through **comprehensive treatment for**  
31 **substance abuse, cognitive behavioral disorders, and other criminal risk factors,**

1 **including aftercare support,** community service, and employment, while protecting  
2 the community through partial incarceration of the offender, and to create a means to  
3 provide restitution to victims of crimes.

4 (b) The commissioner shall adopt regulations setting standards for the  
5 operation of the centers including

6 (1) requirements that the centers be secure and in compliance with  
7 state and local safety laws;

8 (2) standards for disciplinary rules to be imposed on prisoners confined  
9 to the centers;

10 (3) standards for the granting of emergency absence to prisoners  
11 confined to the centers;

12 (4) standards for classifying prisoners to centers;

13 (5) standards for mandatory employment and participation in  
14 community service programs in each center; [AND]

15 (6) standards for periodic review of the performance of prisoners  
16 confined to the centers **and quality assurance measures to ensure centers are**  
17 **meeting state standards and contractual obligations;**

18 **(7) standards for the provision of treatment, including substance**  
19 **abuse treatment, cognitive behavioral therapy, and aftercare designed to address**  
20 **an offender's individual criminogenic needs; and**

21 **(8) standards and a process to assess an offender's risk of**  
22 **recidivating and the criminal risk factors and needs that reduce the risk of**  
23 **recidivating and ensure that**

24 **(A) high risk offenders with moderate to high needs are a**  
25 **priority for acceptance into a correctional restitution center; and**

26 **(B) centers establish internal procedures to limit the mixing**  
27 **of low and high risk prisoners.**

28 \* **Sec. 160.** AS 34.03.360(7) is amended to read:

29 (7) "illegal activity involving a controlled substance" means a violation  
30 of AS 11.71.010(a), **11.71.030(a)(1), (2), or (4) - (8)** [11.71.020(a), 11.71.030(a)(1)  
31 OR (2)], or 11.71.040(a)(1), (2), or (5);

1 \* **Sec. 161.** AS 43.23.065(b) is amended to read:

2 (b) An exemption is not available under this section for permanent fund  
3 dividends taken to satisfy

4 (1) child support obligations required by court order or decision of the  
5 child support services agency under AS 25.27.140 - 25.27.220;

6 (2) court ordered restitution under AS 12.55.045 - 12.55.051,  
7 12.55.100, or AS 47.12.120(b)(4);

8 (3) claims on defaulted education loans under AS 43.23.067;

9 (4) court ordered fines;

10 (5) writs of execution under AS 09.35 of a judgment that is entered

11 (A) against a minor in a civil action to recover damages and  
12 court costs;

13 (B) under AS 09.65.255 against the parent, parents, or legal  
14 guardian of an unemancipated minor;

15 (6) a debt owed by an eligible individual to an agency of the state,  
16 including the University of Alaska, unless the debt is contested and an appeal is  
17 pending, or the time limit for filing an appeal has not expired;

18 (7) a debt owed to a person for a program for the rehabilitation of  
19 perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15),  
20 AS 25.20.061(3), or AS 33.16.150(f)(2);

21 (8) a judgment for unpaid rent or damage owed to a landlord by an  
22 eligible individual that was a tenant of the landlord; in this paragraph, "tenant" has the  
23 meaning given in AS 34.03.360;

24 **(9) court-ordered forfeiture of an appearance or performance**  
25 **bond under AS 12.30.075.**

26 \* **Sec. 162.** AS 43.61.010 is amended by adding new subsections to read:

27 (c) The recidivism reduction fund is established in the general fund. The  
28 Department of Administration shall separately account for 50 percent of the tax  
29 collected under this section and deposit it into the recidivism reduction fund.

30 (d) The legislature may use the annual estimated balance in the fund to make  
31 appropriations to the Department of Corrections, the Department of Health and Social

1 Services, or the Department of Public Safety for recidivism reduction programs.

2 (e) Nothing in this section creates a dedicated fund.

3 \* **Sec. 163.** AS 44.19.645 is amended to read:

4 **Sec. 44.19.645. Powers and duties of the commission.** (a) The commission  
5 shall evaluate the effect of sentencing laws and criminal justice practices on the  
6 criminal justice system to evaluate whether those sentencing laws and criminal justice  
7 practices provide for protection of the public, community condemnation of the  
8 offender, the rights of victims of crimes, the rights of the accused and the person  
9 convicted, restitution from the offender, and the principle of reformation. The  
10 commission shall make recommendations for improving criminal sentencing practices  
11 and criminal justice practices, including rehabilitation and restitution. **The**  
12 **commission shall annually make recommendations to the governor and the**  
13 **legislature on how savings from criminal justice reforms should be reinvested to**  
14 **reduce recidivism.** In formulating its recommendations, the commission shall  
15 consider

16 (1) statutes, court rules, and court decisions relevant to sentencing of  
17 criminal defendants in misdemeanor and felony cases;

18 (2) sentencing practices of the judiciary, including use of presumptive  
19 sentences;

20 (3) means of promoting uniformity, proportionality, and accountability  
21 in sentencing;

22 (4) alternatives to traditional forms of incarceration;

23 (5) the efficacy of parole and probation in ensuring public safety,  
24 achieving rehabilitation, and reducing recidivism;

25 (6) the adequacy, availability, and effectiveness of treatment and  
26 rehabilitation programs;

27 (7) crime and incarceration rates, including the rate of violent crime  
28 and the abuse of controlled substances, in this state compared to other states, and best  
29 practices adopted by other states that have proven to be successful in reducing  
30 recidivism;

31 (8) the relationship between sentencing priorities and correctional

1 resources;

2 (9) the effectiveness of the state's current methodologies for the  
3 collection and dissemination of criminal justice data; and

4 (10) whether the schedules for controlled substances in AS 11.71.140 -  
5 11.71.190 are reasonable and appropriate, considering the criteria established in  
6 AS 11.71.120(c).

