

CONFERENCE CS FOR HOUSE BILL NO. 49

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SPECIAL SESSION

BY THE CONFERENCE COMMITTEE

Offered: 5/20/19

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal law and procedure; relating to marriage as a defense to**
2 **certain crimes of sexual assault; establishing the crime of possession of motor vehicle**
3 **theft tools; relating to controlled substances; relating to electronic monitoring; relating**
4 **to probation and parole; relating to sentencing; amending the definitions of 'most**
5 **serious felony,' 'sex offense,' and 'sex offender'; relating to registration of sex offenders;**
6 **relating to the automated victim notification system; relating to reporting child abuse or**
7 **neglect; relating to Alaska Native organizations; relating to the village public safety**
8 **officer program; relating to cancellation of a driver's license; relating to driving while**
9 **license canceled; relating to operating under the influence; relating to restoration of a**
10 **driver's license; relating to refusal to submit to a chemical test; relating to the use of**
11 **headlights; relating to the powers and duties of the commissioner of corrections; relating**
12 **to pretrial services; relating to the duties of a prosecuting attorney; relating to testing of**

1 sexual assault examination kits; relating to reports of involuntary commitment;
 2 amending Rules 6(r)(6) and 38.2, Alaska Rules of Criminal Procedure; and providing
 3 for an effective date."

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

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

7 LEGISLATIVE FINDINGS AND INTENT. (a) It is the intent of the legislature that
 8 the Alaska Court System, the Department of Corrections, and the Department of Public Safety
 9 make continued efforts to find efficiencies in the criminal justice system and increase the use
 10 of contemporaneous two-way video conference for pretrial hearings whenever possible.

11 (b) When imposing a sentence, it is the intent of the legislature that the court may take
 12 into consideration any good conduct and self-improvement efforts the defendant has made
 13 while in pretrial status, including taking general education development, undergraduate,
 14 postgraduate, or trade school courses and participating in nonprofit volunteer activities, faith-
 15 based activities, and voluntary treatment programs.

16 (c) It is the intent of the legislature that the Department of Corrections develop a plan
 17 to track and measure the effectiveness of evidence-based programs offered to offenders and
 18 report its progress on the plan to both the House and Senate Judiciary Committees during the
 19 Second Regular Session of the Thirty-First Alaska State Legislature.

20 (d) The legislature finds that the legislature did not intend, by enacting ch. 90, SLA
 21 2003, and the legislature does not now intend by enacting this Act, to place a limitation on
 22 which previous convictions may be considered when imposing a sentence under
 23 AS 12.55.125(i), as amended by sec. 73 of this Act.

24 (e) It is the intent of the legislature that AS 12.55.145(a), as amended by sec. 77 of
 25 this Act, overturn the decision of the Alaska Court of Appeals in Williams v. State, 418 P.3d
 26 870 (Alaska Ct. App. 2018) to the extent that the decision held that, when imposing a
 27 sentence under AS 12.55.125(i), as amended by sec. 73 of this Act, a prior felony conviction
 28 should not be considered if 10 or more years has elapsed between the date of the defendant's
 29 unconditional discharge on the immediately preceding offense and the date the defendant
 30 committed the present offense unless the prior conviction was for an unclassified or class A

1 felony.

2 (f) It is the intent of the legislature that all prior felony convictions be considered
3 when imposing a sentence under AS 12.55.125(i), as amended by sec. 73 of this Act,
4 regardless of the amount of time that has passed since each conviction.

5 (g) The legislature finds that

6 (1) protecting the public from sex offenders serves a compelling governmental
7 interest, and that the release of certain information about sex offenders to public agencies and
8 the general public assists in protecting the public;

9 (2) a sex offender who is required to register as a sex offender in the state
10 where the person was convicted may relocate to this state for various reasons;

11 (3) the Alaska Supreme Court's narrow interpretation of the state's sex
12 offender registration requirements in its decision in State, Department of Public Safety v.
13 Doe, 425 P.3d 115 (Alaska 2018) hinders the state's ability to protect the public from sex
14 offenders who may come to this state in that it requires a person to register as a sex offender
15 in this state only if that person has been convicted of an offense that is similar to a sex offense
16 as defined in AS 12.63.100, as amended by sec. 85 of this Act.

17 (h) It is the intent of the legislature to overturn State, Department of Public Safety v.
18 Doe, 425 P.3d 115 (Alaska 2018) to the extent that the decision held that a sex offender
19 required to register in another jurisdiction is not required to register in the state unless the
20 person's underlying conviction is similar to a sex offense as defined in AS 12.63.100, as
21 amended by sec. 85 of this Act. Additionally, it is the intent of the legislature to give
22 reciprocity to other jurisdictions and require a sex offender who is physically present in the
23 state and is required to register as a sex offender in another jurisdiction to register as a sex
24 offender in the state regardless of whether the person's underlying conviction is similar to a
25 sex offense as defined in AS 12.63.100, as amended by sec. 85 of this Act.

26 (i) It is the intent of the legislature that the Department of Public Safety make
27 additional resources available to expand investigations of online exploitation of children.

28 * **Sec. 2.** AS 11.41.110(a) is amended to read:

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

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

1 injury to another person, the person causes the death of any person;

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

5 (3) under circumstances not amounting to murder in the first degree
6 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
7 person commits or attempts to commit arson in the first degree, kidnapping, sexual
8 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
9 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
10 degree, escape in the first or second degree, robbery in any degree, or misconduct
11 involving a controlled substance under AS 11.71.010(a), 11.71.021(a),
12 11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2)
13 and, in the course of or in furtherance of that crime or in immediate flight from that
14 crime, any person causes the death of a person other than one of the participants;

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

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

22 (A) a felony violation of AS 11.41;

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

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

27 * **Sec. 3.** AS 11.41.150(a) is amended to read:

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

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

31 (2) with intent to cause serious physical injury to an unborn child or to

1 another person or knowing that the conduct is substantially certain to cause death or
 2 serious physical injury to an unborn child or to another person, causes the death of an
 3 unborn child;

4 (3) while acting alone or with one or more persons, commits or
 5 attempts to commit arson in the first degree, kidnapping, sexual assault in the first
 6 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,
 7 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the
 8 first or second degree, robbery in any degree, or misconduct involving a controlled
 9 substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9)
 10 [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2), and, in the course of or
 11 in furtherance of that crime or in immediate flight from that crime, any person causes
 12 the death of an unborn child;

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

19 * **Sec. 4.** AS 11.41.420(a) is amended to read:

20 (a) An offender commits the crime of sexual assault in the second degree if

21 (1) the offender engages in sexual contact with another person without
 22 consent of that person;

23 (2) the offender engages in sexual contact with a person

24 (A) who the offender knows is mentally incapable; and

25 (B) who is in the offender's care

26 (i) by authority of law; or

27 (ii) in a facility or program that is required by law to be
 28 licensed by the state;

29 (3) the offender engages in sexual penetration with a person who [THE
 30 OFFENDER KNOWS] is

31 (A) mentally incapable;

- 1 (B) incapacitated; or
- 2 (C) unaware that a sexual act is being committed; or
- 3 (4) the offender engages in sexual contact with a person who the
- 4 offender knows is unaware that a sexual act is being committed and
- 5 (A) the offender is a health care worker; and
- 6 (B) the offense takes place during the course of professional
- 7 treatment of the victim.

8 * **Sec. 5.** AS 11.41.425(a) is amended to read:

9 (a) An offender commits the crime of sexual assault in the third degree if the

10 offender

11 (1) engages in sexual contact with a person who [THE OFFENDER

12 KNOWS] is

- 13 (A) mentally incapable;
- 14 (B) incapacitated; or
- 15 (C) unaware that a sexual act is being committed;
- 16 (2) while employed in a state correctional facility or other placement
- 17 designated by the commissioner of corrections for the custody and care of prisoners,
- 18 engages in sexual penetration with a person who the offender knows is committed to
- 19 the custody of the Department of Corrections to serve a term of imprisonment or
- 20 period of temporary commitment;
- 21 (3) engages in sexual penetration with a person 18 or 19 years of age
- 22 who the offender knows is committed to the custody of the Department of Health and
- 23 Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of
- 24 the person;
- 25 (4) while employed in the state by a law enforcement agency as a
- 26 peace officer, or while acting as a peace officer in the state, engages in sexual
- 27 penetration with a person with reckless disregard that the person is in the custody or
- 28 the apparent custody of the offender, or is committed to the custody of a law
- 29 enforcement agency;
- 30 (5) while employed by the state or a municipality of the state as a
- 31 probation officer or parole officer, or while acting as a probation officer or parole

officer in the state, engages in sexual penetration with a person with reckless disregard that the person is on probation or parole; or

(6) while employed as a juvenile probation officer or as a juvenile facility staff, engages in sexual penetration with a person 18 or 19 years of age with reckless disregard that the person is committed to the custody or probationary supervision of the Department of Health and Social Services.

* **Sec. 6.** AS 11.41.432(b) is amended to read:

(b) Except as provided in **(d) or (e)** [(a)] of this section, in a prosecution under **AS 11.41.410 - 11.41.427** [AS 11.41.410 OR 11.41.420], it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant.

* **Sec. 7.** AS 11.41.432(c) is amended to read:

(c) It is an affirmative defense to a crime charged under AS 11.41.425(a)(5) or 11.41.427(a)(4) that

(1) the offender and the person on probation or parole had, before the person was placed on probation or parole, a dating relationship or a sexual relationship **that** [, AND THE RELATIONSHIP] continued until the date of the alleged offense; **and**

(2) the person on probation or parole consented to the act for which the offender is charged.

* **Sec. 8.** AS 11.41.432 is amended by adding new subsections to read:

(d) It is a defense to a crime charged under AS 11.41.425(a)(2) - (6) or 11.41.427 that the offender is married to the person, neither party has filed with the court for separation, divorce, or dissolution of the marriage, and the person consented to the act for which the offender was charged.

(e) It is an affirmative defense for a crime charged under AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.420(a)(3)(A), or 11.41.425(a)(1)(A) that the offender is married to the person, neither party has filed with the court for separation, divorce, or dissolution of the marriage, and the person consented to the act for which the offender is charged while capable of understanding the nature or consequences of the offender's conduct.

* **Sec. 9.** AS 11.41.438(b) is amended to read:

(b) **Except as provided in (c) of this section, sexual** [SEXUAL] abuse of a minor in the third degree is a class C felony, **punishable as provided in AS 12.55.125(e).**

* **Sec. 10.** AS 11.41.438 is amended by adding a new subsection to read:

(c) Sexual abuse of a minor in the third degree is a class C felony, punishable under AS 12.55.125(i), if, at the time of the offense, the victim was at least six years younger than the offender.

* **Sec. 11.** AS 11.41.452(a) is amended to read:

(a) A person commits the crime of [ONLINE] enticement of a minor if the person, being 18 years of age or older, knowingly **communicates** [USES A COMPUTER TO COMMUNICATE] with another person to entice, solicit, or encourage the person to engage in an act described in AS 11.41.455(a)(1) - (7) and

(1) the other person is a child under 16 years of age; or

(2) the person believes that the other person is a child under 16 years of age.

* **Sec. 12.** AS 11.41.452(d) is amended to read:

(d) Except as provided in (e) of this section, [ONLINE] enticement **of a minor** is a class B felony.

* **Sec. 13.** AS 11.41.452(e) is amended to read:

(e) **Enticement of a minor** [ONLINE ENTICEMENT] is a class A felony if the defendant was, at the time of the offense, required to register as a sex offender or child kidnapper under AS 12.63 or a similar law of another jurisdiction.

* **Sec. 14.** AS 11.41.455(c) is amended to read:

(c) Unlawful exploitation of a minor is [A]

(1) **a class A** [CLASS B] felony; or

(2) **an unclassified** [CLASS A] felony if the

(A) person has been previously convicted of unlawful exploitation of a minor in this jurisdiction or a similar crime in this or another jurisdiction; **or**

(B) minor who is exploited is under 13 years of age at the time the exploitation occurs.

1 * **Sec. 15.** AS 11.41.458 is amended to read:

2 **Sec. 11.41.458. Indecent exposure in the first degree.** (a) An offender
3 commits the crime of indecent exposure in the first degree if the offender violates
4 AS 11.41.460(a) [, THE OFFENSE OCCURS WITHIN THE OBSERVATION OF A
5 PERSON UNDER 16 YEARS OF AGE], and

6 (1) while committing the act constituting the offense, the offender
7 knowingly masturbates; or

8 (2) the offender has been previously convicted under

9 (A) this section;

10 (B) AS 11.41.460(a); or

11 (C) a law or ordinance of this or another jurisdiction with
12 elements similar to a crime listed under (A) or (B) of this paragraph.

13 (b) Indecent exposure in the first degree

14 **(1) is a class C felony; or**

15 **(2) is a class B felony if the offense occurs within the observation of**
16 **a person under 16 years of age.**

17 * **Sec. 16.** AS 11.46.130(a) is amended to read:

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

20 (1) the value of the property or services [, ADJUSTED FOR
21 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than
22 \$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
30 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750 and, within the
31 preceding five years, the person has been convicted and sentenced on two or more

1 separate 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 or identification document.

11 * **Sec. 17.** 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
15 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750;
16 or

17 (2) [REPEALED]

18 (3) [REPEALED]

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

23 * **Sec. 18.** AS 11.46.150(a) is amended to read:

24 (a) A person commits the crime of theft in the fourth degree if the person
25 commits theft as defined in AS 11.46.100 and the value of the property or services [,
26 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

27 * **Sec. 19.** AS 11.46.220(c) is amended to read:

28 (c) Concealment of merchandise is

29 (1) a class C felony if

30 (A) the merchandise is a firearm;

31 (B) the value of the merchandise [, ADJUSTED FOR

1 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more; or

2 (C) the value of the merchandise [, ADJUSTED FOR
3 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
4 \$750 and, within the preceding five years, the person has been convicted and
5 sentenced on two or more separate occasions in this or another jurisdiction of

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

9 (ii) an offense under AS 11.46.120, 11.46.130, or
10 11.46.140(a)(1), or an offense under another law or ordinance with
11 similar elements;

12 (2) a class A misdemeanor if

13 (A) the value of the merchandise [, ADJUSTED FOR
14 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
15 \$750; or

16 (B) [REPEALED]

17 (C) the value of the merchandise is less than \$250 and, within
18 the preceding five years, the person has been convicted and sentenced on three
19 or more separate occasions of the offense of concealment of merchandise or
20 theft in any degree, or an offense under another law or ordinance with similar
21 elements;

22 (3) a class B misdemeanor if the value of the merchandise [,
23 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

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

25 (b) Removal of identification marks is

26 (1) a class C felony if the value of the property on which the serial
27 number or identification mark appeared [, ADJUSTED FOR INFLATION AS
28 PROVIDED IN AS 11.46.982,] is \$750 or more;

29 (2) a class A misdemeanor if the value of the property on which the
30 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
31 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750;

(3) a class B misdemeanor if the value of the property on which the serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

* **Sec. 21.** AS 11.46.270(b) is amended to read:

(b) Unlawful possession is

(1) a class C felony if the value of the property on which the serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more;

(2) a class A misdemeanor if the value of the property on which the serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750;

(3) a class B misdemeanor if the value of the property on which the serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

* **Sec. 22.** AS 11.46.280(d) is amended to read:

(d) Issuing a bad check is

(1) a class B felony if the face amount of the check is \$25,000 or more;

(2) a class C felony if the face amount of the check [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than \$25,000;

(3) a class A misdemeanor if the face amount of the check [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750;

(4) a class B misdemeanor if the face amount of the check [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$250.

* **Sec. 23.** AS 11.46.285 is amended to read:

Sec. 11.46.285. Fraudulent use of an access device or identification document. (a) A person commits the crime of fraudulent use of an access device or identification document if, with intent to defraud, the person uses an access device or identification document to obtain property or services with knowledge that

(1) the access device or identification document is stolen or forged;

(2) the access device or identification document is expired or has been revoked or cancelled; or

(3) for any other reason, that person's use of the access device or identification document is unauthorized by either the issuer or the person to whom the access device or identification document is issued.

