

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 9

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE RAUSCHER

Introduced: 2/25/19

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal law and procedure; relating to controlled substances;**
2 **relating to victims of criminal offenses; relating to probation; relating to sentencing;**
3 **relating to treatment program credit for time spent toward service of a sentence of**
4 **imprisonment; relating to the Violent Crimes Compensation Board; relating to**
5 **permanent fund dividends; relating to electronic monitoring; relating to penalties for**
6 **violating municipal ordinances; relating to parole; relating to community work service;**
7 **relating to the duties of the commissioner of corrections; relating to the duties of the**
8 **Department of Health and Social Services; relating to civil in rem forfeiture actions;**
9 **repealing Rules 38(d) and (e), Alaska Rules of Criminal Procedure; and providing for an**
10 **effective date."**

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

12 * **Section 1.** AS 04.16.160(a) is amended to read:

(a) Except as otherwise provided by law, a person who is 21 years of age or older may not purchase alcoholic beverages if the person has been ordered to refrain from consuming alcoholic beverages under AS 12.55.015(a)(13) or as part of a sentence for conviction of a crime under AS 28.35.030, 28.35.032, or a similar municipal ordinance or [,] as a condition of probation or parole from a conviction under AS 28.35.030, 28.35.032, or a similar municipal ordinance [, OR AS A CONDITION OF PROBATION OR PAROLE FOR ANY OTHER CRIME]. The restriction on purchasing alcoholic beverages applies during the period that the person is required to refrain from consuming alcoholic beverages under the sentence or condition of probation or parole.

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

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

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

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

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

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

1 than one of the participants; or

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

5 (A) a felony violation of AS 11.41;

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

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

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

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

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

14 (2) with intent to cause serious physical injury to an unborn child or to
15 another person or knowing that the conduct is substantially certain to cause death or
16 serious physical injury to an unborn child or to another person, causes the death of an
17 unborn child;

18 (3) while acting alone or with one or more persons, commits or
19 attempts to commit arson in the first degree, kidnapping, sexual assault in the first
20 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,
21 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the
22 first or second degree, robbery in any degree, or misconduct involving a controlled
23 substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9)
24 [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2), and, in the course of or
25 in furtherance of that crime or in immediate flight from that crime, any person causes
26 the death of an unborn child;

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

1 life.

2 * **Sec. 4.** AS 11.46.130(a) is amended to read:

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

5 (1) the value of the property or services [, ADJUSTED FOR
6 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than
7 \$25,000;

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

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

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

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

14 (6) the value of the property [, ADJUSTED FOR INFLATION AS
15 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750 and, within the
16 preceding five years, the person has been convicted and sentenced on two or more
17 separate occasions in this or another jurisdiction of

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

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

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

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

26 (7) the property is an access device.

27 * **Sec. 5.** AS 11.46.140(a) is amended to read:

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

30 (1) the value of the property or services [, ADJUSTED FOR
31 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750;

1 or

2 (2) [REPEALED]

3 (3) [REPEALED]

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

8 * **Sec. 6.** AS 11.46.150(a) is amended to read:

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

12 * **Sec. 7.** AS 11.46.220(c) is amended to read:

13 (c) Concealment of merchandise is

14 (1) a class C felony if

15 (A) the merchandise is a firearm;

16 (B) the value of the merchandise [, ADJUSTED FOR
17 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more; or

18 (C) the value of the merchandise [, ADJUSTED FOR
19 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
20 \$750 and, within the preceding five years, the person has been convicted and
21 sentenced on two or more separate occasions in this or another jurisdiction of

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

25 (ii) an offense under AS 11.46.120, 11.46.130, or
26 11.46.140(a)(1), or an offense under another law or ordinance with
27 similar elements;

28 (2) a class A misdemeanor if

29 (A) the value of the merchandise [, ADJUSTED FOR
30 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
31 \$750; or

1 (B) [REPEALED]

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

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

9 * **Sec. 8.** AS 11.46.260(b) is amended to read:

10 (b) Removal of identification marks is

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

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

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

20 * **Sec. 9.** AS 11.46.270(b) is amended to read:

21 (b) Unlawful possession is

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

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

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

31 * **Sec. 10.** AS 11.46.280(d) is amended to read:

1 (d) Issuing a bad check is

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

3 (2) a class C felony if the face amount of the check [, ADJUSTED
4 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than
5 \$25,000;

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

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

11 * **Sec. 11.** AS 11.46.285(b) is amended to read:

12 (b) Fraudulent use of an access device is

13 (1) a class B felony if the value of the property or services obtained is
14 \$25,000 or more;

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

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

21 * **Sec. 12.** AS 11.46.295 is amended to read:

22 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior
23 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) **or**
24 **11.46.140(a)(4)** or in prosecuting the crime of concealment of merchandise under
25 AS 11.46.220(c),