7 (b) The commission may

8 (1) recommend legislative and administrative action on criminal justice  
9 practices; [AND]

10 (2) select and retain the services of consultants as necessary;

11 **(3) appoint a working group to review and analyze the**  
12 **implementation of the recommendations made in the justice reinvestment report**  
13 **in December 2015, and other recommendations issued by the commission, and**  
14 **regularly report to the commission on the status of the implementation; a**  
15 **working group may include representatives of criminal justice agencies and key**  
16 **constituencies who are not members of the commission; and**

17 **(4) enter into data-sharing agreements with the Justice Center at**  
18 **the University of Alaska, the Alaska Judicial Council, or other research**  
19 **institutions for the purposes of analyzing data and performance metrics.**

20 \* **Sec. 164.** AS 44.19.645 is amended by adding new subsections to read:

21 (c) The commission shall

22 (1) receive and analyze data collected by agencies and entities charged  
23 with implementing the recommendations of the 2015 justice reinvestment report and  
24 other recommendations issued by the commission and who are collecting data during  
25 the implementation and management of specific commission recommendations;

26 (2) track and assess outcomes from the recommendations the  
27 commission has made and corresponding criminal justice reforms;

28 (3) request, receive, and review data and reports on performance  
29 outcome data relating to criminal justice reform;

30 (4) appoint a working group to review and analyze sexual offense  
31 statutes and report to the legislature if there are circumstances under which victims'

1 rights, public safety, and the rehabilitation of offenders are better served by changing  
2 existing laws; the working group shall consult with the office of victims' rights in  
3 developing the report; the commission shall deliver the report to the senate secretary  
4 and the chief clerk of the house of representatives and notify the legislature that the  
5 report is available; the commission may include in the working group people  
6 representing a variety of viewpoints who are not members of the commission; and

7 (5) explore the possibility of entering into mutually agreeable  
8 arrangements with regional nonprofit organizations, including tribes and tribal  
9 organizations, to provide the pretrial, probation, and parole services needed in  
10 underserved areas of the state.

11 (d) Agencies and entities reporting data to the working group authorized in  
12 (b)(3) of this section under (e) - (g) of this section shall

13 (1) report data individually by case number, including an identifier  
14 number such as the Alaska Public Safety Information Network number, the court case  
15 number, the Alaska Corrections Offender Management System number, and the arrest  
16 tracking number, as available;

17 (2) include demographic information necessary for tracking  
18 individuals across multiple databases, including the individual's first name, last name,  
19 middle initial as available, and date of birth; and

20 (3) include information necessary to measure possible disparate effects  
21 of criminal justice laws and policies, such as race and gender as available.

22 (e) The judiciary shall report quarterly to the working group authorized in  
23 (b)(3) of this section. The report shall include criminal case processing data, including

24 (1) the date, type, and number of all charges disposed within the  
25 quarter;

26 (2) the disposition of each charge, whether convicted, dismissed,  
27 acquitted, or otherwise disposed; and

28 (3) the date of the disposition for each charge.

29 (f) The Department of Public Safety shall report quarterly to the working  
30 group authorized under (b)(3) of this section. The report shall include the following  
31 information:

1 (1) data on citations and arrests for criminal offenses, including the  
2 offense charged and reason for arrest if an arrest was made;

3 (2) data on all criminal convictions and sentences during the quarter;  
4 and

5 (3) criminal history information for selected offenders as agreed on by  
6 the department and the working group authorized in (b)(3) of this section.

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

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

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

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

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

29 (5) data on parole, including the number of offenders supervised on  
30 parole, using a one-day snapshot on the first month of each quarter; the number of  
31 parole hearings; the parole grant rate and number of parolees released on

1 administrative, discretionary, and special medical parole; and information on parolees,  
2 including time spent on parole, whether parole was successfully completed, any new  
3 convictions for a new felony offense, and any sentences to a term of imprisonment  
4 while on parole;

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

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

17 \* **Sec. 165.** AS 44.19.647 is amended to read:

18 **Sec. 44.19.647. Annual report and recommendations.** The commission shall  
19 submit to the governor and the legislature an annual report. **The report must include**

20 **(1) a description** of its proceedings for the previous calendar year;

21 **(2) a summary of savings and recommendations on how savings**  
22 **from criminal justice reform should be reinvested to reduce recidivism;**

23 **(3) performance metrics and outcomes from the recommendations**  
24 **the commission made in its December 2015 report, including recidivism rates,**  
25 **defined as**

26 **(A) the percentage of inmates who return to prison within**  
27 **three years after release, broken down by offense type and risk level; and**

28 **(B) the percentage of inmates who return to prison within**  
29 **three years after release for a new criminal conviction, broken down by**  
30 **offense type and risk level; and**

31 **(4) recommendations for additional reforms, which may include**

1 [AND MAY SUBMIT] recommendations for legislative and administrative action.  
2 [REPORTS AND RECOMMENDATIONS PROVIDED UNDER THIS SECTION  
3 SHALL BE SUBMITTED NOT LATER THAN FEBRUARY 1 OF EACH YEAR].

4 \* **Sec. 166.** AS 44.19.647 is amended by adding a new subsection to read:

5 (b) The commission shall submit the reports and recommendations provided  
6 under (a) of this section not later than November 1 of each year.