(b) Fraudulent use of an access device or identification document is

(1) a class B felony if the value of the property or services obtained is \$25,000 or more;

(2) a class C felony if the value of the property or services obtained [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$75 [\$750] or more but less than \$25,000;

(3) a class A misdemeanor if the value of the property or services obtained [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$75 [\$750].

* **Sec. 24.** AS 11.46.295 is amended to read:

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

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

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

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

* **Sec. 25.** AS 11.46.360(a) is amended to read:

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

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

3 (2) the propelled vehicle of another and

4 (A) the vehicle or any other property of another is damaged in a
5 total amount [, ADJUSTED FOR INFLATION AS PROVIDED IN
6 AS 11.46.982,] of \$750 or more;

7 (B) the owner incurs reasonable expenses as a result of the loss
8 of use of the vehicle, in a total amount [, ADJUSTED FOR INFLATION AS
9 PROVIDED IN AS 11.46.982,] of \$750 or more; or

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

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

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

16 (A) this section or AS 11.46.365;

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

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

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

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

24 * **Sec. 26.** AS 11.46 is amended by adding a new section to article 3 to read:

25 **Sec. 11.46.370. Possession of motor vehicle theft tools.** (a) A person commits
26 the crime of possession of motor vehicle theft tools if the person possesses a motor
27 vehicle theft tool with intent to use or permit use of the tool in the commission of theft
28 of a vehicle or contents of a vehicle.

29 (b) In this section,

30 (1) "altered or shaved key" means a key altered by cutting, filing, or
31 other means to fit multiple vehicles or vehicles other than vehicles for which the key

1 was originally manufactured;

2 (2) "motor vehicle theft tool" includes a slim jim, master key, altered
3 or shaved key, trial or jiggle key, lock puller, electronic unlocking device, or similar
4 device adapted or designed for use in committing vehicle theft;

5 (3) "trial or jiggle key" means a key designed or altered to manipulate
6 a vehicle locking mechanism other than the lock for which the key was originally
7 manufactured.

8 (c) Possession of motor vehicle theft tools is a class A misdemeanor.

9 * **Sec. 27.** AS 11.46.482(a) is amended to read:

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

13 (1) with intent to damage property of another, the person damages
14 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED
15 IN AS 11.46.982,] of \$750 or more;

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

18 (3) the person knowingly

19 (A) defaces, damages, or desecrates a cemetery or the contents
20 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,
21 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
22 memorial appears to be abandoned, lost, or neglected;

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

26 * **Sec. 28.** AS 11.46.484(a) is amended to read:

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

30 (1) with intent to damage property of another, the person damages
31 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED

1 IN AS 11.46.982,] of \$250 or more but less than \$750;

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

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

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

10 (5) the person knowingly removes, relocates, defaces, alters, obscures,
11 shoots at, destroys, or otherwise tampers with an official traffic control device or
12 damages the work on a highway under construction.

13 * **Sec. 29.** AS 11.46.486(a) is amended to read:

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

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

20 (2) with intent to damage property of another, the person damages
21 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED
22 IN AS 11.46.982,] less than \$250; or

23 (3) the person rides in a propelled vehicle and, with criminal
24 negligence, disregards the fact that it has been stolen or that it is being used in
25 violation of AS 11.46.360 or 11.46.365(a)(1).

26 * **Sec. 30.** AS 11.46.530(b) is amended to read:

27 (b) Criminal simulation is

28 (1) a class C felony if the value of what the object purports to represent
29 [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or
30 more;

31 (2) a class A misdemeanor if the value of what the object purports to

1 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is
 2 \$250 or more but less than \$750;

3 (3) a class B misdemeanor if the value of what the object purports to
 4 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less
 5 than \$250.

6 * **Sec. 31.** AS 11.46.620(d) is amended to read:

7 (d) Misapplication of property is

8 (1) a class C felony if the value of the property misapplied [,
 9 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more;

10 (2) a class A misdemeanor if the value of the property misapplied [,
 11 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$750.

12 * **Sec. 32.** AS 11.46.730(c) is amended to read:

13 (c) Defrauding creditors is a class A misdemeanor unless that secured party,
 14 judgment creditor, or creditor incurs a pecuniary loss [, ADJUSTED FOR
 15 INFLATION AS PROVIDED IN AS 11.46.982,] of \$750 or more as a result of the
 16 defendant's conduct, in which case defrauding secured creditors is

17 (1) a class B felony if the loss is \$25,000 or more;

18 (2) a class C felony if the loss [, ADJUSTED FOR INFLATION AS
 19 PROVIDED IN AS 11.46.982,] is \$750 or more but less than \$25,000.

20 * **Sec. 33.** AS 11.46.980 is amended by adding a new subsection to read:

21 (e) In determining the degree or classification of a crime under this chapter, if
 22 the combined value of the property or services taken from one or more persons or
 23 commercial establishments within a period of 180 days is \$750 or more but less than
 24 \$25,000, the value may be aggregated.

25 * **Sec. 34.** AS 11.56.310(a) is amended to read:

26 (a) One commits the crime of escape in the second degree if, without lawful
 27 authority, one

28 (1) removes oneself from

29 (A) a secure correctional facility while under official detention
 30 for a misdemeanor;

31 (B) official detention for a felony or for extradition; or

(C) official detention and, during the escape or at any time before being restored to official detention, one possesses on or about oneself a firearm;

(2) violates AS 11.56.335 or 11.56.340 and, during the time of the unlawful evasion or at any time before being restored to official detention, one possesses on or about oneself a firearm; or

(3) **while under official detention for a felony,**

(A) removes, tampers with, or disables the electronic monitoring equipment; [,] or

(B) without prior authorization, leaves one's residence or other place designated by the commissioner of corrections **or the commissioner of health and social services** for [THE] service by electronic monitoring [OF OFFICIAL DETENTION FOR A FELONY].

* Sec. 35. AS 11.56.320(a) is amended to read:

(a) One commits the crime of escape in the third degree if one

(1) removes oneself from official detention during any lawful movement or activity incident to confinement within a correctional facility for a misdemeanor; [OR]

(2) violates AS 11.56.335 or 11.56.340 and leaves or attempts to leave the state;

(3) while under official detention for a misdemeanor,

(A) removes, tampers with, or disables the electronic monitoring equipment; or

(B) without prior authorization, leaves one's residence or other place designated by the commissioner of corrections or the commissioner of health and social services for service by electronic monitoring; or

(4) while on release under AS 12.30,

(A) removes, tampers with, or disables the electronic monitoring equipment; or

(B) without prior authorization, leaves one's residence or

other place designated by a judicial officer as a condition of release.

* **Sec. 36.** AS 11.56.730(a) is amended to read:

(a) A person commits the **crime** [OFFENSE] of failure to appear if the person

(1) is released under the provisions of AS 12.30;

(2) knows that the person is required to appear before a court or judicial officer at the time and place of a scheduled hearing; and

(3) with criminal negligence does not appear before the court or judicial officer at the time and place of the scheduled hearing.

* **Sec. 37.** AS 11.56.730(d) is amended to read:

(d) Failure to appear is a

(1) class C felony if the person was released in connection with a charge of a felony or while awaiting sentence or appeal after conviction of a felony [AND THE PERSON

(A) DOES NOT MAKE CONTACT WITH THE COURT OR A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED HEARING; OR

(B) DOES NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED HEARING TO AVOID PROSECUTION];

(2) class A misdemeanor if the person was released in connection with

a

(A) charge of a misdemeanor, while awaiting sentence or appeal after conviction of a misdemeanor; **or**

(B) [, OR IN CONNECTION WITH A] requirement to appear as a material witness in a criminal proceeding [, AND THE PERSON

(A) DOES NOT MAKE CONTACT WITH THE COURT OR A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED HEARING; OR

(B) DOES NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED HEARING TO AVOID PROSECUTION; OR

(3) VIOLATION PUNISHABLE BY A FINE OF UP TO \$1,000].

* Sec. 38. AS 11.56.757(b) is amended to read:

(b) Violation of condition of release is a

(1) class A misdemeanor if the person is released from a charge or conviction of a felony;

(2) class B misdemeanor if the person is released from a charge or conviction of a misdemeanor.

* Sec. 39. AS 11.56.810(a) is amended to read:

(a) A person commits the crime of terroristic threatening in the second degree if the person **makes a threat** [KNOWINGLY MAKES A FALSE REPORT] that a circumstance

(1) dangerous to human life **or property** exists or is about to exist **with reckless disregard that the threat may** [AND]

(A) **place** a person [IS PLACED] in reasonable fear of **serious** physical injury to any person **by means of a dangerous instrument;**

(B) **cause** [CAUSES] evacuation of **or initiation of an emergency protocol for** a building, public place or area, business premises, or mode of public transportation;

(C) **cause** [CAUSES] serious public inconvenience; or

(D) **cause the public or a substantial group of people to fear serious physical injury** [THE REPORT CLAIMS THAT A BACTERIOLOGICAL, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL SUBSTANCE THAT IS CAPABLE OF CAUSING SERIOUS PHYSICAL INJURY HAS BEEN SENT OR IS PRESENT IN A BUILDING, PUBLIC PLACE OR AREA, BUSINESS PREMISES, OR MODE OF PUBLIC TRANSPORTATION]; or

(2) exists or is about to exist that is dangerous to the proper or safe functioning of an oil or gas pipeline or supporting facility, utility, or transportation or cargo facility; in this paragraph, "oil or gas pipeline or supporting facility" and "utility" have the meanings given in AS 11.46.495.

* Sec. 40. AS 11.61.110(c) is amended to read:

(c) Disorderly conduct is a class B misdemeanor **and is punishable as authorized in AS 12.55 except that a sentence of imprisonment, if imposed, shall be for a definite term of not more than**

(1) 72 hours if the offense is a first conviction;

(2) 10 days if the offense is a second or subsequent conviction.

* Sec. 41. AS 11.61.120(a) is amended to read:

(a) A person commits the crime of harassment in the second degree if, with intent to harass or annoy another person, that person

(1) insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response;

(2) telephones another and fails to terminate the connection with intent to impair the ability of that person to place or receive telephone calls;

(3) makes repeated telephone calls at extremely inconvenient hours;

(4) makes an anonymous or obscene telephone call, an obscene electronic communication, or a telephone call or electronic communication that threatens physical injury or sexual contact;

(5) subjects another person to offensive physical contact;

(6) except as provided in AS 11.61.116, publishes or distributes electronic or printed photographs, pictures, or films that show the genitals, anus, or female breast of the other person or show that person engaged in a sexual act; [OR]

(7) repeatedly sends or publishes an electronic communication that insults, taunts, challenges, or intimidates a person under 18 years of age in a manner that places the person in reasonable fear of physical injury; **or**

(8) under circumstances not proscribed under AS 11.41.455, AS 11.61.125, or 11.61.128, repeatedly sends to another person, publishes, or distributes electronic or printed photographs, pictures, or films that show the genitals of any person.

* Sec. 42. AS 11.61.123(a) is amended to read:

(a) A person commits the crime of indecent viewing or **production of a picture** [PHOTOGRAPHY] if [, IN THE STATE,] the person knowingly

(1) views, or **views** [PRODUCES] a picture of, the private exposure of

the genitals, anus, or female breast of another person; or

(2) produces a picture of the private exposure of the genitals, anus, or female breast of another person [AND THE VIEW OR PRODUCTION IS WITHOUT THE KNOWLEDGE OR CONSENT OF

(1) THE PARENT OR GUARDIAN OF THE PERSON VIEWED, OR WHO IS SHOWN IN THE PICTURE, IF THE PERSON WHO IS VIEWED OR SHOWN IS UNDER 16 YEARS OF AGE; AND

(2) THE PERSON VIEWED OR SHOWN IN THE PICTURE, IF THE PERSON VIEWED OR SHOWN IS AT LEAST 13 YEARS OF AGE].

* **Sec. 43.** AS 11.61.123(c) is amended to read:

(c) This section does not apply to the viewing or production of a picture [PHOTOGRAPHY] conducted by a law enforcement agency for a law enforcement purpose.

* **Sec. 44.** AS 11.61.123(d) is amended to read:

(d) In a prosecution under this section, it is an affirmative defense that the viewing or production of a picture [PHOTOGRAPHY] was conducted as a security surveillance system, notice of the viewing or production [PHOTOGRAPHY] was posted, and any viewing or use of pictures produced is done only in the interest of crime prevention or prosecution.

* **Sec. 45.** AS 11.61.123(f) is amended to read:

(f) Indecent viewing or production of a picture [PHOTOGRAPHY] is a

(1) class B felony if the person violates (a)(2) of this section and the person shown in the picture was, at the time of the production of the picture, a minor;

(2) [(1)] class C felony if the person

(A) violates (a)(1) of this section and the person viewed

(i) [OR SHOWN IN A PICTURE] was, at the time of the viewing [OR PRODUCTION OF THE PICTURE], a minor;

(ii) in a picture was, at the time of the production of the picture, a minor; or

(B) violates (a)(2) of this section and the person shown in a

picture was, at the time of the production of the picture, an adult;

(3) [(2)] class A misdemeanor if the person violates (a)(1) of this section and the person viewed

(A) [OR SHOWN IN A PICTURE] was, at the time of the viewing [OR PRODUCTION OF THE PICTURE], an adult; or

(B) in a picture was, at the time of the production of the picture, an adult.

* **Sec. 46.** AS 11.61.123 is amended by adding a new subsection to read:

(g) The provisions of this section do not apply to acts

(1) that may reasonably be construed to be normal caretaker responsibilities for a child, interactions with a child, or affection for a child; or

(2) performed for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical or mental health of the person being treated.

* **Sec. 47.** AS 11.61 is amended by adding a new section to read:

Sec. 11.61.124. Solicitation or production of an indecent picture of a minor. (a) An offender commits the crime of solicitation or production of an indecent picture of a minor if, under circumstances not proscribed under AS 11.41.455 or AS 11.61.123, the offender being 18 years of age or older

(1) solicits a picture of the genitals, anus, or female breast of another person and the

(A) person solicited is under 16 years of age and at least four years younger than the offender; or

(B) offender believes that the other person is under 16 years of age and at least four years younger than the offender; or

(2) produces a picture of the genitals, anus, or female breast of another person and the

(A) person shown in the picture is under 16 years of age and at least four years younger than the offender; or

(B) offender believes that the other person is under 16 years of age and at least four years younger than the offender.

(b) In a prosecution under (a) of this section, it is not a defense that the person solicited or shown in the picture was not actually a child under 16 years of age and at least four years younger than the offender.

(c) In a prosecution under (a)(1) of this section, it is not necessary for the prosecution to show that a picture was actually produced.

(d) The provisions of this section do not apply to acts

(1) that may reasonably be construed to be normal caretaker responsibilities for a child, interactions with a child, or affection for a child; or

(2) performed for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical or mental health of the person being treated.

(e) In this section, "picture" has the meaning given in AS 11.61.123.

(f) Solicitation or production of an indecent picture of a minor is a

(1) class C felony if an offender

(A) violates (a)(1) of this section and the person solicited is under 13 years of age; or

(B) violates (a)(2) of this section;

(2) class A misdemeanor if an offender violates (a)(1) of this section and the person solicited is 13 years of age or older.

* **Sec. 48.** AS 11.71 is amended by adding a new section to read:

Sec. 11.71.021. Misconduct involving a controlled substance in the second degree. (a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the second degree if the person

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

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

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

or

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

1 isomers, or salts of isomers;

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

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

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

9 or

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

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

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

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

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

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

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

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

30 (b) In a prosecution under (a) of this section, possession of more than six
31 grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or

the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that the person intended to use the listed chemicals to manufacture, to aid or abet another person to manufacture, or to deliver to another person who intends to manufacture methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers of methamphetamine or its immediate precursors. The prima facie evidence described in this subsection does not apply to a person who possesses

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

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

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

(i) retailer or as a wholesaler;

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

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

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

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

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

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

(d) Misconduct involving a controlled substance in the second degree is a class A felony.