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

29 (2) a conviction for an offense under Alaska law where the value of the
30 property or services for the offense was lower than the value of property or services
31 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. 13.** 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) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft of another;

(2) the propelled vehicle of another and

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

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

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

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

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

(A) this section or AS 11.46.365;

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

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

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

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

* **Sec. 14.** AS 11.46.420(a) is amended to read:

(a) A person commits the crime of arson in the third degree if the person

intentionally damages a motor vehicle

[(1)] by starting a fire or causing an explosion while that vehicle is located on state or municipal [PUBLIC] land [; OR

(2) THAT IS THE PROPERTY OF ANOTHER PERSON BY STARTING A FIRE OR CAUSING AN EXPLOSION WHILE THAT VEHICLE IS LOCATED ON PRIVATE PROPERTY].

* **Sec. 15.** AS 11.46.460 is amended to read:

Sec. 11.46.460. Disregard of a highway obstruction. (a) A person commits the crime [OFFENSE] of disregard of a highway obstruction if, without the right to do so or a reasonable ground to believe the person has the right, the person

(1) drives a vehicle through, over, or around an obstruction erected on a highway under authority of AS 19.10.100; or

(2) opens an obstruction erected on a highway under authority of AS 19.10.100.

(b) Violation of this section is a class B misdemeanor [VIOLATION PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000].

* **Sec. 16.** AS 11.46.482(a) is amended to read:

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

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

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

(3) the person knowingly

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

(B) removes human remains or associated burial artifacts from

1 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,
 2 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

3 * **Sec. 17.** AS 11.46.484(a) is amended to read:

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

7 (1) with intent to damage property of another, the person damages
 8 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED
 9 IN AS 11.46.982,] of \$250 or more but less than \$750;

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

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

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

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

21 * **Sec. 18.** AS 11.46.486(a) is amended to read:

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

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

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

31 (3) the person rides in a propelled vehicle and, with criminal

1 negligence, disregards the fact that it has been stolen or that it is being used in
2 violation of AS 11.46.360 or 11.46.365(a)(1).

3 * **Sec. 19.** AS 11.46.530(b) is amended to read:

4 (b) Criminal simulation is

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

8 (2) a class A misdemeanor if the value of what the object purports to
9 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is
10 \$250 or more but less than \$750;

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

14 * **Sec. 20.** AS 11.46.620(d) is amended to read:

15 (d) Misapplication of property is

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

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

20 * **Sec. 21.** AS 11.46.730(c) is amended to read:

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

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

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

28 * **Sec. 22.** AS 11.56.730(a) is amended to read:

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

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

31 (2) knows that the person is required to appear before a court or

1 judicial officer at the time and place of a scheduled hearing; and

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

4 * **Sec. 23.** AS 11.56.730(d) is amended to read:

5 (d) Failure to appear is a

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

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

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

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

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

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

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

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

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

28 * **Sec. 24.** AS 11.56.757(b) is amended to read:

29 (b) Violation of condition of release is a

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

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

* Sec. 25. 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 10 days.

* Sec. 26. AS 11.61.145(d) is amended to read:

(d) Promoting an exhibition of fighting animals

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

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

[(A)] a violation

[(i)] for the first offense, a class B misdemeanor [;

(ii) PUNISHABLE BY A FINE OF NOT MORE

THAN \$1,000] for the second offense, [;] and

[(B)] a class A misdemeanor for the third and each subsequent

offense.

* Sec. 27. AS 11.61.150(a) is amended to read:

(a) A person commits the crime [OFFENSE] of obstruction of highways if the person knowingly

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

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

* Sec. 28. AS 11.61.150(c) is amended to read:

(c) Obstruction of highways is a class B misdemeanor [VIOLATION PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000].

* Sec. 29. AS 11.66.110(a) is amended to read:

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

(1) induces or causes a [ANOTHER] person to engage in prostitution through the use of force;

(2) as other than a patron of a prostitute, induces or causes a
[ANOTHER] person [WHO IS] under 20 years of age to engage in prostitution; or

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

* **Sec. 30.** AS 11.66.130(a) is amended to read:

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

(1) [RECEIVES COMPENSATION FOR PROSTITUTION
SERVICES RENDERED BY ANOTHER; AND

(2) WITH THE INTENT TO PROMOTE PROSTITUTION,

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

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

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

(4) [(D)] engages in conduct that institutes, aids, or facilitates a
prostitution enterprise.

* **Sec. 31.** AS 11.66.135(a) is amended to read:

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

[(1) RECEIVES COMPENSATION FOR PROSTITUTION
SERVICES RENDERED BY ANOTHER; AND

(2)] engages in conduct that institutes, aids, or facilitates prostitution
under circumstances not proscribed under AS 11.66.130(a)(4)
[AS 11.66.130(a)(2)(D)].