7 \* **Sec. 167.** AS 44.66.010(a)(12) is amended to read:

8 (12) Alaska Criminal Justice Commission (AS 44.19.641) - **June 30,**  
9 **2021** [JUNE 30, 2017];

10 \* **Sec. 168.** AS 47.12.315(a) is amended to read:

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

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

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

17 (3) burglary in the first degree;

18 (4) distribution of child pornography;

19 (5) sex trafficking in the first degree;

20 (6) misconduct involving a controlled substance in the first **or** [,]  
21 second [, OR THIRD] degrees involving distribution or possession with intent to  
22 deliver; or

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

24 \* **Sec. 169.** AS 47.27.015 is amended by adding a new subsection to read:

25 (i) A person convicted after August 22, 1996, of an offense that is classified as  
26 a felony under AS 11.71.010 - 11.71.040 or by the law of another jurisdiction that has  
27 as an element the possession, use, or distribution of a controlled substance, as defined  
28 in AS 11.71.900, is disqualified from receiving temporary assistance under this  
29 chapter or food stamps under AS 47.25 unless the person demonstrates, to the  
30 satisfaction of the department, that the person

31 (1) is satisfactorily serving, or has successfully completed, a period of

1 probation or parole;

2 (2) is in the process of serving, or has successfully completed,  
3 mandatory participation in a drug or alcohol treatment program;

4 (3) has taken action toward rehabilitation, including participation in a  
5 drug or alcohol treatment program; or

6 (4) is successfully complying with the requirements of the person's  
7 reentry plan.

8 \* **Sec. 170.** AS 47.37.040 is amended to read:

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

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

15 (2) coordinate the efforts and enlist the assistance of all public and  
16 private agencies, organizations, and individuals interested in prevention of alcoholism,  
17 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug  
18 abusers, and inhalant abusers;

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

22 (4) cooperate with the Department of Education and Early  
23 Development, school boards, schools, police departments, courts, and other public and  
24 private agencies, organizations, and individuals in establishing programs for the  
25 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,  
26 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum  
27 materials for use at all levels of school education;

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

31 (6) develop and implement, as an integral part of treatment programs,

1 an educational program for use in the treatment of alcoholics, intoxicated persons,  
2 drug abusers, and inhalant abusers that includes the dissemination of information  
3 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

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

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

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

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

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

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

25 (13) use the support and assistance of interested persons in the  
26 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to  
27 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo  
28 treatment;

29 (14) cooperate with the Department of Public Safety and the  
30 Department of Transportation and Public Facilities in establishing and conducting  
31 programs designed to deal with the problem of persons operating motor vehicles while

1 under the influence of an alcoholic beverage, inhalant, or controlled substance, and  
2 develop and approve alcohol information courses required to be taken by drivers under  
3 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic  
4 laws;

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

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

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

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

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

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

22 (A) a court in connection with a charge or conviction of a  
23 violation or misdemeanor related to the use of alcohol or a controlled  
24 substance;

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

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

30 (21) develop and implement, or designate, in cooperation with other  
31 state or local agencies, an alcohol safety action program that provides [ALCOHOL

1 AND SUBSTANCE ABUSE SCREENING, REFERRAL, AND MONITORING]  
2 services to persons who have been referred by a court [IN CONNECTION WITH A  
3 CHARGE OR CONVICTION OF A MISDEMEANOR INVOLVING THE USE OF  
4 A MOTOR VEHICLE, AIRCRAFT, OR WATERCRAFT AND ALCOHOL OR A  
5 CONTROLLED SUBSTANCE, REFERRED BY A COURT] under AS 28.35.028,  
6 **28.35.030, or 28.35.032,** or referred by an agency of the state with the responsibility  
7 for administering motor vehicle laws in connection with a driver's license action  
8 involving the use of alcohol or a controlled substance;

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

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

18 \* **Sec. 171.** AS 47.37.130(h) is amended to read:

19 (h) The department shall

20 (1) inspect, on a regular basis, approved public and private alcohol  
21 safety action programs at reasonable times and in a reasonable manner; [AND]

22 (2) maintain a list of approved public and private alcohol safety action  
23 programs; **and**

24 **(3) develop regulations for the operation and management of**  
25 **alcohol safety action programs that ensure**

26 **(A) screenings are conducted using a validated risk tool;**

27 **and**

28 **(B) monitoring of participants is appropriate to the risk of**  
29 **reoffense of the participant as determined by the screening.**

30 \* **Sec. 172.** AS 47.37.130 is amended by adding a new subsection to read:

31 (k) The public and private alcohol safety action programs established under

1 AS 47.37.040(21) shall provide

2 (1) screening of eligible persons to determine the risk of the person to  
3 reoffend and the criminal risk factors that are contributing to the risk; and

4 (2) monitoring of participants based on the risk to reoffend as  
5 determined by the screening.

6 \* **Sec. 173.** AS 47.38.020 is amended to read:

7 **Sec. 47.38.020. Alcohol and substance abuse monitoring program.** (a) The  
8 commissioner, in cooperation with the commissioner of corrections, shall establish a  
9 program **using a competitive procurement process** for certain persons with release  
10 conditions ordered as provided under AS 12.30, or offenders with conditions of  
11 probation, that include not consuming controlled substances or alcoholic beverages.