* **Sec. 49.** AS 11.71.030(a) is amended to read:

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

(1) manufactures or delivers, or possesses with intent to manufacture or deliver,

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

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

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

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

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

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

(A) with reckless disregard that the possession occurs

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

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

or

(B) on a school bus;

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

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

or

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

(5) possesses an immediate precursor of methamphetamine, or the

1 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,
 2 with the intent to manufacture any material, compound, mixture, or preparation that
 3 contains methamphetamine, or its salts, isomers, or salts of isomers;

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

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

7 or

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

10 (7) possesses methamphetamine in an organic solution with intent to
 11 extract from it methamphetamine or its salts, isomers, or salts of isomers; [OR]

12 (8) under circumstances not proscribed under AS 11.71.010(a)(2),
 13 delivers

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

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

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

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

26 (iii) methamphetamine or its salts, isomers, or salts of
 27 isomers in an organic solution; or

28 **(9) under circumstances not proscribed under AS 11.71.021(a)(2) -**
 29 **(6), manufactures or delivers any amount of a schedule IIA or IIIA controlled**
 30 **substance or possesses any amount of a schedule IIA or IIIA controlled substance**
 31 **with intent to manufacture or deliver.**

1 * **Sec. 50.** AS 11.71.030(d) is amended to read:

2 (d) Misconduct involving a controlled substance in the **third** [SECOND]
3 degree is a class B felony.

4 * **Sec. 51.** AS 11.71.040(a) is amended to read:

5 (a) Except as authorized in AS 17.30 **and AS 17.38**, a person commits the
6 crime of misconduct involving a controlled substance in the **fourth** [THIRD] degree if
7 the person

8 (1) manufactures or delivers any amount of a schedule IVA or VA
9 controlled substance or possesses any amount of a schedule IVA or VA controlled
10 substance with intent to manufacture or deliver;

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

15 (3) possesses any amount of a schedule IA controlled substance listed
16 in AS 11.71.140(e);

17 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

18 (A) with reckless disregard that the possession occurs

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

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

21 or

22 (B) on a school bus;

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

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

31 (7) knowingly uses in the course of the manufacture or distribution of a

1 controlled substance a registration number that is fictitious, revoked, suspended, or
2 issued to another person;

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

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

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

10 (11) manufactures or delivers, or possesses with the intent to
11 manufacture or deliver,

12 (A) one or more preparations, compounds, mixtures, or
13 substances of an aggregate weight of less than one gram containing a schedule
14 IA controlled substance;

15 (B) less than 25 tablets, ampules, or syrettes containing a
16 schedule IA controlled substance;

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

20 (D) less than 50 tablets, ampules, or syrettes containing a
21 schedule IIA or IIIA controlled substance; or

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

26 * **Sec. 52.** AS 11.71.040(d) is amended to read:

27 (d) Misconduct involving a controlled substance in the **fourth** [THIRD]
28 degree is a class C felony.

29 * **Sec. 53.** AS 11.71.050 is amended to read:

30 **Sec. 11.71.050. Misconduct involving a controlled substance in the fifth**
31 **[FOURTH] degree.** (a) Except as authorized in AS 17.30 **and AS 17.38**, a person

commits the crime of misconduct involving a controlled substance in the **fifth** [FOURTH] degree if the person

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

(2) [REPEALED]

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

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

(5) under circumstances not proscribed under AS 11.71.040(a)(4), possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance.

(b) Misconduct involving a controlled substance in the **fifth** [FOURTH] degree is a class A misdemeanor.

* **Sec. 54.** AS 11.71.060 is amended to read:

Sec. 11.71.060. Misconduct involving a controlled substance in the sixth [FIFTH] degree. (a) Except as authorized in AS 17.30 **or AS 17.38**, a person commits the crime of misconduct involving a controlled substance in the **sixth** [FIFTH] degree if the person

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

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

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

(B) six grams or less containing a schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or

otherwise applied to tobacco, an herb, or another organic material; or

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

(b) Misconduct involving a controlled substance in the sixth [FIFTH] degree is a class B misdemeanor.

* **Sec. 55.** AS 11.71.311(a) is amended to read:

(a) A person may not be prosecuted for a violation of AS 11.71.040(a)(3), (4), or (12), 11.71.050(a)(4) or (5), or 11.71.060(a)(1) or (2) [AS 11.71.030(a)(3), 11.71.040(a)(3) OR (4), 11.71.050(a)(4), OR 11.71.060(a)(1) OR (2)] if that person

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

(A) the evidence supporting the prosecution for an offense under AS 11.71.040(a)(3), (4), or (12), 11.71.050(a)(4) or (5), or 11.71.060(a)(1) or (2) [AS 11.71.030(a)(3), 11.71.040(a)(3) OR (4), 11.71.050(a)(4), OR 11.71.060(a)(1) OR (2)] was obtained or discovered as a result of the person seeking medical or law enforcement assistance;

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

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

(2) was experiencing a drug overdose and sought medical assistance, and the evidence supporting a prosecution for an offense under AS 11.71.040(a)(3), (4), or (12), 11.71.050(a)(4) or (5), or 11.71.060(a)(1) or (2) [AS 11.71.030(a)(3), 11.71.040(a)(3) OR (4), 11.71.050(a)(4), OR 11.71.060(a)(1) OR (2)] was obtained as a result of the overdose and the need for medical assistance.

* **Sec. 56.** AS 12.30.006(b) is amended to read:

(b) At the first appearance before a judicial officer, a person may be detained up to 48 hours for the prosecuting authority to demonstrate that release of the person under AS 12.30.011 would not reasonably ensure the appearance of the person or will pose a danger to the victim, other persons, or the community, if the person has

(1) been charged with an unclassified, class A, class B, or class C felony; or

(2) a criminal conviction or charge outside the state [THAT HAS NOT BEEN USED IN DETERMINING THE PERSON'S RISK LEVEL IN THE PRETRIAL RISK ASSESSMENT UNDER AS 33.07].

* **Sec. 57.** AS 12.30.006(c) is amended to read:

(c) A person who remains in custody 48 hours after appearing before a judicial officer because of inability to meet the conditions of release shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. If the judicial officer who imposed the conditions of release is not available, any judicial officer in the judicial district may review the conditions. [UPON REVIEW OF THE CONDITIONS, THE JUDICIAL OFFICER SHALL REVISE ANY CONDITIONS OF RELEASE THAT HAVE PREVENTED THE DEFENDANT FROM BEING RELEASED UNLESS THE JUDICIAL OFFICER FINDS ON THE RECORD THAT THERE IS CLEAR AND CONVINCING EVIDENCE THAT LESS RESTRICTIVE RELEASE CONDITIONS CANNOT REASONABLY ENSURE THE

(1) APPEARANCE OF THE PERSON IN COURT; AND

(2) SAFETY OF THE VICTIM, OTHER PERSONS, AND THE COMMUNITY.]

* **Sec. 58.** AS 12.30.006(d) is amended to read:

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

(1) the person provides to the court and the prosecuting authority a written statement that new information not considered at the previous review will be presented at the hearing; the statement must include a description of the information and the reason the information was not presented at a previous hearing; in this paragraph, "new information" includes the person's inability to post the required bail if

1 **the person can show that the person made a good faith effort to post the required**
 2 **bail;**

3 (2) the prosecuting authority and any surety, if applicable, have at least
 4 48 **hours'** [HOURS"] written notice before the time set for the review requested under
 5 this subsection; the defendant shall notify the surety; and

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

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

10 **Sec. 12.30.011. Release before trial.** (a) Except as otherwise provided in this
 11 chapter, a judicial officer shall order a person charged with an offense to be released
 12 on the person's personal recognizance or upon execution of an unsecured appearance
 13 bond, on the condition that the person

14 (1) obey all court orders and all federal, state, and local laws;
 15 (2) appear in court when ordered;
 16 (3) if represented, maintain contact with the person's lawyer; and
 17 (4) notify the person's lawyer, who shall notify the prosecuting
 18 authority and the court, not more than 24 hours after the person changes residence.

19 (b) If a judicial officer determines that the release under (a) of this section will
 20 not reasonably ensure the appearance of the person or will pose a danger to the victim,
 21 other persons, or the community, the officer shall impose the least restrictive condition
 22 or conditions that will reasonably ensure the person's appearance and protect the
 23 victim, other persons, and the community. In addition to conditions under (a) of this
 24 section, the judicial officer may, singly or in combination,

25 (1) require the execution of an appearance bond in a specified amount
 26 of cash to be deposited into the registry of the court, in a sum not to exceed 10 percent
 27 of the amount of the bond;

28 (2) require the execution of a bail bond with sufficient solvent sureties
 29 or the deposit of cash;

30 (3) require the execution of a performance bond in a specified amount
 31 of cash to be deposited in the registry of the court;

- 1 (4) place restrictions on the person's travel, association, or residence;
- 2 (5) order the person to refrain from possessing a deadly weapon on the
- 3 person or in the person's vehicle or residence;
- 4 (6) require the person to maintain employment or, if unemployed,
- 5 actively seek employment;
- 6 (7) require the person to notify the person's lawyer and the prosecuting
- 7 authority within two business days after any change in employment;
- 8 (8) require the person to avoid all contact with a victim, a potential
- 9 witness, or a codefendant;
- 10 (9) require the person to refrain from the consumption and possession
- 11 of alcoholic beverages;
- 12 (10) require the person to refrain from the use of a controlled substance
- 13 as defined by AS 11.71, unless prescribed by a licensed health care provider with
- 14 prescriptive authority;
- 15 (11) require the person to be physically inside the person's residence,
- 16 or in the residence of the person's third-party custodian, at time periods set by the
- 17 court;
- 18 (12) require the person to keep regular contact with a law enforcement
- 19 officer or agency;
- 20 (13) order the person to refrain from entering or remaining in premises
- 21 licensed under AS 04;
- 22 (14) place the person in the custody of an individual who agrees to
- 23 serve as a third-party custodian of the person as provided in AS 12.30.021;
- 24 (15) if the person is under the treatment of a licensed health care
- 25 provider, order the person to follow the provider's treatment recommendations;
- 26 (16) order the person to take medication that has been prescribed for
- 27 the person by a licensed health care provider with prescriptive authority;
- 28 (17) order the person to submit to electronic monitoring;
- 29 (18) order the person to submit to a pretrial risk assessment by the
- 30 Department of Corrections under AS 33.07;
- 31 (19) order the person to submit to supervision by a pretrial services

1 officer under AS 33.07, which may include the use of electronic monitoring;

2 (20) order the person to comply with any other condition that is
3 reasonably necessary to ensure the appearance of the person and to ensure the safety
4 of the victim, other persons, and the community; and

5 (21) require the person to comply with a program established under
6 AS 47.38.020 if the person has been charged with an alcohol-related or substance-
7 abuse-related offense that is an unclassified felony, a class A felony, a sexual felony,
8 or a crime involving domestic violence.

9 (c) In determining the conditions of release under this chapter, the court shall
10 consider the following:

- 11 (1) the nature and circumstances of the offense charged;
- 12 (2) the weight of the evidence against the person;
- 13 (3) the nature and extent of the person's family ties and relationships;
- 14 (4) the person's employment status and history;
- 15 (5) the length and character of the person's past and present residence;
- 16 (6) the person's record of convictions and any pending criminal
17 charges;
- 18 (7) the person's record of appearance at court proceedings;
- 19 (8) assets available to the person to meet monetary conditions of
20 release;
- 21 (9) the person's reputation, character, and mental condition;
- 22 (10) the effect of the offense on the victim, any threats made to the
23 victim, and the danger that the person poses to the victim;
- 24 (11) any other facts that are relevant to the person's appearance or the
25 person's danger to the victim, other persons, or the community; and
- 26 (12) the pretrial risk assessment provided by a pretrial services officer,
27 if available.

28 (d) In making a finding regarding the release of a person under this chapter,

- 29 (1) except as otherwise provided in this chapter, the burden of proof is
30 on the prosecuting authority that a person charged with an offense should be detained
31 or released with conditions described in (b) of this section or AS 12.30.016;

1 (2) there is a rebuttable presumption that there is a substantial risk that
 2 the person will not appear and the person poses a danger to the victim, other persons,
 3 or the community, if the person is

4 (A) charged with an unclassified felony, a class A felony, a
 5 sexual felony, or a felony under AS 28.35.030 or 28.35.032;

6 (B) charged with a felony crime against a person under
 7 AS 11.41, was previously convicted of a felony crime against a person under
 8 AS 11.41 in this state or a similar offense in another jurisdiction, and less than
 9 five years have elapsed between the date of the person's unconditional
 10 discharge on the immediately preceding offense and the commission of the
 11 present offense;

12 (C) charged with a felony offense committed while the person
 13 was on release under this chapter for a charge or conviction of another offense;

14 (D) charged with a crime involving domestic violence, and has
 15 been convicted in the previous five years of a crime involving domestic
 16 violence in this state or a similar offense in another jurisdiction;

17 (E) arrested in connection with an accusation that the person
 18 committed a felony outside the state or is a fugitive from justice from another
 19 jurisdiction, and the court is considering release under AS 12.70.

20 (e) If the supreme court establishes a schedule of bail amounts or conditions of
 21 release for misdemeanor offenses, the schedule must include a condition providing
 22 that a correctional facility shall, at the time of release, conduct a chemical test of the
 23 breath of a person who has been arrested and who is intoxicated and shall detain the
 24 person until the test result indicates that the person's breath has less than 0.08 grams of
 25 alcohol for each 210 liters of breath or, with the consent of the person, release the
 26 person to another person who is willing and able to provide care for the person.

27 * **Sec. 60.** AS 12.30.021(a) is amended to read:

28 (a) In addition to other conditions imposed under AS 12.30.011 or 12.30.016,
 29 a judicial officer may appoint a third-party custodian if the officer finds [, ON THE
 30 RECORD,] that the appointment will, singly or in combination with other
 31 conditions,

1 [(1) PRETRIAL SUPERVISION UNDER AS 33.07 IS NOT
2 AVAILABLE IN THE PERSON'S LOCATION;

3 (2) NO SECURED APPEARANCE OR PERFORMANCE BONDS
4 HAVE BEEN ORDERED; AND

5 (3) NO OTHER CONDITIONS OF RELEASE OR COMBINATION
6 OF CONDITIONS CAN] reasonably ensure the person's appearance and the safety of
7 the victim, other persons, and the community.

8 * **Sec. 61.** AS 12.30.021(c) is amended to read:

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

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

12 (2) the proposed custodian has been unconditionally discharged
13 within [CONVICTED IN] the previous five [THREE] years from a felony, [OF] a
14 crime under AS 11.41, or a similar crime in this or another jurisdiction;

15 (3) criminal charges are pending in this state or another jurisdiction
16 against the proposed custodian;

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

19 (5) [THERE IS A REASONABLE PROBABILITY THAT THE
20 STATE WILL CALL] the proposed custodian may be called as a witness in the
21 prosecution of the person;

22 (6) the proposed custodian resides out of state; however, a nonresident
23 may serve as a custodian if the nonresident resides in the state while serving as
24 custodian.

25 * **Sec. 62.** AS 12.55.015 is amended by adding a new subsection to read:

26 (l) In making a determination under (a)(12) of this section for a defendant
27 convicted of a crime involving a sex offense as defined in AS 12.63.100 or a crime
28 involving domestic violence as defined in AS 18.66.990, there is a presumption that,
29 unless the court finds on the record that contact between a defendant and the victim of
30 the offense is necessary, the court shall order the defendant to have no contact, either
31 directly or indirectly, with the victim until the defendant is unconditionally discharged.