* **Sec. 32.** AS 11.66.200(c) is amended to read:

(c) Gambling is a violation

[(1)] for the first offense. Gambling is a class B misdemeanor [;

(2) PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000] for the second and each subsequent offense.

* **Sec. 33.** 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, isomers, or salts of isomers;

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

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

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

or

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

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

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

(A) an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,

1 to another person with reckless disregard that the precursor will be used to
 2 manufacture any material, compound, mixture, or preparation that contains
 3 methamphetamine, or its salts, isomers, or salts of isomers; or

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

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

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

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

13 (b) In a prosecution under (a) of this section, possession of more than six
 14 grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or
 15 the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that
 16 the person intended to use the listed chemicals to manufacture, to aid or abet another
 17 person to manufacture, or to deliver to another person who intends to manufacture
 18 methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers
 19 of methamphetamine or its immediate precursors. The prima facie evidence described
 20 in this subsection does not apply to a person who possesses

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

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

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

27 (i) retailer or as a wholesaler;

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

30 (iii) manufacturer of drug products licensed by the
 31 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. 34.** 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

1 the person delivering the substance;

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

3 (A) with reckless disregard that the possession occurs

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

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

6 or

7 (B) on a school bus;

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

9 contains

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

11 or

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

13 isomers, or salts of isomers;

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

15 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,

16 with the intent to manufacture any material, compound, mixture, or preparation that

17 contains methamphetamine, or its salts, isomers, or salts of isomers;

18 (6) possesses a listed chemical with intent to manufacture any material,

19 compound, mixture, or preparation that contains

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

21 or

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

23 isomers, or salts of isomers;

24 (7) possesses methamphetamine in an organic solution with intent to

25 extract from it methamphetamine or its salts, isomers, or salts of isomers; [OR]

26 (8) under circumstances not proscribed under AS 11.71.010(a)(2),

27 delivers

28 (A) an immediate precursor of methamphetamine, or the salts,

29 isomers, or salts of isomers of the immediate precursor of methamphetamine,

30 to another person with reckless disregard that the precursor will be used to

31 manufacture any material, compound, mixture, or preparation that contains

methamphetamine, or its salts, isomers, or salts of isomers; or

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

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

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

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

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

* **Sec. 35.** AS 11.71.030(d) is amended to read:

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

* **Sec. 36.** AS 11.71.040(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 fourth [THIRD] degree if the person

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

(2) 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 one ounce or more containing a schedule VIA controlled substance;

(3) possesses

(A) any amount of a

(i) schedule IA controlled substance [LISTED IN

AS 11.71.140(e)];

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

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

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

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

(ii) 12 grams or more 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

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

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

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

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

(G) 25 or more plants of the genus cannabis;

(4) possesses a schedule IIIA, IVA, VA, or VIA 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;

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

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

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

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

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

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

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

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

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

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

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

* **Sec. 37.** AS 11.71.040(d) is amended to read:

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

* **Sec. 38.** AS 11.71.050 is amended to read:

Sec. 11.71.050. Misconduct involving a controlled substance in the fifth [FOURTH] degree. (a) Except as authorized in AS 17.30, 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), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance; **or**

(5) possesses

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

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

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

(ii) 12 grams but more than six grams 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

(iii) 500 milligrams containing a schedule IIA controlled substance listed in AS 11.71.150(e)(11) - (15);

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

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

6 (E) one or more preparations, compounds, mixtures, or
 7 substances of an aggregate weight of one ounce or more containing a
 8 schedule VIA controlled substance.

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

11 * **Sec. 39.** AS 11.71.060 is amended to read:

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

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

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

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

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

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

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

28 * **Sec. 40.** AS 11.71.311(a) is amended to read:

29 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),
 30 11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) if
 31 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 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(5) [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 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(5) [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. 41.** AS 12.25.150(a) is amended to read:

(a) A person arrested shall be taken before a judge or magistrate without unnecessary delay, and in any event within 48 [24] hours after arrest, [ABSENT COMPELLING CIRCUMSTANCES,] including Sundays and holidays. [THE UNAVAILABILITY OF A REPORT PREPARED BY THE PRETRIAL SERVICES OFFICER UNDER AS 33.07 OR A DELAY IN THE TRANSMITTAL OF THAT REPORT TO THE PARTIES OR TO THE COURT MAY NOT BE CONSIDERED A SUFFICIENT COMPELLING CIRCUMSTANCE TO JUSTIFY DELAYING A HEARING BEYOND 24 HOURS. THE HEARING BEFORE THE JUDGE OR MAGISTRATE MAY NOT TAKE PLACE MORE THAN 48 HOURS AFTER ARREST.] This requirement applies to municipal police officers to the same extent as it does to state troopers.