12 (b) The commissioner shall adopt regulations to implement the program. **The**  
13 **regulations must include regulations regarding products and services that**  
14 **provide alcohol and substance abuse monitoring.**

15 (c) The commissioner shall include in the program

16 (1) a requirement for twice-a-day testing, **either remotely or** in person  
17 [IF PRACTICABLE], for alcoholic beverage use and random testing for controlled  
18 substances;

19 (2) a means to provide the probation officer, prosecutor's office, or  
20 local law enforcement agency with notice within 24 hours, so that a complaint may be  
21 filed alleging a violation of AS 11.56.757, a petition may be filed with the court  
22 seeking appropriate sanctions and may be scheduled by the court for a prompt hearing,  
23 or an arrest warrant may be issued for the person on release or offender with  
24 conditions of probation provided in this subsection, if the person or offender

25 (A) fails to appear for an appointment **or fails to complete a**  
26 **test through the use of remote alcohol or substance abuse monitoring**  
27 **technology** as required by the program requirements; or

28 (B) tests positive for the use of controlled substances or  
29 alcoholic beverages; and

30 (3) a requirement that the person or offender pay, based on the person's  
31 or offender's ability under financial guidelines established by the commissioner, for

1 the cost of participating in the program.

2 (d) The department shall **contract with one or more vendors using a**  
3 **competitive procurement process in accordance with AS 36.30 (State**  
4 **Procurement Code) to** provide or conduct the testing required under (c) of this  
5 section.

6 \* **Sec. 174.** AS 47.38.100(a) is amended to read:

7 (a) The recidivism reduction program is established to promote the  
8 rehabilitation [THROUGH TRANSITIONAL RE-ENTRY PROGRAMS] of persons  
9 **on probation or parole or** incarcerated for offenses and recently released from  
10 correctional facilities.

11 \* **Sec. 175.** AS 47.38.100(b) is amended to read:

12 (b) The commissioner, in cooperation with the **Alaska Criminal Justice**  
13 **Commission established in AS 44.19.641** [COMMISSIONER OF CORRECTIONS],  
14 may provide for programs that have, as a primary focus, rehabilitation and reduction  
15 of recidivism [THROUGH TRANSITIONAL RE-ENTRY] for persons **on probation**  
16 **or parole or** incarcerated for offenses and recently released from correctional  
17 facilities. The commissioner may enter into contracts to provide for programs under  
18 this section. **An eligible** [A] program under this section must **accomplish at least one**  
19 **of the following objectives:**

20 (1) **increasing access to evidence-based rehabilitation programs,**  
21 **including drug and alcohol treatment, mental health treatment, and cognitive**  
22 **behavioral programs; or**

23 (2) **supporting offenders' transition and re-entry from correctional**  
24 **facilities to the community, including transitional housing services, employment**  
25 **services, vocational training, educational support, counseling, and medical care**

26 [INCLUDE CASE MANAGEMENT;

27 (2) REQUIRE SOBER LIVING;

28 (3) PROVIDE, ON-SITE OR BY REFERRAL, TREATMENT FOR  
29 SUBSTANCE ABUSE OR MENTAL HEALTH TREATMENT;

30 (4) REQUIRE EMPLOYMENT, EDUCATIONAL  
31 PROGRAMMING, VOCATIONAL TRAINING, OR COMMUNITY VOLUNTEER

1 WORK AS APPROVED BY THE DIRECTOR OF THE TREATMENT PROGRAM;  
2 AND

3 (5) LIMIT RESIDENTIAL PLACEMENTS IN THE PROGRAM TO  
4 A MAXIMUM OF ONE YEAR].

5 \* **Sec. 176.** AS 47.38.100 is amended by adding a new subsection to read:

6 (d) In this section, "evidenced-based" means a program or practice that offers  
7 a high level of research on effectiveness.

8 \* **Sec. 177.** Section 35, ch. 83, SLA 2014, is amended to read:

9 Sec. 35. AS 22.20.210 is repealed **June 30, 2021** [JUNE 30, 2017].

10 \* **Sec. 178.** The uncodified law of the State of Alaska is amended by adding a new section  
11 to read:

12 DIRECT COURT RULE AMENDMENT. Rule 38, Alaska Rules of Criminal  
13 Procedure, is amended by adding new subsections to read:

14 (d) **Hearing Notice.** The court shall provide a notice to a defendant of the  
15 date, time, and place of a scheduled hearing at which the defendant is required to  
16 appear, in a form and manner established by the court.

17 (e) **Hearing Reminder.** In addition to the notice required under (d) of this  
18 rule, the court shall provide a reminder notification to a defendant who is not in  
19 custody and to the Department of Corrections at least 48 hours prior to a scheduled  
20 hearing at which the defendant is required to appear regarding the date, time, and  
21 place of the scheduled hearing and the potential consequences of failure to appear, in a  
22 form and manner established by the court.

23 \* **Sec. 179.** AS 11.46.140(a)(3), 11.46.220(c)(2)(B); AS 11.71.020, 11.71.040(a)(3)(A)(ii),  
24 11.71.040(a)(3)(B), 11.71.040(a)(3)(C), 11.71.040(a)(3)(D), 11.71.040(a)(3)(E),  
25 11.71.040(a)(3)(F), 11.71.040(a)(3)(G), 11.71.050(a)(2); AS 12.30.016(d);  
26 AS 12.55.125(c)(2)(B), 12.55.125(d)(2)(B), 12.55.125(o), 12.55.135(j); and AS 33.16.100(e)  
27 are repealed.