1 * **Sec. 63.** AS 12.55.025(c) is amended to read:

2 (c) Except as provided in (d) of this section, when a defendant is sentenced to
3 imprisonment, the term of confinement commences on the date of imposition of
4 sentence unless the court specifically provides that the defendant must report to serve
5 the sentence on another date. If the court provides another date to begin the term of
6 confinement, the court shall provide the defendant with written notice of the date,
7 time, and location of the correctional facility to which the defendant must report. A
8 defendant shall receive credit for time spent in custody pending trial, sentencing, or
9 appeal, if the detention was in connection with the offense for which the sentence was
10 imposed [INCLUDING A TECHNICAL VIOLATION OF PROBATION AS
11 PROVIDED IN AS 12.55.110]. A defendant may not receive credit for more than the
12 actual time spent in custody pending trial, sentencing, or appeal. The time during
13 which a defendant is voluntarily absent from official detention after the defendant has
14 been sentenced may not be credited toward service of the sentence.

15 * **Sec. 64.** AS 12.55.025 is amended by adding a new subsection to read:

16 (m) When imposing a sentence for conviction of a felony offense or a
17 sentence of imprisonment exceeding 90 days or, upon a conviction of a violation of
18 AS 04, a regulation adopted under AS 04, or an ordinance adopted in conformity with
19 AS 04.21.010, the court shall orally state on the record the terms of the sentence of
20 imprisonment imposed and the approximate minimum sentence that must be served
21 before the defendant may be eligible for mandatory parole and that the period of active
22 incarceration may be reduced under other provisions of law.

23 * **Sec. 65.** AS 12.55.027(f) is amended to read:

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

- 25 (1) be intended to address criminogenic traits or behaviors;
26 (2) provide measures of progress or completion; and
27 (3) require notification to the prosecuting authority, pretrial services
28 officer, [OFFICE] or probation officer if the person is discharged from the program
29 for noncompliance.

30 * **Sec. 66.** AS 12.55.027 is amended by adding a new subsection to read:

31 (i) A court granting credit against a sentence of imprisonment under (a) of this

1 section may grant credit of not more than 365 days against the total term of
2 imprisonment imposed.

3 * **Sec. 67.** AS 12.55.051(a) is amended to read:

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

22 * **Sec. 68.** AS 12.55.090(c) is amended to read:

23 (c) The period of probation, together with any extension, may not exceed
24 (1) **25** [15] years for a felony sex offense; **or**
25 (2) 10 years for **any other offense** [AN UNCLASSIFIED FELONY
26 UNDER AS 11 NOT LISTED IN (1) OF THIS SUBSECTION;
27 (3) FIVE YEARS FOR A FELONY OFFENSE NOT LISTED IN (1)
28 OR (2) OF THIS SUBSECTION;
29 (4) THREE YEARS FOR A MISDEMEANOR OFFENSE
30 (A) UNDER AS 11.41;
31 (B) THAT IS A CRIME INVOLVING DOMESTIC

1 VIOLENCE; OR

2 (C) THAT IS A SEX OFFENSE, AS THAT TERM IS
3 DEFINED IN AS 12.63.100;

4 (5) TWO YEARS FOR A MISDEMEANOR OFFENSE UNDER
5 AS 28.35.030 OR 28.35.032, IF THE PERSON HAS PREVIOUSLY BEEN
6 CONVICTED OF AN OFFENSE UNDER AS 28.35.030 OR 28.35.032, OR A
7 SIMILAR LAW OR ORDINANCE OF THIS OR ANOTHER JURISDICTION; OR

8 (6) ONE YEAR FOR AN OFFENSE NOT LISTED IN (1) - (5) OF
9 THIS SUBSECTION].

10 * **Sec. 69.** AS 12.55.090(g) is amended to read:

11 (g) **At the discretion of the probation officer, a** [A] probation officer **may**
12 [SHALL] recommend to the court that probation be terminated and a defendant be
13 discharged from probation if the defendant

14 (1) has completed at least

15 (A) two years on probation if the person was convicted of a
16 class A or class B felony that is not a crime under **(4)** [(5)] of this subsection;
17 or

18 (B) 18 months on probation if the person was convicted of a
19 crime that is not a crime

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

21 (ii) under **(4)** [(5)] of this subsection;

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

24 (3) [HAS NOT BEEN FOUND IN VIOLATION OF CONDITIONS
25 OF PROBATION BY THE COURT FOR THE PERIOD SPECIFIED IN (1) OF
26 THIS SUBSECTION];

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

29 **(4)** [(5)] has not been convicted of an unclassified felony offense, a
30 sexual felony as defined in AS 12.55.185, or a crime involving domestic violence as
31 defined in AS 18.66.990.

1 * **Sec. 70.** AS 12.55.125(c) is amended to read:

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

6 (1) if the offense is a first felony conviction and does not involve
7 circumstances described in (2) of this subsection, **four** [THREE] to **seven** [SIX] years;

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

9 **(A)** and the defendant

10 [(A)] possessed a firearm, used a dangerous instrument, or
11 caused serious physical injury or death during the commission of the offense,
12 [FIVE TO NINE YEARS;] or

13 [(B)] knowingly directed the conduct constituting the offense at
14 a uniformed or otherwise clearly identified peace officer, firefighter,
15 correctional employee, emergency medical technician, paramedic, ambulance
16 attendant, or other emergency responder who was engaged in the performance
17 of official duties at the time of the offense, seven to 11 years;

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

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

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

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

31 (4) if the offense is a third felony conviction and the defendant is not

subject to sentencing under (l) of this section, **15** [13] to 20 years.

* **Sec. 71.** AS 12.55.125(d) is amended to read:

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

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, **one** [ZERO] to **three** [TWO] years; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085 **if, as a condition of probation under AS 12.55.086, the defendant is required to serve an active term of imprisonment within the range specified in this paragraph, unless the court finds that a mitigation factor under AS 12.55.155 applies;**

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

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

[(A)] a child under 16 years of age, two to four years; [OR]

(B) two to four years if the conviction is for attempt, solicitation, or conspiracy to manufacture related to methamphetamine under AS 11.31 and AS 11.71.021(a)(2)(A) or (B), and

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

(ii) in the course of an attempt to manufacture, the defendant obtained the assistance of one or more children under 18 years of age or one or more children were present [WAS 16 YEARS OF AGE OR OLDER, ONE TO THREE YEARS];

(3) if the offense is a second felony conviction, **three** [TWO] to **seven** [FIVE] years;

(4) if the offense is a third felony conviction, six [FOUR] to 10 years.

* **Sec. 72.** AS 12.55.125(e) is amended to read:

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

(1) if the offense is a first felony conviction and does not involve circumstances described in (4) of this subsection, zero to two years; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085, and the court may, as a condition of probation under AS 12.55.086, require the defendant to serve an active term of imprisonment within the range specified in this paragraph;

(2) if the offense is a second felony conviction, two [ONE] to four years;

(3) if the offense is a third felony conviction, three [TWO] to five years;

(4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720(a)(15), one to two years.

* **Sec. 73.** AS 12.55.125(i) is amended to read:

(i) A defendant convicted of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (D) if the offense is a second felony conviction and the

1 defendant has a prior conviction for a sexual felony, 30 to 40 years;

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

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

8 (3) sexual assault in the second degree, sexual abuse of a minor in the
9 second degree, [ONLINE] enticement of a minor under AS 11.41.452(d), **indecent**
10 **exposure in the first degree under AS 11.41.458(b)(2)** [UNLAWFUL
11 EXPLOITATION OF A MINOR UNDER AS 11.41.455(c)(1)], or distribution of
12 child pornography under AS 11.61.125(e)(2) may be sentenced to a definite term of
13 imprisonment of not more than 99 years and shall be sentenced to a definite term
14 within the following presumptive ranges, subject to adjustment as provided in
15 AS 12.55.155 - 12.55.175:

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

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

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

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

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

25 (4) sexual assault in the third degree, **sexual abuse of a minor in the**
26 **third degree under AS 11.41.438(c)**, incest, indecent exposure in the first degree
27 **under AS 11.41.458(b)(1), indecent viewing or production of a picture under**
28 **AS 11.61.123(f)(1) or (2)**, possession of child pornography, distribution of child
29 pornography under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to
30 commit sexual assault in the second degree, sexual abuse of a minor in the second
31 degree, unlawful exploitation of a minor, or distribution of child pornography, may be

1 sentenced to a definite term of imprisonment of not more than 99 years and shall be
 2 sentenced to a definite term within the following presumptive ranges, subject to
 3 adjustment as provided in AS 12.55.155 - 12.55.175:

4 (A) if the offense is a first felony conviction and does not
 5 involve the circumstances described in (B) or (C) of this paragraph, two to
 6 12 years;

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

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

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

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

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

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

24 * **Sec. 74.** AS 12.55.125(q) is amended to read:

25 (q) Other than for convictions subject to a mandatory 99-year sentence, the
 26 court shall impose, in addition to an active term of imprisonment imposed under (i) of
 27 this section, a minimum period of (1) suspended imprisonment of five years and a
 28 minimum period of probation supervision of 15 years for conviction of an unclassified
 29 felony, (2) suspended imprisonment of three years and a minimum period of probation
 30 supervision of 10 years for conviction of a class A or class B felony, or (3) suspended
 31 imprisonment of two years and a minimum period of probation supervision of five

years for conviction of a class C felony. The period of probation is in addition to any sentence received under (i) of this section **and may not be suspended or reduced. Upon a defendant's release from confinement in a correctional facility, the defendant is subject to the probation requirement under this subsection and shall submit and comply with the terms and requirements of the probation.**

* Sec. 75. AS 12.55.135(a) is amended to read:

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

[(1)] one year [, IF THE

(A) CONVICTION IS FOR A CRIME WITH A MANDATORY MINIMUM TERM OF 30 DAYS OR MORE OF ACTIVE IMPRISONMENT;

(B) TRIER OF FACT FINDS THE AGGRAVATING FACTOR THAT THE CONDUCT CONSTITUTING THE OFFENSE WAS AMONG THE MOST SERIOUS CONDUCT INCLUDED IN THE DEFINITION OF THE OFFENSE;

(C) DEFENDANT HAS PAST CRIMINAL CONVICTIONS FOR CONDUCT VIOLATIVE OF CRIMINAL LAWS, PUNISHABLE AS FELONIES OR MISDEMEANORS, SIMILAR IN NATURE TO THE OFFENSE FOR WHICH THE DEFENDANT IS BEING SENTENCED;

(D) CONVICTION IS FOR AN ASSAULT IN THE FOURTH DEGREE UNDER AS 11.41.230; OR

(E) CONVICTION IS FOR A VIOLATION OF

(i) AS 11.41.427;

(ii) AS 11.41.440;

(iii) AS 11.41.460, IF THE INDECENT EXPOSURE IS BEFORE A PERSON UNDER 16 YEARS OF AGE;

(iv) AS 11.61.116(c)(2); OR

(v) AS 11.61.118(a)(2);

(2) 30 DAYS].

* Sec. 76. AS 12.55.135(b) is amended to read:

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90

[(1) 10] days unless otherwise specified in the provision of law defining the offense [OR IN THIS SECTION;

(2) 90 DAYS IF THE CONVICTION IS FOR A VIOLATION OF

(A) AS 11.61.116(c)(1) AND THE PERSON IS 21 YEARS OF AGE OR OLDER; OR

(B) AS 11.61.120(a)(6) AND THE PERSON IS 21 YEARS OF AGE OR OLDER; OR

(3) FIVE DAYS IF THE CONVICTION IS FOR A VIOLATION OF AS 11.56.757].

* **Sec. 77.** AS 12.55.145(a) is amended to read:

(a) For purposes of considering prior convictions in imposing sentence under

(1) AS 12.55.125(c), (d), or (e),

(A) a prior conviction may not be considered if a period of 10 or more years has elapsed between the date of the defendant's unconditional discharge on the immediately preceding offense and commission of the present offense unless the prior conviction was for an unclassified or class A felony;

(B) a conviction in this or another jurisdiction of an offense having elements similar to those of a felony defined as such under Alaska law at the time the offense was committed is considered a prior felony conviction;

(C) two or more convictions arising out of a single, continuous criminal episode during which there was no substantial change in the nature of the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the commission of another offense are not part of the same criminal episode or objective;

(2) AS 12.55.125(I),

(A) a conviction in this or another jurisdiction of an offense having elements similar to those of a most serious felony is considered a prior

1 most serious felony conviction;

2 (B) commission of and conviction for offenses relied on as
3 prior most serious felony offenses must occur in the following order:
4 conviction for the first offense must occur before commission of the second
5 offense, and conviction for the second offense must occur before commission
6 of the offense for which the defendant is being sentenced;

7 (3) AS 12.55.135(g),

8 (A) a prior conviction may not be considered if a period of five
9 or more years has elapsed between the date of the defendant's unconditional
10 discharge on the immediately preceding offense and commission of the present
11 offense unless the prior conviction was for an unclassified or class A felony;

12 (B) a conviction in this or another jurisdiction of an offense
13 having elements similar to those of a crime against a person or a crime
14 involving domestic violence is considered a prior conviction;

15 (C) two or more convictions arising out of a single, continuous
16 criminal episode during which there was no substantial change in the nature of
17 the criminal objective are considered a single conviction unless the defendant
18 was sentenced to consecutive sentences for the crimes; offenses committed
19 while attempting to escape or avoid detection or apprehension after the
20 commission of another offense are not part of the same criminal episode or
21 objective;

22 (4) AS 12.55.125(i),

23 (A) a conviction in this or another jurisdiction of an offense
24 having elements similar to those of a sexual felony is a prior conviction for a
25 sexual felony;

26 (B) a felony conviction in another jurisdiction making it a
27 crime to commit any lewd and lascivious act on [UPON] a child under the age
28 of 16 years, with the intent of arousing, appealing to, or gratifying the sexual
29 desires of the defendant or the victim is a prior conviction for a sexual felony;

30 (C) two or more convictions arising out of a single, continuous
31 criminal episode during which there was no substantial change in the nature of

the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the commission of another offense are not part of the same criminal episode or objective;

(D) a conviction in this or another jurisdiction of an offense having elements similar to those of a felony defined as such under Alaska law at the time the offense was committed is considered a prior felony conviction

[(5) AS 12.55.135(a),

(A) A PRIOR CONVICTION MAY NOT BE CONSIDERED IF A PERIOD OF FIVE OR MORE YEARS HAS ELAPSED BETWEEN THE DATE OF THE DEFENDANT'S UNCONDITIONAL DISCHARGE ON THE IMMEDIATELY PRECEDING OFFENSE AND COMMISSION OF THE PRESENT OFFENSE UNLESS THE PRIOR CONVICTION WAS FOR AN UNCLASSIFIED OR CLASS A FELONY;

(B) A CONVICTION IN THIS OR ANOTHER JURISDICTION OF AN OFFENSE HAVING ELEMENTS SIMILAR TO THOSE OF A FELONY OR MISDEMEANOR DEFINED AS SUCH UNDER ALASKA LAW AT THE TIME THE OFFENSE WAS COMMITTED IS CONSIDERED A PRIOR CONVICTION;

(C) TWO OR MORE CONVICTIONS ARISING OUT OF A SINGLE, CONTINUOUS CRIMINAL EPISODE DURING WHICH THERE WAS NO SUBSTANTIAL CHANGE IN THE NATURE OF THE CRIMINAL OBJECTIVE ARE CONSIDERED A SINGLE CONVICTION UNLESS THE DEFENDANT WAS SENTENCED TO CONSECUTIVE SENTENCES FOR THE CRIMES; OFFENSES COMMITTED WHILE ATTEMPTING TO ESCAPE OR AVOID DETECTION OR APPREHENSION AFTER THE COMMISSION OF ANOTHER OFFENSE ARE NOT PART OF THE SAME CRIMINAL EPISODE OR OBJECTIVE].

* Sec. 78. AS 12.55.185(10) is amended to read:

1 (10) "most serious felony" means

2 (A) arson in the first degree, sex trafficking in the first degree
3 under AS 11.66.110(a)(2), [ONLINE] enticement of a minor under
4 AS 11.41.452(e), or any unclassified or class A felony prescribed under
5 AS 11.41; or

6 (B) an attempt, or conspiracy to commit, or criminal
7 solicitation under AS 11.31.110 of, an unclassified felony prescribed under
8 AS 11.41;

9 * **Sec. 79.** AS 12.55.185(16) is amended to read:

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

18 * **Sec. 80.** AS 12.61.015 is amended by adding a new subsection to read:

19 (d) The prosecuting attorney shall notify a victim of a sex offense as defined
20 in AS 12.63.100 or crime involving domestic violence as defined in AS 18.66.990 if,
21 before trial, the offender of the victim is discharged from a treatment program for
22 noncompliance.