* **Sec. 42.** AS 12.25.180(a) is amended to read:

(a) When a peace officer stops or contacts a person for the commission of [A CLASS C FELONY OFFENSE,] a misdemeanor [,] or the violation of a municipal ordinance, the officer may, in the officer's discretion, issue a citation to the person

1 instead of taking the person before a judge or magistrate under AS 12.25.150, unless
 2 [EXCEPT THE OFFICER MAY ARREST IF]

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

4 (2) the peace officer reasonably believes the person is a danger to self
 5 or others;

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

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

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

13 * **Sec. 43.** AS 12.25.180(b) is amended to read:

14 (b) When a peace officer stops or contacts a person for the commission of an
 15 infraction or a violation, the officer shall issue a citation instead of taking the person
 16 before a judge or magistrate under AS 12.25.150, unless [EXCEPT THE OFFICER
 17 MAY ARREST IF]

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

19 (2) the person refuses to accept service of the citation [; OR

20 (3) THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE
 21 THE PERSON HAS COMMITTED

22 (A) A VIOLATION OF CONDITIONS OF RELEASE
 23 UNDER AS 11.56.757; OR

24 (B) THE OFFENSE OF FAILURE TO APPEAR UNDER
 25 AS 11.56.730].

26 * **Sec. 44.** AS 12.25.190(b) is amended to read:

27 (b) The time specified in the notice to appear shall be at least five [TWO]
 28 working days after the issuance of the citation [UNDER AS 12.25.180(a)].

29 * **Sec. 45.** AS 12.30.006(b) is amended to read:

30 (b) At the first appearance before a judicial officer, a person who is charged
 31 with a felony may be detained up to 48 hours for the prosecuting authority to

1 demonstrate that release of the person under AS 12.30.011 would not reasonably
 2 ensure the appearance of the person or will pose a danger to the victim, other persons,
 3 or the community [, IF THE PERSON HAS

4 (1) BEEN CHARGED WITH AN UNCLASSIFIED, CLASS A,
 5 CLASS B, OR CLASS C FELONY; OR

6 (2) A CRIMINAL CONVICTION OR CHARGE OUTSIDE THE
 7 STATE THAT HAS NOT BEEN USED IN DETERMINING THE PERSON'S RISK
 8 LEVEL IN THE PRETRIAL RISK ASSESSMENT UNDER AS 33.07].

9 * **Sec. 46.** AS 12.30.006(c) is amended to read:

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

20 (1) APPEARANCE OF THE PERSON IN COURT; AND

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

23 * **Sec. 47.** AS 12.30.006(d) is amended to read:

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

30 (1) the person provides to the court and the prosecuting authority a
 31 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" **does not include** [INCLUDES] the [PERSON'S] inability to post the required bail;

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

(3) at least seven days have elapsed between the previous review and the time set for the requested review [; HOWEVER, A PERSON MAY RECEIVE ONLY ONE BAIL REVIEW HEARING SOLELY FOR INABILITY TO PAY].

* **Sec. 48.** AS 12.30.006(f) is amended to read:

(f) The judicial officer shall issue written or oral findings that explain the reasons the officer imposed the particular conditions of release or modifications or additions to conditions previously imposed. The judicial officer shall inform the person that a law enforcement officer [OR A PRETRIAL SERVICES OFFICER UNDER AS 33.07] may arrest the person without a warrant for violation of the court's order establishing conditions of release.

* **Sec. 49.** AS 12.30.011 is repealed and reenacted to read:

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

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

(b) If a judicial officer determines that the release under (a) of this section will not reasonably ensure the appearance of the person or will pose a danger to the victim, other persons, or the community, the officer shall impose the least restrictive condition or conditions that will reasonably ensure the person's appearance and protect the

1 victim, other persons, and the community. In addition to conditions under (a) of this
 2 section, the judicial officer may, singly or in combination,

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

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

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

10 (4) place restrictions on the person's travel, association, or residence;

11 (5) order the person to refrain from possessing a deadly weapon on the
 12 person or in the person's vehicle or residence;

13 (6) require the person to maintain employment or, if unemployed,
 14 actively seek employment;

15 (7) require the person to notify the person's lawyer and the prosecuting
 16 authority within two business days after any change in employment;

17 (8) require the person to avoid all contact with a victim, a potential
 18 witness, or a codefendant;

19 (9) require the person to refrain from the consumption and possession
 20 of alcoholic beverages;

21 (10) require the person to refrain from the use of a controlled substance
 22 as defined by AS 11.71, unless prescribed by a licensed health care provider with
 23 prescriptive authority;

24 (11) require the person to be physically inside the person's residence,
 25 or in the residence of the person's third-party custodian, at times set by the court;