28 \* **Sec. 180.** The uncodified law of the State of Alaska is amended by adding a new section  
29 to read:

30 INDIRECT COURT RULE AMENDMENT. (a) AS 12.30.011, as repealed and  
31 reenacted by sec. 59 of this Act, has the effect of changing Rule 41, Alaska Rules of Criminal

1 Procedure, by changing and establishing release conditions for certain defendants, providing  
2 for recommendations by pretrial services officers of release conditions based on a pretrial risk  
3 assessment score, providing that a court shall order the release of a person under certain  
4 circumstances, and providing new procedures for use of appearance, surety, and performance  
5 bonds.

6 (b) AS 12.55.055(h), enacted by sec. 76 of this Act, has the effect of changing Rule  
7 32, Alaska Rules of Criminal Procedure, by directing the court to include a provision in the  
8 judgment that community work hours that are not completed shall be converted to a fine as  
9 provided in AS 12.55.055(h), enacted by sec. 76 of this Act.

10 (c) AS 12.55.078, enacted by sec. 77 of this Act, has the effect of changing Rule 43,  
11 Alaska Rules of Criminal Procedure, by creating an alternate procedure for when the court  
12 may dismiss charges.

13 (d) AS 12.55.135(p), enacted by sec. 93 of this Act, has the effect of changing Rule  
14 32.1, Alaska Rules of Criminal Procedure, by changing the procedure for notice of  
15 aggravating factors.

16 (e) AS 33.07, enacted by sec. 117 of this Act, has the effect of changing Rule 41,  
17 Alaska Rules of Criminal Procedure, by establishing pretrial services officers and procedures  
18 and duties for pretrial services officers as officers of the superior and district courts, for the  
19 purposes of performing risk assessments and making pretrial recommendations to the court  
20 regarding a person's pretrial release and bail conditions.

21 \* **Sec. 181.** The uncodified law of the State of Alaska is amended by adding a new section  
22 to read:

23 COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. The Council  
24 on Domestic Violence and Sexual Assault established in AS 18.66.010 shall create or expand  
25 community-based violence prevention programming and services for victims of a crime  
26 involving domestic violence or sexual assault in the fiscal year ending June 30, 2017. In this  
27 section "domestic violence" and "sexual assault" have the meanings given to those terms in  
28 AS 18.66.990.

29 \* **Sec. 182.** The uncodified law of the State of Alaska is amended by adding a new section  
30 to read:

31 REPORT ON OFFENSES OF DRIVING WHILE INTOXICATED, REFUSAL OF A

1 CHEMICAL TEST, AND DRIVING WITHOUT A VALID DRIVER'S LICENSE. The  
2 Alaska Criminal Justice Commission established in AS 44.19.641 shall prepare a report  
3 regarding the effectiveness of the penalties, fines, and reformatory and rehabilitative measures  
4 under state law for the offenses of driving while intoxicated, refusal to submit to a chemical  
5 test, and driving without a valid driver's license. The commission shall include in the report an  
6 opinion on whether the penalties, fines, and reformatory and rehabilitative measures under  
7 state law for the offenses of driving while under the influence, refusal to submit to a chemical  
8 test, and driving without a valid driver's license reduce recidivism, promote rehabilitation, and  
9 protect the public. The commission shall propose statutory changes for those offenses to  
10 reduce recidivism, promote rehabilitation, and protect the public. The commission shall  
11 deliver the report not later than December 1, 2016, to the senate secretary and the chief clerk  
12 of the house of representatives and notify the legislature that the report is available.

13 \* **Sec. 183.** The uncodified law of the State of Alaska is amended by adding a new section  
14 to read:

15 REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING  
16 RESTITUTION. The Alaska Criminal Justice Commission established in AS 44.19.641 shall  
17 prepare a report regarding the implementation of a financial recovery and victim's restitution  
18 program and shall make recommendations for statutory changes to improve the payment and  
19 collection of victim's restitution. The report must include recommendations regarding  
20 restitution for crimes against a person and for property crimes against businesses and  
21 members of the public. The commission shall deliver the report not later than December 1,  
22 2016, to the senate secretary and the chief clerk of the house of representatives and notify the  
23 legislature that the report is available.

24 \* **Sec. 184.** The uncodified law of the State of Alaska is amended by adding a new section  
25 to read:

26 REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING  
27 SOCIAL IMPACT BONDS. The Alaska Criminal Justice Commission established in  
28 AS 44.19.641 shall submit to the governor and the legislature not later than December 15,  
29 2016, a report regarding the potential of using social impact bonds to reduce recidivism rates.  
30 The commission shall deliver the report to the senate secretary and the chief clerk of the  
31 house of representatives and notify the legislature that the report is available. The report shall

1 cover the following topics:

2 (1) identification and evaluation of grant programs, contracts, and services of  
3 the Department of Corrections and the Department of Health and Social Services that may be  
4 suitable for social impact financing;

5 (2) the possibility of private sector investors providing social impact  
6 financing;

7 (3) programs operated by nonprofit corporations that could be funded through  
8 a social impact financing mechanism;

9 (4) independent evaluators that could determine whether performance targets  
10 for a nonprofit corporation funded by social impact financing are met at the end of an agreed-  
11 on time frame; and

12 (5) whether federal funding is available for independent evaluators  
13 participating in social impact funding.