23 * **Sec. 81.** AS 12.61.050 is amended by adding a new subsection to read:

24 (c) Through the automated victim notification system established in (a) of this
25 section, the Department of Corrections shall notify a victim of a sex offense as defined
26 in AS 12.63.100 or a crime involving domestic violence as defined in AS 18.66.990 of
27 the option to request a protective order under AS 18.65.850 or AS 18.66.100 and
28 provide contact information for state victim resources, including the Council on
29 Domestic Violence and Sexual Assault, the Alaska Network on Domestic Violence
30 and Sexual Assault, the Office of Victims' Rights, and the Violent Crimes
31 Compensation Board. This notification must occur when the offender of the victim is

1 released from incarceration or when the order under AS 12.55.015(l) expires,
2 whichever is later.

3 * **Sec. 82.** AS 12.63.010(d) is amended to read:

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

5 (1) for 15 years under (a) of this section and **AS 12.63.020**
6 [AS 12.63.020(a)(2)] shall, annually, during the term of a duty to register under
7 AS 12.63.020, on a date set by the department at the time of the sex offender's or child
8 kidnapper's initial registration, provide written verification to the department, in the
9 manner required by the department, of the sex offender's or child kidnapper's address
10 and notice of any changes to the information previously provided under (b)(1) of this
11 section;

12 (2) for life under (a) of this section and **AS 12.63.020**
13 [AS 12.63.020(a)(1)] shall, not less than quarterly, on a date set by the department,
14 provide written verification to the department, in the manner required by the
15 department, of the sex offender's or child kidnapper's address and any changes to the
16 information previously provided under (b)(1) of this section.

17 * **Sec. 83.** AS 12.63.020 is amended to read:

18 **Sec. 12.63.020. Duration of sex offender or child kidnapper duty to**
19 **register.** (a) The duty of a sex offender or child kidnapper to comply with the
20 requirements of AS 12.63.010 **is as follows:**

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

23 **(A)** [(1)] continues for the lifetime of a sex offender or child
24 kidnapper convicted of

25 **(i)** [(A)] one aggravated sex offense; or

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

31 **(B)** [(2)] ends 15 years following the sex offender's or child

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

(i) [PARAGRAPH (A)] is tolled for each year that a sex offender or child kidnapper [(i)] fails to comply with the requirements of this chapter **or** [(ii)] is incarcerated for the offense or kidnapping for which the offender or kidnapper is required to register or for any other offense;

(ii) [(B)] may include the time a sex offender or child kidnapper was absent from this state if the sex offender or child kidnapper has complied with any sex offender or child kidnapper registration requirements of the jurisdiction in which the offender or kidnapper was located and if the sex offender or child kidnapper provides the department with proof of the compliance while the sex offender or child kidnapper was absent from this state; and

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

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

(b) The department shall adopt, by regulation,

(1) procedures to notify a sex offender or child kidnapper

(A) who, on the registration form under AS 12.63.010, lists a conviction for a sex offense or child kidnapping that is a violation of a former law of this state or a law of another jurisdiction, of the duration of the offender's or kidnapper's duty under (a) of this section for that sex offense or child kidnapping;

(B) as that term is defined in AS 12.63.100(6)(B), of the duration of the sex offender or child kidnapper's duty under (a) of this section; in adopting regulations under this subparagraph, the department shall

(i) consider the period of registration required in the other jurisdiction; and

(ii) provide for tolling of the registration period if the sex offender or child kidnapper fails to comply with the requirements of this chapter or is incarcerated;

(2) a requirement that an [. AS A PART OF THE REGULATIONS, THE DEPARTMENT SHALL REQUIRE THE] offender or kidnapper [TO] supply proof acceptable to the department of unconditional discharge and the date it occurred.

* Sec. 84. AS 12.63.100(6) is amended to read:

(6) "sex offender or child kidnapper" means

(A) a person convicted of a sex offense or child kidnapping in this state or another jurisdiction regardless of whether the conviction occurred before, after, or on January 1, 1999; **or**

(B) a person charged and convicted as an adult of an offense that requires registration as a sex offender or child kidnapper in another jurisdiction;

* Sec. 85. AS 12.63.100(7) is amended to read:

(7) "sex offense" means

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

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

(i) sexual assault in the first degree;

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

years of age at the time of the offense; [OR]

(xiv) AS 26.05.900 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command over the victim; or

(xv) AS 11.61.123 if the offender is subject to punishment under AS 11.61.123(f)(1) or (2);

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

(i) child pornography; or

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

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

* **Sec. 86.** AS 12.70.130 is amended to read:

Sec. 12.70.130. Arrest without warrant. The arrest of a person may also be lawfully made by a peace officer or a private person without a warrant upon reasonable information that the accused stands charged in the courts of another state with a crime punishable by death or imprisonment for a term exceeding one year, but when arrested the accused must be taken before a judge or magistrate without unnecessary delay and, in any event, within 24 hours after arrest, absent compelling circumstances, including Sundays and holidays, and complaint shall be made against the accused under oath setting out the ground for the arrest as in AS 12.70.120. [THE HEARING BEFORE THE JUDGE OR MAGISTRATE MAY NOT TAKE PLACE MORE THAN 48 HOURS AFTER ARREST.] Thereafter the answer of the accused shall be heard as if the accused had been arrested on a warrant.

* **Sec. 87.** AS 18.65.670(a) is amended to read:

(a) There is created in the Department of Public Safety a village public safety officer program to assist local governments and villages through nonprofit regional corporations, Alaska Native organizations, or municipalities to appoint, train, supervise, and retain persons to serve as village public safety officers to administer functions relative to

(1) the protection of life and property in rural areas of the state; and

(2) providing probation and parole supervision to persons under supervision by communicating with and monitoring the activities and progress of these persons at the direction of probation and parole officers.

* **Sec. 88.** AS 18.65.670(b) is amended to read:

(b) With funds appropriated for that purpose, the commissioner of public safety shall provide grants to nonprofit regional corporations and Alaska Native organizations for village public safety officers. If a nonprofit regional corporation for a rural area or Alaska Native organization declines a grant under this subsection, the commissioner may provide the grant to a municipality with a population of less than 10,000 willing to administer the grant for the rural area. Before awarding a grant to a municipality, the commissioner shall consult with the nonprofit regional corporation or Alaska Native organization that declined the grant. The commissioner of public safety shall coordinate with the commissioner of corrections when providing grants under this section, and the commissioners shall jointly execute an agreement with the nonprofit regional corporations, Alaska Native organizations, or municipalities, as appropriate.

* **Sec. 89.** AS 18.65.670(c) is amended to read:

(c) The commissioner of public safety may adopt regulations related to village public safety officers, including minimum standards and training, criteria for participation by a community, a municipality, an Alaska Native organization, or a corporation [PARTICIPATION], and the interaction between the Department of Public Safety and village public safety officers. Regulations adopted by the commissioner of public safety under this subsection may not prohibit village public safety officers who otherwise meet minimum standards and training from carrying firearms. If the commissioner of public safety adopts regulations regarding training for

village public safety officers, at a minimum, that training must include disability training that provides training in the subjects set out in AS 18.65.220(3). The commissioner of corrections may adopt regulations related to the functions of village public safety officers providing probation and parole supervision.

* **Sec. 90.** AS 18.65.670(e) is amended to read:

(e) In this section,

(1) "Alaska Native organization" means an organization listed in AS 47.27.070(a);

(2) "rural area" means a community with a population of less than 1,000 within

(A) [(1)] the unorganized borough; or

(B) [(2)] a borough, if the community is not connected by road to Anchorage or Fairbanks.

* **Sec. 91.** AS 28.15.161(a) is amended to read:

(a) The department shall cancel a driver's license upon determination that

(1) the licensee is not medically or otherwise entitled to the issuance or retention of the license, or has been adjudged incompetent to drive a motor vehicle;

(2) there is an error or defect in the license;

(3) the licensee failed to give the required or correct information in the licensee's application;

(4) the license was obtained fraudulently;

(5) the licensee is restricted from purchasing alcoholic beverages under AS 04.16.160; if a license is cancelled under this paragraph, when a new license is issued, it must reflect that restriction and the requirements of AS 28.15.111 if the period of restriction under AS 04.16.160 is still in effect; [OR]

(6) the licensee has a license issued under AS 28.15.046 and has been convicted of an offense described in AS 28.15.046(c) or (d) that would disqualify the licensee from obtaining a license under that section; **or**

(7) the licensee owes \$1,000 or more in unpaid fines for offenses involving a moving motor vehicle and failed to

(A) pay the fines in full as required by the court; or

(B) make payments in good faith on the unpaid balance of the fines under a payment plan established by the department.

* **Sec. 92.** AS 28.15.291(a) is amended to read:

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

(1) a motor vehicle on a highway or vehicular way or area at a time when that person's driver's license, privilege to drive, or privilege to obtain a license has been canceled, suspended, or revoked under circumstances described in **AS 28.15.181 or 28.15.182** [AS 28.15.181(c)] or a similar law in another jurisdiction;

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

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

* **Sec. 93.** AS 28.15.291(b) is amended to read:

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

(1) a class A misdemeanor if the person

(A) violates (a)(1) of this section; upon conviction, the court shall impose a minimum sentence of imprisonment of not less than 10 days

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

(ii) [(B)] if the person has been previously convicted under (a)(1) of this section or a similar law in another jurisdiction; **or**

(B) violates (a)(2) or (3) of this section and the person has been previously convicted under (a) of this section;

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

* **Sec. 94.** AS 28.35.030(k) is amended to read:

(k) Imprisonment required under (b)(1)(A) of this section shall be served **at a**

community residential center or by electronic monitoring at a private residence under AS 33.30.065. If **a community residential center or** electronic monitoring **at a private residence** is not available, imprisonment required under (b)(1)(A) of this section **may** [SHALL] be served at **another appropriate place** [A PRIVATE RESIDENCE BY OTHER MEANS] determined by the commissioner of corrections. [A PERSON WHO IS SERVING A SENTENCE OF IMPRISONMENT REQUIRED UNDER (b)(1)(A) OF THIS SECTION BY ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY NOT BE SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A PEACE OFFICER OR A PERSON REQUIRED TO ADMINISTER THE ELECTRONIC MONITORING UNDER AS 33.30.065(a), EXCEPT UPON PROBABLE CAUSE.] Imprisonment required under (b)(1)(B) - (F) of this section may be served at a community residential center or at a private residence if approved by the commissioner of corrections. Imprisonment served at a private residence must include electronic monitoring under AS 33.30.065 [OR, IF ELECTRONIC MONITORING IS NOT AVAILABLE, BY OTHER MEANS AS DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. The cost of imprisonment resulting from the sentence imposed under (b)(1) of this section shall be paid to the state by the person being sentenced. The cost of imprisonment required to be paid under this subsection may not exceed \$2,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.140. A person sentenced under (b)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place, or as required by the commissioner of corrections if the sentence is being served at a private residence. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center, residential treatment

1 facility, hospital, halfway house, group home, work farm, work camp, or other place
2 that provides varying levels of restriction.

3 * **Sec. 95.** AS 28.35.030(o) is amended to read:

4 (o) Upon request, the department shall review a driver's license revocation
5 imposed under (n)(3) of this section and, **unless the revocation was ordered under**
6 **(v) or (w) of this section or in a case in which the person was also convicted of a**
7 **crime under AS 11.41.100 - 11.41.210, 11.41.280, 11.41.282, or a similar law in**
8 **another jurisdiction,**

9 (1) may restore the driver's license if

10 (A) the license has been revoked for a period of at least 10
11 years;

12 (B) the person has not been convicted of a driving-related
13 criminal offense **or a felony in the 10 years preceding the request for**
14 **restoration of** [SINCE] the license [WAS REVOKED]; and

15 (C) the person provides proof of financial responsibility;

16 (2) shall restore the driver's license if

17 (A) the person has been granted limited license privileges
18 under AS 28.15.201(g) and has successfully driven under that limited license
19 for three years without having the limited license privileges revoked;

20 (B) the person has successfully completed a court-ordered
21 treatment program under AS 28.35.028 or a rehabilitative treatment program
22 under AS 28.15.201(h);

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

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

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

1 * **Sec. 96.** AS 28.35.030 is amended by adding new subsections to read:

2 (v) In addition to the penalties imposed under (n) of this section, if a person is
3 convicted under (n) of this section and has been convicted two or more times under (n)
4 of this section or a similar law of another jurisdiction at any time preceding the date of
5 the present offense, upon conviction, the court shall permanently revoke the person's
6 driver's license, privilege to drive, or privilege to obtain a license.

7 (w) In addition to the penalties imposed under (b) of this section, if a person is
8 convicted under (a) of this section and the person has previously had the person's
9 driver's license restored under (o) of this section or under AS 28.35.032(q), upon
10 conviction, the court shall permanently revoke the person's driver's license, privilege
11 to drive, or privilege to obtain a license.

12 * **Sec. 97.** AS 28.35.032(o) is amended to read:

13 (o) Imprisonment required under (g)(1)(A) of this section shall be served at a
14 community residential center or by electronic monitoring at a private residence
15 [BY ELECTRONIC MONITORING] under AS 33.30.065. If a community
16 residential center or electronic monitoring at a private residence is not available,
17 imprisonment required under (g)(1)(A) of this section may [SHALL] be served at
18 another appropriate place [A PRIVATE RESIDENCE BY OTHER MEANS AS]
19 determined by the commissioner of corrections. [A PERSON WHO IS SERVING A
20 SENTENCE OF IMPRISONMENT REQUIRED UNDER (g)(1)(A) OF THIS
21 SECTION BY ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY
22 NOT BE SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A
23 PEACE OFFICER OR A PERSON REQUIRED TO ADMINISTER THE
24 ELECTRONIC MONITORING UNDER AS 33.30.065(a), EXCEPT UPON
25 PROBABLE CAUSE.] Imprisonment required under (g)(1)(B) - (F) of this section
26 may be served at a community residential center or at a private residence if approved
27 by the commissioner of corrections. Imprisonment served at a private residence must
28 include electronic monitoring under AS 33.30.065 [OR, IF ELECTRONIC
29 MONITORING IS NOT AVAILABLE, SHALL BE SERVED BY OTHER MEANS
30 AS DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. The cost of
31 imprisonment resulting from the sentence imposed under (g)(1) of this section shall be

paid to the state by the person being sentenced. The cost of imprisonment required to be paid under this subsection may not exceed \$2,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.140. A person sentenced under (g)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place, or as required by the commissioner of corrections if the sentence is being served at a private residence. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center, residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

* **Sec. 98.** AS 28.35.032(q) is amended to read:

(q) Upon request, the department shall review a driver's license revocation imposed under (p)(3) of this section and, unless the revocation was ordered in a case in which the person was also convicted of a crime under AS 11.41.100 - 11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction or the revocation was ordered under AS 28.35.030(v) or (w), may restore the driver's license if

(1) the license has been revoked for a period of at least 10 years;

(2) the person has not been convicted of a driving-related criminal offense or a felony in the 10 years preceding the request for restoration of [SINCE] the license [WAS REVOKED]; and

(3) the person provides proof of financial responsibility.

* **Sec. 99.** AS 28.35 is amended by adding a new section to read:

Sec. 28.35.191. Failure to use headlights. (a) A person commits the offense of failure to use headlights if the person operates a motor vehicle

without the use of motor vehicle headlights

(1) between one half-hour after sunset and one half-hour before sunrise;

(2) at any other time when, because of insufficient light or other atmospheric conditions, persons or motor vehicles are not clearly discernible at a distance of 1,000 feet; or

(3) on a road that is a designated traffic safety corridor under AS 19.10.075.

(b) A person operating a motor vehicle may not be required to use motor vehicle headlights except as required in (a) of this section.

(c) Failure to use headlights is an infraction.