26 (12) require the person to keep regular contact with a law enforcement
 27 officer or agency;

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

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

1 (15) if the person is under the treatment of a licensed health care
2 provider, order the person to follow the provider's treatment recommendations;

3 (16) order the person to take medication that has been prescribed for
4 the person by a licensed health care provider with prescriptive authority;

5 (17) order the person to comply with any other condition that is
6 reasonably necessary to ensure the appearance of the person and to ensure the safety
7 of the victim, other persons, and the community;

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

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

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

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;

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

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

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

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

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

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

* **Sec. 50.** AS 12.30.016(b) is amended to read:

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

(1) to refrain from

(A) consuming alcoholic beverages; or

(B) possessing on the person, in the person's residence, or in any vehicle or other property over which the person has control, alcoholic beverages;

(2) to submit to a search without a warrant of the person, the person's personal property, the person's residence, or any vehicle or other property over which the person has control, for the presence of alcoholic beverages by a peace officer [OR PRETRIAL SERVICES OFFICER] who has reasonable suspicion that the person is

1 violating the conditions of the person's release by possessing alcoholic beverages;

2 (3) to submit to a breath test when requested by a law enforcement
3 officer [OR PRETRIAL SERVICES OFFICER];

4 (4) to provide a sample for a urinalysis or blood test when requested by
5 a law enforcement officer [OR PRETRIAL SERVICES OFFICER];

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

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

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

11 * **Sec. 51.** AS 12.30.016(c) is amended to read:

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

14 (1) to refrain from

15 (A) consuming a controlled substance; or

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

19 (2) to submit to a search without a warrant of the person, the person's
20 personal property, the person's residence, or any vehicle or other property over which
21 the person has control, for the presence of a controlled substance or drug paraphernalia
22 by a peace officer [OR PRETRIAL SERVICES OFFICER] who has reasonable
23 suspicion that the person is violating the terms of the person's release by possessing
24 controlled substances or drug paraphernalia;

25 (3) to enroll in a random drug testing program, at the person's expense,
26 [WITH TESTING TO OCCUR NOT LESS THAN ONCE A WEEK, OR TO
27 SUBMIT TO RANDOM DRUG TESTING BY THE PRETRIAL SERVICES
28 OFFICE IN THE DEPARTMENT OF CORRECTIONS] to detect the presence of a
29 controlled substance, **with testing to occur not less than once a week, and** with the
30 results being submitted to the court and the prosecuting authority;

31 (4) to refrain from entering or remaining in a place where a controlled

1 substance is being used, manufactured, grown, or distributed;

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

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

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

7 * **Sec. 52.** AS 12.30.016 is amended by adding a new subsection to read:

8 (g) In a prosecution charging misconduct involving a controlled substance
9 under AS 11.71.021(a)(2) for the manufacture of methamphetamine, or its salts,
10 isomers, or salts of isomers, if the person has been previously convicted in this or
11 another jurisdiction of a crime involving the manufacturing, delivering, or possessing
12 of methamphetamine, or its salts, isomers, or salts of isomers, a judicial officer shall
13 require the posting of a minimum of \$250,000 cash bond before the person may be
14 released. The judicial officer may reduce this requirement if the person proves to the
15 satisfaction of the officer that the person's only role in the offense was as an aider or
16 abettor and that the person did not stand to benefit financially from the manufacturing.

17 * **Sec. 53.** AS 12.30.021(a) is amended to read:

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

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

24 (2) NO SECURED APPEARANCE OR PERFORMANCE BONDS
25 HAVE BEEN ORDERED; AND

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

29 * **Sec. 54.** AS 12.30.021(c) is amended to read:

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

31 (1) the proposed custodian is acting as a third-party custodian for

1 another person;

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

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

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

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

11 (6) the proposed custodian resides out of state; however, a nonresident
12 may serve as a custodian if the nonresident resides in the state while serving as
13 custodian.

14 * **Sec. 55.** AS 12.55.015(a) is amended to read:

15 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing
16 sentence on a defendant convicted of an offense, may singly or in combination

17 (1) impose a fine when authorized by law and as provided in
18 AS 12.55.035;

19 (2) order the defendant to be placed on probation under conditions
20 specified by the court that may include provision for active supervision;

21 (3) impose a definite term of periodic imprisonment, but only if an
22 employment obligation of the defendant preexisted sentencing and the defendant
23 receives a composite sentence of not more than two years to serve;

24 (4) impose a definite term of continuous imprisonment;

25 (5) order the defendant to make restitution under AS 12.55.045;

26 (6) order the defendant to carry out a continuous or periodic program
27 of community work under AS 12.55.055;

28 (7) suspend execution of all or a portion of the sentence imposed under
29 AS 12.55.080;