14 \* **Sec. 185.** The uncodified law of the State of Alaska is amended by adding a new section  
15 to read:

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

18 (1) AS 11.46.130(a), as amended by sec. 6 of this Act;

19 (2) AS 11.46.140(a), as amended by sec. 7 of this Act;

20 (3) AS 11.46.150(a), as amended by sec. 8 of this Act;

21 (4) AS 11.46.220(c), as amended by sec. 9 of this Act;

22 (5) AS 11.46.260(b), as amended by sec. 10 of this Act;

23 (6) AS 11.46.270(b), as amended by sec. 11 of this Act;

24 (7) AS 11.46.280(d), as amended by sec. 12 of this Act;

25 (8) AS 11.46.285(b), as amended by sec. 13 of this Act;

26 (9) AS 11.46.295, as amended by sec. 14 of this Act;

27 (10) AS 11.46.360(a), as amended by sec. 15 of this Act;

28 (11) AS 11.46.420(a), as amended by sec. 16 of this Act;

29 (12) AS 11.46.460, as amended by sec. 17 of this Act;

30 (13) AS 11.46.482(a), as amended by sec. 18 of this Act;

31 (14) AS 11.46.484(a), as amended by sec. 19 of this Act;

- 1 (15) AS 11.46.486(a), as amended by sec. 20 of this Act;
- 2 (16) AS 11.46.530(b), as amended by sec. 21 of this Act;
- 3 (17) AS 11.46.620(d), as amended by sec. 22 of this Act;
- 4 (18) AS 11.46.730(c), as amended by sec. 23 of this Act;
- 5 (19) AS 11.46.982, enacted by sec. 25 of this Act;
- 6 (20) AS 11.56.730(c), as amended by sec. 27 of this Act;
- 7 (21) AS 11.56.730(d), enacted by sec. 28 of this Act;
- 8 (22) AS 11.56.757(b), as amended by sec. 30 of this Act;
- 9 (23) AS 11.61.110(c), as amended by sec. 32 of this Act;
- 10 (24) AS 11.61.145(d), as amended by sec. 33 of this Act;
- 11 (25) AS 11.61.150(c), as amended by sec. 35 of this Act;
- 12 (26) AS 11.66.200(c), as amended by sec. 41 of this Act;
- 13 (27) AS 11.71.030(a), as amended by sec. 42 of this Act;
- 14 (28) AS 11.71.040(a), as amended by sec. 45 of this Act;
- 15 (29) AS 11.71.050, as amended by sec. 47 of this Act;
- 16 (30) AS 11.71.311(a), as amended by sec. 49 of this Act;
- 17 (31) AS 12.55.035(b), as amended by sec. 72 of this Act;
- 18 (32) AS 12.55.125(a), as amended by sec. 86 of this Act;
- 19 (33) AS 12.55.125(b), as amended by sec. 87 of this Act;
- 20 (34) AS 28.15.291(a), as repealed and reenacted by sec. 104 of this Act;
- 21 (35) AS 28.15.291(b), as repealed and reenacted by sec. 105 of this Act;
- 22 (36) AS 29.10.200(21), as amended by sec. 111 of this Act;
- 23 (37) AS 29.25.070(a), as amended by sec. 112 of this Act; and
- 24 (38) AS 43.23.065(b), as amended by sec. 161 of this Act.

25 (b) The following sections apply to offenses committed before, on, or after the  
26 effective date of those sections:

- 27 (1) AS 11.66.110(a), as amended by sec. 37 of this Act;
- 28 (2) AS 11.66.130(a), as amended by sec. 38 of this Act;
- 29 (3) AS 11.66.130(c), enacted by sec. 39 of this Act; and
- 30 (4) AS 11.66.135(c), enacted by sec. 40 of this Act.

31 (c) The following sections apply to sentences imposed on or after the effective date of

1 those sections for conduct occurring before, on, or after the effective date of those sections:

- 2 (1) AS 12.55.027(a), as amended by sec. 68 of this Act;
- 3 (2) AS 12.55.027(b), as amended by sec. 69 of this Act;
- 4 (3) AS 12.55.027(c), as repealed and reenacted by sec. 70 of this Act; and
- 5 (4) AS 12.55.027(f) and (g), enacted by sec. 71 of this Act.

6 (d) The following sections apply to sentences imposed on or after the effective date of  
7 those sections for conduct occurring before, on, or after the effective date of those sections:

- 8 (1) AS 12.55.025(a), as amended by sec. 66 of this Act;
- 9 (2) AS 12.55.025(c), as amended by sec. 67 of this Act;
- 10 (3) AS 12.55.115, as amended by sec. 85 of this Act;
- 11 (4) AS 28.15.191(g), as amended by sec. 102 of this Act;
- 12 (5) AS 28.35.030(k), as amended by sec. 107 of this Act;
- 13 (6) AS 28.35.032(o), as amended by sec. 110 of this Act;
- 14 (7) AS 33.16.010(f), enacted by sec. 120 of this Act;
- 15 (8) AS 33.16.060(a), as amended by sec. 121 of this Act;
- 16 (9) AS 33.16.089, enacted by sec. 122 of this Act;
- 17 (10) AS 33.16.090(b), as amended by sec. 124 of this Act;
- 18 (11) AS 33.16.130, as repealed and reenacted by sec. 133 of this Act; and
- 19 (12) AS 33.20.010(a), as amended by sec. 153 of this Act.

20 (e) AS 12.30.055(b), enacted by sec. 64 of this Act, applies to persons in custody for a  
21 probation violation on or after the effective date of sec. 64 of this Act for a probation violation  
22 that occurred before, on, or after the effective date of sec. 64 this Act.

23 (f) The following sections apply to community work service imposed on or after the  
24 effective date of those sections for offenses committed on or after the effective date of those  
25 sections:

- 26 (1) AS 12.55.055(a), as amended by sec. 74 of this Act;
- 27 (2) AS 12.55.055(c), as amended by sec. 75 of this Act; and
- 28 (3) AS 12.55.055(g) and (h), enacted by sec. 76 of this Act.