* **Sec. 100.** AS 33.05.020(h) is amended to read:

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

(1) require that a probationer earn a credit of 10 [30] days for each 30-day period served in which the defendant complied with the conditions of probation;

(2) include policies and procedures for

(A) calculating and tracking credits earned by probationers;

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

(C) notifying a victim under AS 33.30.013;

(3) require that a probationer convicted of [A SEX OFFENSE AS DEFINED IN AS 12.63.100 OR] a crime involving domestic violence as defined in AS 18.66.990 complete all treatment programs required as a condition of probation before discharge based on credits earned under this subsection.

* **Sec. 101.** AS 33.05.020 is amended by adding a new subsection to read:

(i) A probationer may not be enrolled in the program established under (h) of this section if the probationer is on probation for

- 1 (1) an unclassified felony;
- 2 (2) a sex offense as defined in AS 12.63.100;
- 3 (3) a felony crime against a person under AS 11.41;
- 4 (4) a crime involving domestic violence, as defined in AS 18.66.990,
- 5 that is an offense under AS 11.41.

6 * **Sec. 102.** AS 33.05.040(a) is amended to read:

7 (a) A probation officer shall

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

11 (2) keep informed concerning the conduct and condition of each
 12 probationer under the supervision of the officer and shall report on the probationer to
 13 the court placing that person on probation;

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

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

23 (5) perform duties with respect to persons on parole as the
 24 commissioner shall request, and in that service shall be termed a parole officer;

25 (6) use administrative sanctions and incentives developed under
 26 AS 33.05.020(g) to respond to a probationer's negative and positive behavior [,
 27 INCLUDING RESPONSES TO TECHNICAL VIOLATIONS OF CONDITIONS OF
 28 PROBATION,] in a way that is intended to interrupt negative behavior in a swift,
 29 certain, and proportional manner and support progress with a recognition of positive
 30 behavior;

31 (7) upon determining that a probationer under the supervision of the

officer meets the requirements of AS 12.55.090(g), **consider recommending** [RECOMMEND] to the court [AS SOON AS PRACTICABLE] that probation be terminated and the probationer be discharged from probation;

(8) for each probationer who owes restitution and who is under the supervision of the officer, create a restitution payment schedule based on the probationer's income and ability to pay if the court has not already set a restitution payment schedule;

(9) accommodate the diligent efforts of each probationer to secure and maintain steady employment or to participate in educational courses or training programs when prescribing the times at which a probationer shall report;

(10) permit each probationer to travel in the state to make diligent efforts to secure and maintain steady employment or to participate in educational courses or training programs if the travel is not inconsistent with other terms and conditions of probation;

(11) report on the probationer by making a recommendation to the court to revoke probation or to maintain existing probation conditions when a petition to revoke probation is filed.

* **Sec. 103.** AS 33.16.010(c) is amended to read:

(c) **Except as provided in (g) of this section, a** [A] prisoner who is not eligible for special medical or discretionary parole, or who is not released on special medical or discretionary parole, shall be released on mandatory parole for the term of good time deductions credited under AS 33.20, if the term or terms of imprisonment are two years or more.

* **Sec. 104.** AS 33.16.010 is amended by adding a new subsection to read:

(g) A prisoner is not eligible for mandatory parole if the prisoner has been convicted of a crime under AS 11.41.100 or 11.41.110.

* **Sec. 105.** AS 33.16.060(a) is amended to read:

(a) The board shall

(1) serve as the parole authority for the state;

(2) consider the suitability for parole of a prisoner who is eligible for discretionary parole **or** [AT LEAST 90 DAYS BEFORE THE PRISONER'S FIRST

DATE OF ELIGIBILITY AND UPON RECEIPT OF THE PRISONER'S APPLICATION FOR] special medical parole if

(A) the prisoner had no disciplinary action imposed during incarceration; or

(B) the prisoner had disciplinary action imposed during incarceration and the prisoner filed an application with the board for discretionary or special medical parole;

(3) impose parole conditions on all prisoners released under special medical, discretionary, or mandatory parole;

(4) under AS 33.16.210, discharge a person from parole when custody is no longer required;

(5) maintain records of the meetings and proceedings of the board;

(6) recommend to the governor and the legislature changes in the law administered by the board;

(7) recommend to the governor or the commissioner changes in the practices of the department and of other departments of the executive branch necessary to facilitate the purposes and practices of parole;

(8) upon request of the governor, review and recommend applicants for executive clemency; and

(9) execute other responsibilities prescribed by law.

* **Sec. 106.** AS 33.16.090(a) is amended to read:

(a) A prisoner sentenced to an active term of imprisonment of at least 181 days may, in the discretion of the board, be released on discretionary parole if the prisoner

(1) has served the amount of time specified under (b) of this section, except that

(A) a prisoner sentenced to one or more mandatory 99-year terms under AS 12.55.125(a) or one or more definite terms under AS 12.55.125(l) is not eligible for consideration for discretionary parole;

(B) a prisoner is not eligible for consideration of discretionary parole if made ineligible by order of a court under AS 12.55.115;

(C) a prisoner imprisoned under AS 12.55.086 is not eligible for discretionary parole unless the actual term of imprisonment is more than one year;

(D) a prisoner sentenced to a single sentence within or below a presumptive range set out in AS 12.55.125(c), (d)(2) - (4), (e)(3) and (4), or (i) who has not been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release is not eligible for consideration of discretionary parole;

(E) a prisoner sentenced to a single sentence, including a consecutive or partially consecutive sentence, that is not eligible for a good time deduction under AS 33.20.010(a)(3) and that has not been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release is not eligible for consideration of discretionary parole; or

(2) is at least 60 years of age, has served at least 10 years of a sentence for one or more crimes in a single judgment, and has not been convicted of an unclassified felony or a sexual felony as defined in AS 12.55.185.

* **Sec. 107.** AS 33.16.090(b) is amended to read:

(b) A prisoner eligible under (a)(1) of this section who is sentenced

(1) to a single sentence under AS 12.55.125(a) or (b) may not be released on discretionary parole until the prisoner has served the mandatory minimum term under AS 12.55.125(a) or (b),

(A) two-thirds of the active term of imprisonment imposed, or any term set under AS 12.55.115, whichever is greatest, for a conviction under AS 11.41.100 or 11.41.110;

(B) one-half [ONE-THIRD] of the active term of imprisonment imposed, or any term set under AS 12.55.115, whichever is greatest, for a conviction for an offense not listed in (A) of this paragraph;

(2) [TO A SINGLE SENTENCE WITHIN OR BELOW A PRESUMPTIVE RANGE SET OUT IN AS 12.55.125(i)(1) AND (2), AND HAS NOT BEEN ALLOWED BY THE THREE-JUDGE PANEL UNDER AS 12.55.175

1 TO BE CONSIDERED FOR DISCRETIONARY PAROLE RELEASE, MAY NOT
 2 BE RELEASED ON DISCRETIONARY PAROLE UNTIL THE PRISONER HAS
 3 SERVED THE TERM IMPOSED, LESS GOOD TIME EARNED UNDER
 4 AS 33.20.010;

5 (3)] to a single sentence under AS 12.55.125(c), (d)(2) - (4), (e)(3) and
 6 (4), or (i) [AS 12.55.125(i)], and has been allowed by the three-judge panel under
 7 AS 12.55.175 to be considered for discretionary parole release during the second half
 8 of the sentence, may not be released on discretionary parole until

9 (A) the prisoner has served that portion of the active term of
 10 imprisonment required by the three-judge panel; and

11 (B) in addition to the factors set out in AS 33.16.100(a), the
 12 board determines that

13 (i) the prisoner has successfully completed all
 14 rehabilitation programs ordered by the three-judge panel that were
 15 made available to the prisoner; and

16 (ii) the prisoner would not constitute a danger to the
 17 public if released on parole;

18 (3) [(4)] to a single enhanced sentence under AS 12.55.155(a) that is
 19 above the applicable presumptive range may not be released on discretionary parole
 20 until the prisoner has served the greater of the following:

21 (A) an amount of time, less good time earned under
 22 AS 33.20.010, equal to the upper end of the presumptive range plus one-fourth
 23 of the amount of time above the presumptive range; or

24 (B) any term set under AS 12.55.115;

25 (4) [(5)] to a single sentence under any other provision of law may not
 26 be released on discretionary parole until the prisoner has served at least one-fourth of
 27 the active term of imprisonment, any mandatory minimum sentence imposed under
 28 any provision of law, or any term set under AS 12.55.115, whichever is greatest;

29 (5) [(6)] to concurrent sentences may not be released on discretionary
 30 parole until the prisoner has served the greatest of

31 (A) any mandatory minimum sentence or sentences imposed

1 under any provision of law;

2 (B) any term set under AS 12.55.115; or

3 (C) the amount of time that is required to be served under (1) -
 4 (4) or (7) [(1) - (5)] of this subsection for the sentence imposed for the primary
 5 crime, had that been the only sentence imposed;

6 (6) [(7)] to consecutive or partially consecutive sentences may not be
 7 released on discretionary parole until the prisoner has served the greatest of

8 (A) the composite total of any mandatory minimum sentence or
 9 sentences imposed under any provision of law, including AS 12.55.127;

10 (B) any term set under AS 12.55.115; or

11 (C) the amount of time that is required to be served under (1) -
 12 (4) or (7) [(1) - (5)] of this subsection for the sentence imposed for the primary
 13 crime, had that been the only sentence imposed, plus one-quarter of the
 14 composite total of the active term of imprisonment imposed as consecutive or
 15 partially consecutive sentences imposed for all crimes other than the primary
 16 crime;

17 (7) [(8)] to a single sentence under AS 12.55.125(d) for an offense
 18 under AS 11.71.030(a)(2) or (9) [AS 12.55.125(i)(3) AND (4)], and has not been
 19 allowed by the three-judge panel under AS 12.55.175 to be considered for
 20 discretionary parole release, may not be released on discretionary parole until the
 21 prisoner has served [, AFTER A DEDUCTION FOR GOOD TIME EARNED
 22 UNDER AS 33.20.010,] one-half of the active term of imprisonment imposed.

23 * **Sec. 108.** AS 33.16.100(a) is amended to read:

24 (a) The board may authorize the release of a prisoner [CONVICTED OF AN
 25 UNCLASSIFIED FELONY] who is otherwise eligible under AS 12.55.115 and
 26 AS 33.16.090(a)(1) on discretionary parole if it determines a reasonable probability
 27 exists that

28 (1) the prisoner will live and remain at liberty without violating any
 29 laws or conditions imposed by the board;

30 (2) the prisoner's rehabilitation and reintegration into society will be
 31 furthered by release on parole;

1 (3) the prisoner will not pose a threat of harm to the public if released
2 on parole; and

3 (4) release of the prisoner on parole would not diminish the
4 seriousness of the crime.

5 * **Sec. 109.** AS 33.16.100 is amended by adding a new subsection to read:

6 (h) If the board considers an application for discretionary parole and denies
7 parole because the prisoner does not meet the standards in (a) or (g) of this section, the
8 board may make the prisoner ineligible for further consideration of discretionary
9 parole or require that additional time be served before the prisoner is again eligible for
10 consideration for discretionary parole.

11 * **Sec. 110.** AS 33.16.130(a) is repealed and reenacted to read:

12 (a) A prisoner eligible for discretionary parole may apply to the board for
13 discretionary parole. As part of the application for parole, the prisoner shall submit to
14 the board a parole release plan that includes information concerning the prisoner's plan
15 for employment, residence, and rehabilitation if released on parole.

16 * **Sec. 111.** AS 33.16.130(b) is amended to read:

17 (b) **Before the board determines a prisoner's suitability for discretionary**
18 **parole, the prisoner is entitled to a hearing before the board.** The commissioner or
19 the commissioner's designee shall furnish to the prisoner a copy of the preparole
20 reports listed in AS 33.16.110(a), and the prisoner shall be permitted access to all
21 records that the board will consider in making its decision except those that are made
22 confidential by law. The prisoner may also respond in writing to all materials the
23 board considers, be present at the hearing, and present evidence to the board.

24 * **Sec. 112.** AS 33.16.170 is amended by adding a new subsection to read:

25 (d) Except for portions containing personal medical, mental health, or
26 substance abuse treatment information or information that is otherwise required to be
27 kept confidential by state or federal law, decisions of the board, orders for parole, and
28 parole conditions imposed by the board are not confidential. The board shall post all
29 decisions, orders of parole, and conditions imposed on a publicly available Internet
30 website with any confidential portions redacted.

31 * **Sec. 113.** AS 33.16.210(c) is amended to read:

(c) **At the discretion of a parole officer, a** [A] parole officer **may** [SHALL] recommend to the board early discharge for a parolee who

(1) has completed at least one year on parole;

(2) has completed all treatment programs required as a condition of parole;

(3) **is currently in compliance with all conditions of parole for all of the cases for which the person is on parole** [HAS NOT BEEN FOUND IN VIOLATION OF CONDITIONS OF PAROLE BY THE BOARD FOR AT LEAST ONE YEAR]; and

(4) has not been convicted of

(A) an unclassified felony offense under AS 11;

(B) a sexual felony as defined in AS 12.55.185; or

(C) a crime involving domestic violence as defined in AS 18.66.990.

* **Sec. 114.** AS 33.16.220(b) is amended to read:

(b) Except as provided in (e) of this section, within 15 working days after the arrest and incarceration of a parolee for violation of a condition of parole [, OTHER THAN A TECHNICAL VIOLATION UNDER AS 33.16.215], the board or its designee shall hold a preliminary hearing. At the preliminary hearing, the board or its designee shall determine if there is probable cause to believe that the parolee violated the conditions of parole and, when probable cause exists, whether the parolee should be released pending a final revocation hearing. A finding of probable cause at a preliminary hearing in a criminal case is conclusive proof of probable cause that a parole violation occurred.

* **Sec. 115.** AS 33.16.220(i) is amended to read:

(i) If, after the final revocation hearing, the board finds that the parolee has violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or ordinance, the board may revoke all or a portion of the remaining period of parole [SUBJECT TO THE LIMITS SET OUT IN AS 33.16.215,] or change any condition of parole. A parolee's period of parole is tolled from the date of filing with the parole board of a violation report **until the date of the final revocation hearing** [FOR

1 ABSCONDING AND THE DATE OF THE PAROLEE'S ARREST, IF THE
 2 PAROLE BOARD FINDS, AFTER A HEARING, THAT THE PAROLEE
 3 VIOLATED PAROLE BY ABSCONDING, AS DEFINED IN AS 33.16.215(f). THE
 4 BOARD MAY NOT EXTEND THE PERIOD OF PAROLE BEYOND THE
 5 MAXIMUM RELEASE DATE CALCULATED BY THE DEPARTMENT ON THE
 6 PAROLEE'S ORIGINAL SENTENCE PLUS ANY TIME THAT HAS BEEN
 7 TOLLED AS DESCRIBED IN THIS SECTION].

8 * **Sec. 116.** AS 33.16.270 is amended to read:

9 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish
 10 by regulation a program allowing parolees to earn credits for complying with the
 11 conditions of parole. The earned compliance credits reduce the period of parole.
 12 Nothing in this section prohibits the department from recommending to the board the
 13 early discharge of the parolee as provided in this chapter. At a minimum, the
 14 regulations must

15 (1) require that a parolee earn a credit of 10 [30] days for each 30-day
 16 period served in which the parolee complied with the conditions of parole;

17 (2) include policies and procedures for

18 (A) calculating and tracking credits earned by parolees;

19 (B) reducing the parolee's period of parole based on credits
 20 earned by the parolee and notifying a victim under AS 33.30.013;

21 (3) require that a parolee convicted of [A SEX OFFENSE AS
 22 DEFINED IN AS 12.63.100 OR] a crime involving domestic violence complete all
 23 treatment programs required as a condition of parole before discharge based on credits
 24 earned under this section.