30 (8) suspend [ENTRY OF JUDGMENT UNDER AS 12.55.078 OR
31 SUSPEND] imposition of sentence under AS 12.55.085;

1 (9) order the forfeiture to the commissioner of public safety or a
 2 municipal law enforcement agency of a deadly weapon that was in the actual
 3 possession of or used by the defendant during the commission of an offense described
 4 in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

5 (10) order the defendant, while incarcerated, to participate in or
 6 comply with the treatment plan of a rehabilitation program that is related to the
 7 defendant's offense or to the defendant's rehabilitation if the program is made available
 8 to the defendant by the Department of Corrections;

9 (11) order the forfeiture to the state of a motor vehicle, weapon,
 10 electronic communication device, or money or other valuables, used in or obtained
 11 through an offense that was committed for the benefit of, at the direction of, or in
 12 association with a criminal street gang;

13 (12) order the defendant to have no contact, either directly or
 14 indirectly, with a victim or witness of the offense until the defendant is
 15 unconditionally discharged;

16 (13) order the defendant to refrain from consuming alcoholic
 17 beverages for a period of time.

18 * **Sec. 56.** AS 12.55.025(c) is amended to read:

19 (c) Except as provided in (d) of this section, when a defendant is sentenced to
 20 imprisonment, the term of confinement commences on the date of imposition of
 21 sentence unless the court specifically provides that the defendant must report to serve
 22 the sentence on another date. If the court provides another date to begin the term of
 23 confinement, the court shall provide the defendant with written notice of the date,
 24 time, and location of the correctional facility to which the defendant must report. A
 25 defendant shall receive credit for time spent in custody pending trial, sentencing, or
 26 appeal, if the detention was in connection with the offense for which sentence was
 27 imposed [INCLUDING A TECHNICAL VIOLATION OF PROBATION AS
 28 PROVIDED IN AS 12.55.110]. A defendant may not receive credit for more than the
 29 actual time spent in custody pending trial, sentencing, or appeal. The time during
 30 which a defendant is voluntarily absent from official detention after the defendant has
 31 been sentenced may not be credited toward service of the sentence.

1 * **Sec. 57.** AS 12.55.027(a) is amended to read:

2 (a) A court may grant a defendant credit toward a sentence of imprisonment
3 for time spent in a treatment program or under electronic monitoring only as
4 provided in [THAT FURTHERS THE REFORMATION AND REHABILITATION
5 OF THE DEFENDANT IF THE COURT FINDS THAT THE PROGRAM PLACES
6 A SUBSTANTIAL RESTRICTION ON THE DEFENDANT'S FREEDOM OF
7 MOVEMENT AND BEHAVIOR AND IS CONSISTENT WITH] this section.

8 * **Sec. 58.** AS 12.55.027(b) is repealed and reenacted to read:

9 (b) A court may grant a defendant one day of credit toward a sentence of
10 imprisonment for each full day the defendant resided in the facility of a treatment
11 program and observed the rules of the treatment program and the facility if

12 (1) the court finds that the treatment program meets the standards
13 described in (c) of this section;

14 (2) before the defendant entered the treatment program, the court
15 ordered the defendant to reside in the facility of the treatment program and participate
16 in the treatment program as a condition of bail release or a condition of probation; and

17 (3) the court has received a written report from the director of the
18 program that

19 (A) states that the defendant has participated in the treatment
20 plan prescribed for the defendant and has complied with the requirements of
21 the plan; and

22 (B) sets out the number of full days the defendant resided in the
23 facility of the treatment program and observed the rules of the treatment
24 program and facility.

25 * **Sec. 59.** AS 12.55.027(c) is repealed and reenacted to read:

26 (c) To qualify for credit against a sentence of imprisonment for a day spent in
27 a treatment program, the treatment program and the facility of the treatment program
28 must impose substantial restrictions on a person's liberty on that day that are
29 equivalent to incarceration, including the requirement that a participant in the program

30 (1) must live in a residential facility operated by the program;

31 (2) must be confined at all times to the grounds of the facility or be in

1 the physical custody of an employee of the facility, except for

2 (A) court appearances;

3 (B) meetings with counsel;

4 (C) employment, vocational training, or community volunteer
5 work required by the treatment program; and

6 (D) periods during which the resident is permitted to leave the
7 facility for rehabilitative purposes directly related to the person's treatment, so
8 long as the periods during which the resident is permitted to leave the facility
9 are expressly limited as to both time and purpose by the treatment program;

10 (3) is subject to disciplinary sanctions by the program if the participant
11 violates rules of the program and facility; sanctions must be in writing and available
12 for court review; and

13 (4) is subject to immediate arrest, without warrant, if the participant
14 leaves the facility without permission.