29 (g) AS 12.55.051(a), as amended by sec. 73 of this Act, applies to probation ordered  
30 before, on, or after the effective date of sec. 73 of this Act, for offenses committed before, on,  
31 or after the effective date of sec. 73 of this Act.

1 (h) AS 12.55.078, enacted by sec. 77 of this Act, applies to prosecutions occurring on  
2 or after the effective date of sec. 77 of this Act, for offenses committed before, on, or after the  
3 effective date of sec. 77 of this Act.

4 (i) AS 12.55.090(c), as amended by sec. 79 of this Act, applies to probation ordered  
5 on or after the effective date of sec. 79 of this Act, for offenses committed before, on, or after  
6 the effective date of sec. 79 of this Act.

7 (j) AS 12.55.100(a), as amended by sec. 82 of this Act, applies to probation ordered  
8 on or after the effective date of sec. 82 of this Act, for offenses committed before, on, or after  
9 the effective date of sec. 82 of this Act.

10 (k) The following sections apply to probation ordered before, on, or after the effective  
11 date of those sections for offenses committed before, on, or after the effective date of those  
12 sections:

- 13 (1) AS 12.55.090(b), as amended by sec. 78 of this Act;
- 14 (2) AS 12.55.090(f), as amended by sec. 80 of this Act;
- 15 (3) AS 12.55.090(g) - (n), enacted by sec. 81 of this Act;
- 16 (4) AS 12.55.110(c) - (h), enacted by sec. 84 of this Act; and
- 17 (5) AS 33.05.040, as amended by sec. 115 of this Act.

18 (l) The following sections apply to a revocation of a driver's license, privilege to  
19 drive, privilege to obtain a license, or an identification card or driver's license issued to a  
20 parolee, occurring before, on, or after the effective date of those sections for conduct  
21 occurring before, on, or after the effective date of those sections:

- 22 (1) AS 04.16.160(a), as amended by sec. 2 of this Act;
- 23 (2) AS 28.15.165(e), enacted by sec. 101 of this Act;
- 24 (3) AS 28.15.201(g) - (j), enacted by sec. 103 of this Act; and
- 25 (4) AS 28.35.030(o), as amended by sec. 109 of this Act.

26 (m) The following sections apply to parole granted on or after the effective date of  
27 those sections for conduct occurring before, on, or after the effective date of those sections:

- 28 (1) AS 33.16.010(c), as amended by sec. 118 of this Act;
- 29 (2) AS 33.16.010(d), as amended by sec. 119 of this Act;
- 30 (3) AS 33.16.090(a), as amended by sec. 123 of this Act;
- 31 (4) AS 33.16.100(a), as amended by sec. 125 of this Act;

- 1 (5) AS 33.16.100(b), as amended by sec. 126 of this Act;
- 2 (6) AS 33.16.100(f), enacted by sec. 127 of this Act;
- 3 (7) AS 33.16.140, as amended by sec. 134 of this Act;
- 4 (8) AS 33.16.150(a), as amended by sec. 135 of this Act;
- 5 (9) AS 33.16.150(b), as amended by sec. 136 of this Act;
- 6 (10) AS 33.16.150(e), as amended by sec. 137 of this Act;
- 7 (11) AS 33.16.150(f), as amended by sec. 138 of this Act;
- 8 (12) AS 33.16.150(g), as amended by sec. 139 of this Act;
- 9 (13) AS 33.16.150(h) and (i), enacted by sec. 140 of this Act; and
- 10 (14) AS 33.16.200, as amended by sec. 142 of this Act.

11 (n) AS 11.56.730(e), enacted by sec. 28 of this Act, and sec. 178 of this Act apply to  
12 offenses committed on or after the effective date of secs. 28 and 178 of this Act.

13 (o) The following sections apply to offenses committed on or after the effective date  
14 of those sections:

- 15 (1) AS 12.30.006(b), as amended by sec. 55 of this Act;
- 16 (2) AS 12.30.006(c), as amended by sec. 56 of this Act;
- 17 (3) AS 12.30.006(d), as amended by sec. 57 of this Act;
- 18 (4) AS 12.30.006(f), as amended by sec. 58 of this Act;
- 19 (5) AS 12.30.011, as repealed and reenacted by sec. 59 of this Act;
- 20 (6) AS 12.30.016(b), as amended by sec. 60 of this Act;
- 21 (7) AS 12.30.016(c), as amended by sec. 61 of this Act;
- 22 (8) AS 12.30.021(a), as amended by sec. 62 of this Act;
- 23 (9) AS 12.30.021(c), as amended by sec. 63 of this Act; and
- 24 (10) AS 33.07, enacted by sec. 117 of this Act.

25 (p) The following sections apply to parole granted before, on, or after the effective  
26 date of those sections:

- 27 (1) AS 33.16.180, as amended by sec. 141 of this Act;
- 28 (2) AS 33.16.210, as amended by sec. 143 of this Act;
- 29 (3) AS 33.16.210(c), enacted by sec. 144 of this Act;
- 30 (4) AS 33.16.215, enacted by sec. 145 of this Act;
- 31 (5) AS 33.16.220(b), as amended by sec. 146 of this Act;

- 1 (6) AS 33.16.220(f), as amended by sec. 147 of this Act;
- 2 (7) AS 33.16.220(i), as amended by sec. 148 of this Act;
- 3 (8) AS 33.16.220(j), enacted by sec. 149 of this Act;
- 4 (9) AS 33.16.240(h) and (i), enacted by sec. 150 of this Act; and
- 5 (10) AS 33.16.270, enacted by sec. 151 of this Act.