25 * **Sec. 117.** AS 33.16.270 is amended by adding a new subsection to read:

26 (b) A parolee may not earn credits under (a) of this section if the parolee is on
 27 parole for

28 (1) an unclassified felony;

29 (2) a sex offense as defined in AS 12.63.100;

30 (3) a felony crime against a person under AS 11.41;

31 (4) a crime involving domestic violence, as defined in AS 18.66.990,

1 that is an offense under AS 11.41.

2 * **Sec. 118.** AS 33.20.010(a) is amended to read:

3 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner
4 convicted of an offense against the state or a political subdivision of the state and
5 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction
6 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner
7 follows the rules of the correctional facility in which the prisoner is confined. A
8 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

9 (1) to a mandatory 99-year term of imprisonment under
10 AS 12.55.125(a) after June 27, 1996;

11 (2) to a definite term under AS 12.55.125(I);

12 (3) for a sexual felony under AS 12.55.125(i)

13 (A) and has one or more prior sexual felony convictions as
14 determined under AS 12.55.145(a)(4); or

15 (B) that is an unclassified or a class A felony; or

16 (4) for an unclassified felony under AS 11.41.100 or 11.41.110 [TO
17 A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN 10 DAYS FOR
18 A TECHNICAL VIOLATION OF AS 12.55.110(c) OR AS 33.16.215].

19 * **Sec. 119.** AS 33.20.010(c) is repealed and reenacted to read:

20 (c) A prisoner may not be awarded a good time deduction under (a) of this
21 section for any period spent in a treatment program, in a private residence, or on
22 electronic monitoring.

23 * **Sec. 120.** AS 33.30.011(a) is amended to read:

24 (a) The commissioner shall

25 (1) establish, maintain, operate, and control correctional facilities
26 suitable for the custody, care, and discipline of persons charged or convicted of
27 offenses against the state or held under authority of state law; each correctional facility
28 operated by the state shall be established, maintained, operated, and controlled in a
29 manner that is consistent with AS 33.30.015;

30 (2) classify prisoners;

31 (3) for persons committed to the custody of the commissioner,

1 establish programs, including furlough programs that are reasonably calculated to

2 (A) protect the public and the victims of crimes committed by
3 prisoners;

4 (B) maintain health;

5 (C) create or improve occupational skills;

6 (D) enhance educational qualifications;

7 (E) support court-ordered restitution; and

8 (F) otherwise provide for the rehabilitation and reformation of
9 prisoners, facilitating their reintegration into society;

10 (4) provide necessary

11 (A) medical services for prisoners in correctional facilities or
12 who are committed by a court to the custody of the commissioner, including
13 examinations for communicable and infectious diseases;

14 (B) psychological or psychiatric treatment if a physician or
15 other health care provider, exercising ordinary skill and care at the time of
16 observation, concludes that

17 (i) a prisoner exhibits symptoms of a serious disease or
18 injury that is curable or may be substantially alleviated; and

19 (ii) the potential for harm to the prisoner by reason of
20 delay or denial of care is substantial; and

21 (C) assessment or screening of the risks and needs of offenders
22 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal
23 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based
24 disorder;

25 (5) establish minimum standards for sex offender treatment programs
26 offered to persons who are committed to the custody of the commissioner;

27 (6) provide for fingerprinting in correctional facilities in accordance
28 with AS 12.80.060;

29 (7) establish a program to conduct assessments of the risks and needs
30 of offenders sentenced to serve a term of incarceration of 90 [30] days or more [AND
31 PROVIDE TO THE LEGISLATURE, BY ELECTRONIC MEANS, BY JANUARY

1 15, 2017, AND THEREAFTER BY JANUARY 15, PRECEDING THE FIRST
 2 REGULAR SESSION OF EACH LEGISLATURE, A REPORT SUMMARIZING
 3 THE FINDINGS AND RESULTS OF THE PROGRAM]; the program must include a
 4 requirement for an assessment before a prisoner's release on parole, furlough, or
 5 electronic monitoring from a correctional facility;

6 (8) establish a procedure that provides for each prisoner required to
 7 serve an active term of imprisonment of 90 [30] days or more a written case plan that

8 (A) **takes effect and** is provided to the prisoner within 90 days
 9 after sentencing;

10 (B) is based on the results of the assessment of the prisoner's
 11 risks and needs under (7) of this subsection;

12 (C) includes a requirement to follow the rules of the institution;

13 (D) is modified when necessary for changes in classification,
 14 housing status, medical or mental health, and resource availability;

15 (E) includes participation in programming that addresses the
 16 needs identified in the assessment;

17 (9) establish a program to begin reentry planning with each prisoner
 18 serving an active term of imprisonment of 90 days or more; reentry planning must
 19 begin at least 90 days before release on furlough or probation or parole; the reentry
 20 program must include

21 (A) a written reentry plan for each prisoner completed upon
 22 release on furlough or probation or parole that includes information on the
 23 prisoner's proposed

24 (i) residence;

25 (ii) employment or alternative means of support;

26 (iii) treatment options;

27 (iv) counseling services;

28 (v) education or job training services;

29 (B) any other requirements for successful transition back to the
 30 community, including electronic monitoring or furlough for the period between
 31 a scheduled parole hearing and parole eligibility;

(C) coordination with the Department of Labor and Workforce Development to provide access, after release, to job training and employment assistance; **and**

(D) coordination with community reentry coalitions or other providers of reentry services if available;

(10) for offenders under electronic monitoring, establish

(A) minimum standards for electronic monitoring, which may include the requirement of active, real-time monitoring using global positioning systems; and

(B) procedures for oversight and approving electronic monitoring programs and systems provided by private contractors; [AND]

(11) assist a prisoner in obtaining a valid state identification card if the prisoner does not have a valid state identification card before the prisoner's release; the department shall pay the application fee for the identification card; **and**

(12) provide to the legislature, by electronic means, by January 10 preceding the first regular session of each legislature, a report summarizing the findings and results of the program established under (7) of this subsection; the report must include

(A) the number of prisoners who were provided with written case plans under (8) of this subsection;

(B) the number of written case plans under (8) of this subsection initiated within the preceding year; and

(C) the number of written case plans under (8) of this subsection that were updated in the preceding year.

* **Sec. 121.** AS 34.03.360(7) is amended to read:

(7) "illegal activity involving a controlled substance" means a violation of AS 11.71.010(a), **11.71.021, 11.71.030(a)(2) or (9)** [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1), (2), or (5);

* **Sec. 122.** AS 44.19.645(g) is amended to read:

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

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

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

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

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

21 (5) data on parole, including the number of offenders supervised on
22 parole, using a one-day snapshot on the first month of each quarter; the number of
23 parole hearings; the parole grant rate and number of parolees released on discretionary
24 and special medical parole; and information on parolees, including time spent on
25 parole, whether parole was successfully completed, any new convictions for a new
26 felony offense, and any sentences to a term of imprisonment while on parole;

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

1 common violations of probation or parole; and

2 (7) data on probation and parole revocations, including information on
 3 probationers and parolees admitted for a supervision violation pre-case and post-case
 4 resolution; [PROBATIONERS AND PAROLEES ADMITTED SOLELY FOR A
 5 TECHNICAL VIOLATION;] probationers and parolees admitted for a new arrest; the
 6 number of previous revocations on the current sentence, if any; the length of time held
 7 pre-case resolution; the length of time to case resolution; and the length of stay.

8 * **Sec. 123.** AS 44.19.647(a) is amended to read:

9 (a) The commission shall submit to the governor and the legislature an annual
 10 report. The report must include

11 (1) a description of its proceedings for the previous calendar year;

12 (2) a summary of savings and recommendations on how savings from
 13 criminal justice reform should be reinvested to reduce recidivism;

14 (3) performance metrics and outcomes from the recommendations the
 15 commission made in its December 2015 report, including recidivism rates, defined as

16 (A) the percentage of inmates who return to prison within three
 17 years after release, broken down by offense type and risk level; and

18 (B) the percentage of inmates who return to prison within three
 19 years after release for a new criminal conviction, broken down by offense type
 20 and risk level; [AND]

21 (4) recommendations for additional reforms, which may include
 22 recommendations for legislative and administrative action; **and**

23 **(5) data reported by the Department of Law under AS 44.23.040.**

24 * **Sec. 124.** AS 44.23.020 is amended by adding a new subsection to read:

25 (k) The attorney general, in consultation with the commissioner of public
 26 safety, shall

27 (1) develop a tool to track felony sex offenses reported to the
 28 Department of Public Safety by geographic location; the tracking tool must include a
 29 means to record the reason a reported offense was not referred for prosecution or, if
 30 referred, the reason the offense was not prosecuted and, if applicable, the reason a sex
 31 offense charged as a felony resulted in a conviction of an offense other than a sex

1 offense under a plea agreement;

2 (2) develop regulations and procedures to implement the requirements
3 established under (1) of this subsection; and

4 (3) provide training for the implementation of the regulations and
5 procedures established under (2) of this subsection in each state department as
6 necessary.

7 * **Sec. 125.** AS 44.23.040 is amended by adding a new subsection to read:

8 (b) The Department of Law, in consultation with the Department of Public
9 Safety, shall gather and report data on felony sex offenses to the Alaska Judicial
10 Council. The data must include

11 (1) the number of felony sex offenses reported to the Department of
12 Public Safety that were not referred for prosecution;

13 (2) the number of felony sex offenses referred for prosecution that
14 were not prosecuted;

15 (3) the number of felony sex offenses that resulted in a conviction for a
16 crime other than a sex offense; and

17 (4) the number of sex offenses referred for prosecution that were
18 charged as a felony and, under a plea agreement, resulted in a conviction for a crime
19 other than a sex offense.

20 * **Sec. 126.** AS 44.41 is amended by adding a new section to read:

21 **Sec. 44.41.065. Sexual assault examination kits.** (a) When a law enforcement
22 agency collects a sexual assault examination kit under AS 18.68.010, the agency shall

23 (1) within 30 days after the agency collects the sexual assault
24 examination kit, send the sexual assault examination kit to an accredited laboratory in
25 coordination with the Department of Public Safety or a laboratory operated by the
26 Department of Public Safety;

27 (2) ensure that the laboratory to which the sexual assault examination
28 kit is sent under (1) of this subsection conducts a serological or DNA test on the
29 sexual assault examination kit within one year after the laboratory receives the sexual
30 assault examination kit; and

31 (3) within two weeks after the laboratory that receives the sexual

1 assault examination kit under (1) of this subsection completes serological or DNA
 2 testing, make a reasonable effort to notify the victim from whom the sexual assault
 3 examination kit was collected that the sexual assault examination kit has been tested.

4 (b) A criminal action may not be dismissed nor the evidence deemed
 5 nonadmissible for failure to be tested within the times established in (a)(1) and (2) of
 6 this section.

7 (c) If a case is resolved before a sexual assault examination kit is tested, a law
 8 enforcement agency is not required to meet the time limits established in (a) of this
 9 section.

10 (d) In this section,

11 (1) "law enforcement agency" and "agency" have the meaning given to
 12 "law enforcement agency" in AS 12.36.090;

13 (2) "victim" has the meaning given in AS 11.41.470.

14 * **Sec. 127.** AS 44.41.070(a) is amended to read:

15 (a) By September 1 of each year, each law enforcement agency and state
 16 department charged with the maintenance, storage, and preservation of sexual assault
 17 examination kits shall conduct an inventory of untested sexual assault examination kits
 18 and report, in writing, to the Department of Public Safety the number of untested
 19 sexual assault examination kits in the possession of the agency or department, **the**
 20 **number of sexual assault examination kits that the law enforcement agency or**
 21 **state department has determined are ineligible for testing under (e) of this**
 22 **section, with the reason or reasons the untested sexual assault examination kits**
 23 **were determined to be ineligible for testing,** and the date on which each untested
 24 sexual assault examination kit was collected.

25 * **Sec. 128.** AS 44.41.070(b) is amended to read:

26 (b) By November 1 of each year, the Department of Public Safety shall
 27 prepare and transmit a report to the president of the senate and the speaker of the
 28 house of representatives that contains

29 (1) the number of untested sexual assault examination kits stored by
 30 each law enforcement agency or department **and the number of sexual assault**
 31 **examination kits that the law enforcement agency or state department has**

determined are ineligible for testing under (e) of this section, with the reason or reasons the untested sexual assault examination kits were determined to be ineligible for testing;

(2) the date each untested sexual assault examination kit was collected;
and

(3) a plan for addressing the backlog and prevention of a backlog of untested sexual assault examination kits.

* **Sec. 129.** AS 44.41.070 is amended by adding a new subsection to read:

(e) A sexual assault examination kit is ineligible for testing if the law enforcement agency or state department finds that the sexual assault examination kit

(1) is scientifically unviable;

(2) does not meet eligibility requirements for inclusion in the Combined DNA Index System database; or

(3) was collected from a person who reported a sexual assault anonymously.

* **Sec. 130.** AS 47.12.315(a) is amended to read:

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

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

(2) arson in the first or second degree;

(3) burglary in the first degree;

(4) distribution of child pornography;

(5) sex trafficking in the first degree;

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

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

* **Sec. 131.** AS 47.17.020(a) is amended to read:

(a) The following persons who, in the performance of their occupational duties, their appointed duties under (8) of this subsection, or their volunteer duties

under (9) of this subsection, have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect shall immediately report the harm to the nearest office of the department **and, if the harm appears to be a result of a suspected sex offense, shall immediately report the harm to the nearest law enforcement agency:**

- (1) practitioners of the healing arts;
- (2) school teachers and school administrative staff members, including athletic coaches, of public and private schools;
- (3) peace officers and officers of the Department of Corrections;
- (4) administrative officers of institutions;
- (5) child care providers;
- (6) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.990;
- (7) paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;
- (8) members of a child fatality review team established under AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created under AS 47.14.300; [.]
- (9) volunteers who interact with children in a public or private school for more than four hours a week.

* **Sec. 132.** AS 47.17.020(e) is amended to read:

(e) The department shall immediately notify the nearest law enforcement agency if the department

(1) concludes that the harm was caused by a person who is not responsible for the child's welfare;

(2) is unable to determine

(A) who caused the harm to the child; or

(B) whether the person who is believed to have caused the harm has responsibility for the child's welfare; or

(3) concludes that the report involves

(A) possible criminal **sex abuse or sex offenses** [CONDUCT]

under AS 11.41.410 - 11.41.458, AS 11.61.116, 11.61.118(a)(2), 11.61.120(a)(6), 11.61.123, or 11.61.128, including sex offenses committed by a minor against a minor; or

(B) abuse or neglect that results in the need for medical treatment of the child.

* **Sec. 133.** AS 47.17.020(g) is amended to read:

(g) A person required to report child abuse or neglect under (a) of this section who makes the report to the person's job supervisor or to another individual working for the entity that employs the person is not relieved of the obligation to make a [THE] report [TO THE DEPARTMENT AS] required under (a) of this section.

* **Sec. 134.** AS 47.17.290 is amended by adding a new paragraph to read:

(18) "sex offense" has the meaning given in AS 12.63.100.

* **Sec. 135.** The uncodified law of the State of Alaska is amended by adding a new section to read:

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

(6) When a prior conviction is an element of an offense [IN A PROSECUTION FOR DRIVING WHILE INTOXICATED UNDER AS 28.35.030(n) OR FOR REFUSAL TO SUBMIT TO A CHEMICAL TEST UNDER AS 28.35.032(p)], hearsay evidence received through the Alaska Public Safety Information Network or from other government agencies of prior convictions [OF DRIVING WHILE INTOXICATED OR REFUSAL TO SUBMIT TO A CHEMICAL TEST] may be presented to the grand jury.

* **Sec. 136.** The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 38.2(a), Alaska Rules of Criminal Procedure, is amended to read:

(a) The Administrative Director of the Alaska Court System, after consultation with the presiding judge, Public Defender Agency, and Attorney General's Office, may enter into agreements with the Department of Public Safety and Department of Corrections which approve systems allowing judges to provide for the appearance by a

defendant at certain criminal proceedings by way of contemporaneous two-way video conference [TELEVISION] equipment in lieu of the physical presence of the defendant in the courtroom. Such an agreement must provide for a procedure by which the defendant may confer with the defendant's attorney in private.