15 * **Sec. 60.** AS 12.55.045(*l*) is amended to read:

16 (*l*) An order by the court that the defendant pay restitution is a civil judgment
17 for the amount of the restitution. An order by the court that the defendant pay
18 restitution when the court [SUSPENDS ENTRY OF JUDGMENT UNDER
19 AS 12.55.078 OR] suspends imposition of sentence under AS 12.55.085 is a civil
20 judgment for the amount of the restitution and remains enforceable and is not
21 discharged when [THE PROCEEDING IS DISMISSED UNDER AS 12.55.078 OR] a
22 conviction is set aside under AS 12.55.085. The victim or the state on behalf of the
23 victim may enforce the judgment through any procedure authorized by law for the
24 enforcement of a civil judgment. If the victim enforces or collects restitution through
25 civil process, collection costs and full reasonable attorney fees shall be awarded. If the
26 state on the victim's behalf enforces or collects restitution through civil process,
27 collection costs and full reasonable attorney fees shall be awarded, up to a maximum
28 of twice the amount of restitution owing at the time the civil process was initiated.
29 This section does not limit the authority of the court to enforce orders of restitution.

30 * **Sec. 61.** AS 12.55.051(a) is amended to read:

31 (a) If the defendant defaults in the payment of a fine or any installment or of

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

18 * **Sec. 62.** AS 12.55.055(a) is amended to read:

19 (a) The court may order a defendant convicted of an offense to perform
 20 community work as a condition of probation, a suspended sentence, **or** suspended
 21 imposition of sentence, [OR SUSPENDED ENTRY OF JUDGMENT,] or in addition
 22 to any fine or restitution ordered. If the defendant is sentenced to imprisonment, the
 23 court may recommend to the Department of Corrections that the defendant perform
 24 community work.

25 * **Sec. 63.** AS 12.55.055(c) is amended to read:

26 (c) The court may offer a defendant convicted of an offense the option of
 27 performing community work in lieu of a fine, surcharge, or portion of a fine or
 28 surcharge if the court finds the defendant is unable to pay the fine. The value of
 29 community work in lieu of a fine is **\$3** [THE STATE'S MINIMUM WAGE] for each
 30 hour.

31 * **Sec. 64.** AS 12.55.090(b) is amended to read:

(b) Except as otherwise provided in (f) of this section, the court may revoke or modify any condition of probation or may [,] change the period of probation [, OR TERMINATE PROBATION AND DISCHARGE THE DEFENDANT FROM PROBATION].

* **Sec. 65.** AS 12.55.090(c) is amended to read:

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

(1) 25 [15] years for a felony sex offense; or

(2) 10 years for any other offense [AN UNCLASSIFIED FELONY UNDER AS 11 NOT LISTED IN (1) OF THIS SUBSECTION;

(3) FIVE YEARS FOR A FELONY OFFENSE NOT LISTED IN (1) OR (2) OF THIS SUBSECTION;

(4) THREE YEARS FOR A MISDEMEANOR OFFENSE

(A) UNDER AS 11.41;

(B) THAT IS A CRIME INVOLVING DOMESTIC VIOLENCE; OR

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

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

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

* **Sec. 66.** AS 12.55.090(f) is amended to read:

(f) Unless the defendant and the prosecuting authority agree at the probation revocation proceeding or other proceeding [RELATED TO A PROBATION VIOLATION, THE PERSON QUALIFIES FOR A REDUCTION UNDER AS 33.05.020(h), OR A PROBATION OFFICER RECOMMENDS TO THE COURT THAT PROBATION BE TERMINATED AND THE DEFENDANT BE DISCHARGED FROM PROBATION UNDER (g) OF THIS SECTION OR AS 33.05.040], the court may not reduce the specific period of probation or the

specific term of suspended incarceration except by the amount of incarceration imposed for a probation violation, if

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

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

* **Sec. 67.** AS 12.55.125(c) is amended to read:

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

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

(2) if the offense is a first felony conviction

(A) and the defendant

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

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

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

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

(ii) in the course of manufacturing or in preparation

for manufacturing, the defendant obtained the assistance of one or more children under 18 years of age or one or more children were present;

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

(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. 68.** 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, four [TWO] to seven [FIVE] years;

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

* **Sec. 69.** 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. 70.** AS 12.55.125(q) is amended to read:

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

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 this probation requirement and shall submit and comply with the terms and requirements of the probation.

* Sec. 71. 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].