6 (q) AS 33.05.020(h), enacted by sec. 114 of this Act, applies to sentences imposed  
7 before, on, or after the effective date of sec. 114 of this Act, for conduct occurring before, on,  
8 or after the effective date of sec. 114 of this Act, for time served on probation on or after the  
9 effective date of sec. 114 of this Act.

10 (r) AS 33.20.010(c), as repealed and reenacted by sec. 154 of this Act, applies to  
11 sentences imposed before, on, or after the effective date of sec. 154 of this Act, for offenses  
12 committed before, on, or after the effective date of sec. 154 of this Act, for time served on  
13 electronic monitoring on or after the effective date of sec. 154 of this Act.

14 (s) The following sections apply to offenses committed before, on, or after the  
15 effective date of those sections for contacts with peace officers occurring on or after the  
16 effective date of those sections:

- 17 (1) AS 12.25.180, as amended by sec. 51 of this Act; and
- 18 (2) AS 12.25.190(b), as amended by sec. 53 of this Act.

19 (t) AS 12.25.150(a), as amended by sec. 50 of this Act, applies to offenses committed  
20 before, on, or after the effective date of sec. 50 of this Act, for contacts with peace officers  
21 occurring on or after the effective date of sec. 50 of this Act.

22 (u) The following sections apply to sentences imposed on or after the effective date of  
23 those sections for conduct occurring before, on, or after the effective date of those sections:

- 24 (1) AS 12.55.125(c), as amended by sec. 88 of this Act;
- 25 (2) AS 12.55.125(d), as amended by sec. 89 of this Act;
- 26 (3) AS 12.55.125(e)(1) - (3), as amended by sec. 90 of this Act;
- 27 (4) AS 12.55.135(a), as amended by sec. 91 of this Act;
- 28 (5) AS 12.55.135(b), as amended by sec. 92 of this Act;
- 29 (6) AS 12.55.135(l) - (p), enacted by sec. 93 of this Act; and
- 30 (7) AS 29.25.070(g), enacted by sec. 113 of this Act.

31 (v) The amendment to AS 12.55.125(e) in sec. 90 of this Act adding

1 AS 12.55.125(e)(4)(B) - (D), providing presumptive ranges for violation of AS 28.35.030(n)  
2 and 28.35.032(p), applies to offenses committed on or after the effective date of sec. 90 of this  
3 Act, except that references to previous convictions in AS 28.35.030(n) and 28.35.032(p) apply  
4 to convictions occurring before, on, or after the effective date of sec. 90 of this Act.

5 \* **Sec. 186.** The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 SEVERABILITY. If this Act is held invalid by a court of competent jurisdiction under  
8 the requirement of art. II, sec. 13, Constitution of the State of Alaska, that every bill be  
9 confined to one subject, the provisions of sec. 3 of this Act shall be severed so that the  
10 remainder of this Act is not affected.

11 \* **Sec. 187.** The uncodified law of the State of Alaska is amended by adding a new section  
12 to read:

13 CONDITIONAL EFFECT. (a) AS 11.56.730(e), enacted by sec. 28 of this Act, takes  
14 effect only if sec. 178 of this Act receives the two-thirds majority vote of each house required  
15 by art. IV, sec. 15, Constitution of the State of Alaska.

16 (b) AS 12.30.011, as repealed and reenacted by sec. 59 of this Act, takes effect only if  
17 sec. 180(a) of this Act receives the two-thirds majority vote of each house required by art. IV,  
18 sec. 15, Constitution of the State of Alaska.

19 (c) AS 12.55.055(h), enacted by sec. 76 of this Act, takes effect only if sec. 180(b) of  
20 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
21 Constitution of the State of Alaska.

22 (d) AS 12.55.078, enacted by sec. 77 of this Act, takes effect only if sec. 180(c) of  
23 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
24 Constitution of the State of Alaska.

25 (e) AS 12.55.135(p), enacted by sec. 93 of this Act, takes effect only if sec. 180(d) of  
26 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
27 Constitution of the State of Alaska.

28 (f) AS 33.07, added by sec. 117 of this Act, takes effect only if sec. 180(e) of this Act  
29 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution  
30 of the State of Alaska.

31 \* **Sec. 188.** Sections 2, 4 - 27, 29, 30, 32 - 49, 72, 74 - 77, 79, 86 - 94, 101 - 106, 109, 111 -

1 113, 154, 160 - 170, 179, 180(b), 180(c), and 180(d) of this Act, and AS 11.56.730(d),  
2 enacted by sec. 28 of this Act, take effect July 1, 2016.

3 \* **Sec. 189.** Section 100 of this Act takes effect October 1, 2016.

4 \* **Sec. 190.** Sections 31, 51 - 54, 64, 66, 67, 73, 78, 80 - 85, 107, 108, 110, 114 - 116, 118 -  
5 153, 155 - 158, and 171 - 173 of this Act take effect January 1, 2017.

6 \* **Sec. 191.** Section 159 of this Act takes effect July 1, 2017.

7 \* **Sec. 192.** Sections 50, 55 - 63, 98, 117, 180(a), and 180(e) of this Act take effect  
8 January 1, 2018.

9 \* **Sec. 193.** If AS 11.56.730(e), enacted by sec. 28 of this Act, and sec. 178 of this Act take  
10 effect, they take effect January 1, 2019.