* **Sec. 137.** The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 38.2(b), Alaska Rules of Criminal Procedure, is amended to read:

(b) In those court locations in which a contemporaneous two-way video conference [TELEVISION] system has been approved by the supreme court and has been installed, in custody defendants shall appear by way of contemporaneous two-way video conference [TELEVISION] for arraignment, pleas, and non-evidentiary bail reviews in traffic and misdemeanor cases; and initial appearance hearings, non-evidentiary bail reviews, and not guilty plea arraignments in felony cases, unless otherwise ordered for cause stated by the presiding judge. With the defendant's consent, sentencings may be done by way of contemporaneous two-way video conference [TELEVISION] in traffic and misdemeanor cases. The court may order a defendant to appear by contemporaneous two-way video conference at any other hearings. In any particular case, the trial court may order that the defendant be transported to court for court proceedings if the trial judge finds that the defendant's rights would be prejudiced by use of the system.

* **Sec. 138.** AS 11.41.432(a)(2); AS 11.46.980(d), 11.46.982; AS 11.56.330(a)(3); AS 11.71.030(a)(1), 11.71.030(a)(4), 11.71.030(a)(5), 11.71.030(a)(6), 11.71.030(a)(7), 11.71.030(a)(8), 11.71.030(c), 11.71.030(e), 11.71.040(a)(11), 11.71.060(a)(2)(B); AS 12.25.180(b)(3); AS 12.30.055(b); AS 12.55.110(c), 12.55.110(d), 12.55.110(e), 12.55.110(f), 12.55.110(g), 12.55.110(h), 12.55.135(l), 12.55.135(m), 12.55.135(n), 12.55.135(o), 12.55.135(p); AS 33.16.100(f), 33.16.215, 33.16.220(j), and 33.16.240(h) are repealed.

* **Sec. 139.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT TO LEGISLATURE; COMMISSIONER OF CORRECTIONS. On or

1 before January 10, 2020, the commissioner of corrections shall provide a report to the
 2 legislature as described under AS 33.30.011(a)(12), enacted by sec. 120 of this Act. The
 3 commissioner shall submit the report to the senate secretary and chief clerk of the house of
 4 representatives and notify the legislature that the report is available.

5 * **Sec. 140.** The uncodified law of the State of Alaska is amended by adding a new section
 6 to read:

7 REPORT ON REHABILITATIVE SERVICES. The Department of Corrections,
 8 Department of Education and Early Development, and Department of Labor and Workforce
 9 Development shall develop a needs assessment of all rehabilitative services for each
 10 institution, including education, treatment, vocational education, secular and faith-based, and
 11 pro-social programs. On or before January 31, 2020, the Department of Corrections,
 12 Department of Education and Early Development, and Department of Labor and Workforce
 13 Development shall provide a written report regarding the needs assessments to the senate
 14 secretary and chief clerk of the house of representatives and notify the legislature that the
 15 report is available.

16 * **Sec. 141.** The uncodified law of the State of Alaska is amended by adding a new section
 17 to read:

18 REPORT OF THE SUPERIOR COURT REGARDING INVOLUNTARY
 19 COMMITMENT. By December 31, 2020, the superior court shall transmit the information
 20 under AS 47.30.907(a), if known, to the Department of Public Safety for all orders of the
 21 superior court issued on or after January 1, 2011, for the involuntary commitment of a person
 22 under AS 47.30.735 - 47.30.755 or for orders of relief from a disability resulting from an
 23 involuntary commitment or an adjudication of mental illness or mental incompetence granted
 24 under AS 47.30.851(b).

25 * **Sec. 142.** The uncodified law of the State of Alaska is amended by adding a new section
 26 to read:

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

- 29 (1) AS 11.41.110(a), as amended by sec. 2 of this Act;
- 30 (2) AS 11.41.150(a), as amended by sec. 3 of this Act;
- 31 (3) AS 11.41.420(a), as amended by sec. 4 of this Act;

- 1 (4) AS 11.41.425(a), as amended by sec. 5 of this Act;
- 2 (5) AS 11.41.432(b), as amended by sec. 6 of this Act;
- 3 (6) AS 11.41.432(c), as amended by sec. 7 of this Act;
- 4 (7) AS 11.41.432(d) and (e), enacted by sec. 8 of this Act;
- 5 (8) AS 11.41.438(b), as amended by sec. 9 of this Act;
- 6 (9) AS 11.41.438(c), enacted by sec. 10 of this Act;
- 7 (10) AS 11.41.452(a), as amended by sec. 11 of this Act;
- 8 (11) AS 11.41.452(d), as amended by sec. 12 of this Act;
- 9 (12) AS 11.41.452(e), as amended by sec. 13 of this Act;
- 10 (13) AS 11.41.455(c), as amended by sec. 14 of this Act;
- 11 (14) AS 11.41.458, as amended by sec. 15 of this Act;
- 12 (15) AS 11.46.130(a), as amended by sec. 16 of this Act;
- 13 (16) AS 11.46.140(a), as amended by sec. 17 of this Act;
- 14 (17) AS 11.46.150(a), as amended by sec. 18 of this Act;
- 15 (18) AS 11.46.220(c), as amended by sec. 19 of this Act;
- 16 (19) AS 11.46.260(b), as amended by sec. 20 of this Act;
- 17 (20) AS 11.46.270(b), as amended by sec. 21 of this Act;
- 18 (21) AS 11.46.280(d), as amended by sec. 22 of this Act;
- 19 (22) AS 11.46.285, as amended by sec. 23 of this Act;
- 20 (23) AS 11.46.295, as amended by sec. 24 of this Act;
- 21 (24) AS 11.46.360(a), as amended by sec. 25 of this Act;
- 22 (25) AS 11.46.370, enacted by sec. 26 of this Act;
- 23 (26) AS 11.46.482(a), as amended by sec. 27 of this Act;
- 24 (27) AS 11.46.484(a), as amended by sec. 28 of this Act;
- 25 (28) AS 11.46.486(a), as amended by sec. 29 of this Act;
- 26 (29) AS 11.46.530(b), as amended by sec. 30 of this Act;
- 27 (30) AS 11.46.620(d), as amended by sec. 31 of this Act;
- 28 (31) AS 11.46.730(c), as amended by sec. 32 of this Act;
- 29 (32) AS 11.46.980(e), enacted by sec. 33 of this Act;
- 30 (33) AS 11.56.310(a), as amended by sec. 34 of this Act;
- 31 (34) AS 11.56.320(a), as amended by sec. 35 of this Act;

- (35) AS 11.56.730(a), as amended by sec. 36 of this Act;
- (36) AS 11.56.730(d), as amended by sec. 37 of this Act;
- (37) AS 11.56.757(b), as amended by sec. 38 of this Act;
- (38) AS 11.56.810(a), as amended by sec. 39 of this Act;
- (39) AS 11.61.110(c), as amended by sec. 40 of this Act;
- (40) AS 11.61.120(a), as amended by sec. 41 of this Act;
- (41) AS 11.61.123(a), as amended by sec. 42 of this Act;
- (42) AS 11.61.123(c), as amended by sec. 43 of this Act;
- (43) AS 11.61.123(d), as amended by sec. 44 of this Act;
- (44) AS 11.61.123(f), as amended by sec. 45 of this Act;
- (45) AS 11.61.123(g), as amended by sec. 46 of this Act;
- (46) AS 11.61.124, enacted by sec. 47 of this Act;
- (47) AS 11.71.021, enacted by sec. 48 of this Act;
- (48) AS 11.71.030(a), as amended by sec. 49 of this Act;
- (49) AS 11.71.030(d), as amended by sec. 50 of this Act;
- (50) AS 11.71.040(a), as amended by sec. 51 of this Act;
- (51) AS 11.71.040(d), as amended by sec. 52 of this Act;
- (52) AS 11.71.050, as amended by sec. 53 of this Act;
- (53) AS 11.71.060, as amended by sec. 54 of this Act;
- (54) AS 11.71.311(a), as amended by sec. 55 of this Act;
- (55) AS 12.30.006(b), as amended by sec. 56 of this Act;
- (56) AS 12.30.006(c), as amended by sec. 57 of this Act;
- (57) AS 12.30.006(d), as amended by sec. 58 of this Act;
- (58) AS 12.30.011, as repealed and reenacted by sec. 59 of this Act;
- (59) AS 12.30.021(a), as amended by sec. 60 of this Act;
- (60) AS 12.30.021(c), as amended by sec. 61 of this Act;
- (61) AS 12.70.130, as amended by sec. 86 of this Act;
- (62) AS 28.15.291(a), as amended by sec. 92 of this Act;
- (63) AS 28.15.291(b), as amended by sec. 93 of this Act.

(b) The following sections apply to sentences imposed on or after the effective date of those sections for conduct occurring on or after the effective date of those sections:

- (1) AS 12.55.015(l), enacted by sec. 62 of this Act;
- (2) AS 12.55.027(f), as amended by sec. 65 of this Act;
- (3) AS 12.55.027(i), enacted by sec. 66 of this Act;
- (4) AS 12.55.051(a), as amended by sec. 67 of this Act;
- (5) AS 12.55.125(c), as amended by sec. 70 of this Act;
- (6) AS 12.55.125(d), as amended by sec. 71 of this Act;
- (7) AS 12.55.125(e), as amended by sec. 72 of this Act;
- (8) AS 12.55.125(i), as amended by sec. 73 of this Act;
- (9) AS 12.55.125(q), as amended by sec. 74 of this Act;
- (10) AS 12.55.135(a), as amended by sec. 75 of this Act;
- (11) AS 12.55.135(b), as amended by sec. 76 of this Act;
- (12) AS 12.55.145(a), as amended by sec. 77 of this Act;
- (13) AS 12.55.185(10), as amended by sec. 78 of this Act;
- (14) AS 12.55.185(16), as amended by sec. 79 of this Act;
- (15) AS 28.35.030(k), as amended by sec. 94 of this Act;
- (16) AS 28.35.030(v) and (w), enacted by sec. 96 of this Act;
- (17) AS 28.35.032(o), as amended by sec. 97 of this Act;
- (18) AS 33.16.090(a), as amended by sec. 106 of this Act;
- (19) AS 33.16.090(b), as amended by sec. 107 of this Act;
- (20) AS 33.20.010(a), as amended by sec. 118 of this Act;
- (21) AS 33.20.010(c), as repealed and reenacted by sec. 119 of this Act;
- (22) AS 33.30.011(a), as amended by sec. 120 of this Act.

(c) The following sections apply to the duty to register as a sex offender for offenses committed on or after the effective date of those sections:

- (1) AS 12.63.010(d), as amended by sec. 82 of this Act;
- (2) AS 12.63.020, as amended by sec. 83 of this Act;
- (3) AS 12.63.100(6), as amended by sec. 84 of this Act;
- (4) AS 12.63.100(7), as amended by sec. 85 of this Act.

(d) The following sections apply to probation ordered on or after the effective date of those sections for conduct occurring on or after the effective date of those sections:

- (1) AS 12.55.090(c), as amended by sec. 68 of this Act;

1 (2) AS 12.55.090(g), as amended by sec. 69 of this Act;

2 (3) AS 33.05.040(a)(11), enacted by sec. 102 of this Act.

3 (e) The following sections apply to probation ordered before, on, or after the effective
4 date of those sections for conduct occurring on or after the effective date of those sections:

5 (1) AS 12.55.025(c), as amended by sec. 63 of this Act;

6 (2) AS 33.05.020(h), as amended by sec. 100 of this Act;

7 (3) AS 33.05.020(i), enacted by sec. 101 of this Act;

8 (4) AS 33.05.040(a)(6), as amended by sec. 102 of this Act.

9 (f) The following sections apply to parole ordered on or after the effective date of
10 those sections for conduct occurring on or after the effective date of those sections:

11 (1) AS 33.16.010(c), as amended by sec. 103 of this Act;

12 (2) AS 33.16. 010(g), enacted by sec. 104 of this Act;

13 (3) AS 33.16.060(a), as amended by sec. 105 of this Act;

14 (4) AS 33.16.100(h), enacted by sec. 109 of this Act;

15 (5) AS 33.16.130(a), as repealed and reenacted by sec. 110 of this Act;

16 (6) AS 33.16.130(b), as amended by sec. 111 of this Act;

17 (7) AS 33.06.170(d), enacted by sec. 112 of this Act;

18 (8) AS 33.16.210(c), as amended by sec. 113 of this Act.

19 (g) The following sections apply to parole ordered before, on, or after the effective
20 date of those sections for conduct occurring on or after the effective date of those sections:

21 (1) AS 33.16.220(b), as amended by sec. 114 of this Act;

22 (2) AS 33.16.220(i), as amended by sec. 115 of this Act;

23 (3) AS 33.16.270, as amended by sec. 116 of this Act;

24 (4) AS 33.16.270(b), enacted by sec. 117 of this Act.

25 (h) AS 33.16.100(a), as amended by sec. 108 of this Act, applies to parole granted on
26 or after the effective date of sec. 108 of this Act for conduct occurring before, on, or after the
27 effective date of sec. 108 of this Act.

28 (i) AS 28.35.030(o), as amended by sec. 95 of this Act, and AS 28.35.032(q), as
29 amended by sec. 98 of this Act, apply to revocation of a driver's license occurring before, on,
30 or after the effective date of secs. 95 and 98 of this Act, for conduct occurring before, on, or
31 after the effective date of secs. 95 and 98 of this Act.

1 (j) AS 12.55.025(m), enacted by sec. 64 of this Act, applies to sentences imposed on
 2 or after the effective date of sec. 64 of this Act, for offenses committed before, on, or after the
 3 effective date of sec. 64 of this Act.

4 (k) AS 28.15.161(a), as amended by sec. 91 of this Act, applies to a driver's license
 5 canceled on or after the effective date of sec. 91 of this Act for failure to pay fines imposed on
 6 or after the effective date of sec. 91 of this Act.

7 * **Sec. 143.** The uncodified law of the State of Alaska is amended by adding a new section
 8 to read:

9 TRANSITION: REGULATIONS. (a) The Department of Law, the attorney general,
 10 the Department of Public Safety, and the commissioner of public safety may adopt regulations
 11 necessary to implement the changes made by secs. 124 and 125 of this Act. The regulations
 12 take effect under AS 44.62 (Administrative Procedure Act), but a regulation may not take
 13 effect before the effective date of the relevant provision of this Act implemented by the
 14 regulation.

15 (b) Not later than 15 months after the effective date of AS 33.05.020(h), as amended
 16 by sec. 100 of this Act, and AS 33.16.270, as amended by sec. 116 of this Act, the
 17 commissioner of corrections shall adopt regulations necessary to establish the programs
 18 required by AS 33.05.020(h), as amended by sec. 100 of this Act, and AS 33.16.270, as
 19 amended by sec. 116 of this Act. The regulations take effect under AS 44.62 (Administrative
 20 Procedure Act), but a regulation may not take effect before the effective date of the relevant
 21 provision of this Act implemented by the regulation.

22 * **Sec. 144.** The uncodified law of the State of Alaska is amended by adding a new section
 23 to read:

24 REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the
 25 heading of AS 11.61.123 from "Indecent viewing or photography" to "Indecent viewing or
 26 production of a picture."

27 * **Sec. 145.** The uncodified law of the State of Alaska is amended by adding a new section
 28 to read:

29 CONDITIONAL EFFECT. Sections 135 - 137 of this Act take effect only if secs. 135
 30 - 137 of this Act receive the two-thirds majority vote of each house required by art. IV, sec.
 31 15, Constitution of the State of Alaska.

- 1 * **Sec. 146.** Sections 126 - 129 of this Act take effect January 1, 2020.
- 2 * **Sec. 147.** Sections 123 - 125 of this Act take effect July 1, 2020.
- 3 * **Sec. 148.** Section 131 of this Act takes effect September 1, 2020.
- 4 * **Sec. 149.** Sections 141 and 143 of this Act take effect immediately under
5 AS 01.10.070(c).
- 6 * **Sec. 150.** Except as provided in secs. 146 - 149 of this Act, this Act takes effect July 1,
7 2019.