1 * **Sec. 72.** AS 12.55.135(b) is amended to read:

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

4 [(1) 10] days unless otherwise specified in the provision of law
5 defining the offense [OR IN THIS SECTION;

6 (2) 90 DAYS IF THE CONVICTION IS FOR A VIOLATION OF

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

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

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

13 * **Sec. 73.** AS 12.55.135 is amended by adding a new subsection to read:

14 (q) A court may not impose a sentence of imprisonment or suspended
15 imprisonment for possession of marijuana in violation of AS 11.71.060 if the
16 defendant alleges, and the court finds, that the defendant was not under formal or
17 informal probation or parole conditions in this or another jurisdiction at the time of the
18 offense; that the defendant possessed the marijuana for the defendant's personal use
19 within the defendant's permanent or temporary residence; and that the defendant has
20 not been previously convicted more than once in this or another jurisdiction for
21 possession of marijuana. If the defendant has not been previously convicted as
22 described in this subsection, the maximum unsuspended fine that the court may
23 impose is \$500. If the defendant has been previously convicted once as described in
24 this subsection, the maximum unsuspended fine that the court may impose is \$1,000.
25 In this subsection,

26 (1) "permanent or temporary residence" means a permanent structure
27 adopted for overnight accommodation; "permanent or temporary residence" does not
28 include

29 (A) vehicles, tents, prisons or other correctional facilities,
30 residential treatment facilities, or shelters operated by a charitable organization
31 or a government agency;

(B) any place where the defendant's possession or use of marijuana violated established rules for residents, such as a ban on smoking or a ban on marijuana or other controlled substances;

(2) "previously convicted" means the defendant entered a plea of guilty, no contest, or nolo contendere, or has been found guilty by a court or jury, regardless of whether the conviction was set aside under AS 12.55.085 or a similar procedure in another jurisdiction, of possession of marijuana; "previously convicted" does not include a judgment that has been reversed or vacated by a court.

* **Sec. 74.** AS 12.61.015(a) is amended to read:

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

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

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

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

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

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

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

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

(4) confer with the victim of a crime involving domestic violence concerning a proposed plea agreement before entering into an agreement;

(5) inform the victim of a pending motion that may substantially delay the prosecution and inform the court of the victim's position on the motion; in this

paragraph, a "substantial delay" is

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

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

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

* **Sec. 75.** AS 12.61.017(a) is amended to read:

(a) An employer may not penalize or threaten to penalize a victim [OF AN OFFENSE] because the victim

[(1)] is subpoenaed or requested by the prosecuting attorney to attend a court proceeding for the purpose of giving testimony. **In this subsection, "penalize" means to take action affecting the employment status, wages, and benefits payable to the victim, including**

(1) demotion or suspension;

(2) dismissal from employment;

(3) loss of pay or benefits, except pay and benefits that are directly attributable to the victim's absence from employment to attend the court proceeding [; OR

(2) REPORTS THE OFFENSE TO A LAW ENFORCEMENT AGENCY OR PARTICIPATES IN THE INVESTIGATION OF THE OFFENSE BY A LAW ENFORCEMENT AGENCY].

* **Sec. 76.** AS 12.63.100(7) is amended to read:

(7) "sex offense" means

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

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

(i) sexual assault in the first degree;

(ii) sexual assault in the second degree;

- 1 (iii) sexual abuse of a minor in the first degree; or
 2 (iv) sexual abuse of a minor in the second degree;
 3 (C) a crime, or an attempt, solicitation, or conspiracy to commit
 4 a crime, under the following statutes or a similar law of another jurisdiction:
 5 (i) AS 11.41.410 - 11.41.438;
 6 (ii) AS 11.41.440(a)(2);
 7 (iii) AS 11.41.450 - 11.41.458;
 8 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent
 9 exposure is before a person under 16 years of age and the offender has
 10 previously been convicted under AS 11.41.460 or AS 26.05.900(c);
 11 (v) AS 11.61.125 - 11.61.128;
 12 (vi) AS 11.66.110, **11.66.130(a)(2)**
 13 [11.66.130(a)(2)(B)], or AS 26.05.900(b) if the person who was
 14 induced or caused to engage in prostitution was under 20 years of age
 15 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

1 years of age at the time of the offense; or

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

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

11 (i) child pornography; or

12 (ii) pandering and prostitution if the person who is
13 induced, enticed, caused, or procured to engage in a sexual act is under
14 20 years of age at the time of the offense;

15 * **Sec. 77.** AS 12.70.130 is amended to read:

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

28 * **Sec. 78.** AS 18.67.020(a) is amended to read:

29 (a) The Violent Crimes Compensation Board is established in the
30 Department of Administration. The board is composed of three members to be
31 appointed by the governor. One of the members shall be designated as chair by the

governor. At least one member must be a medical or osteopathic physician [, A PHYSICIAN ASSISTANT, OR AN ADVANCED NURSE PRACTITIONER] licensed to practice in this state or holding a retired status license [FROM PRACTICE] in this state, and one member must be an attorney licensed to practice in this state or retired from practice in this state.

* **Sec. 79.** AS 18.67.101 is amended to read:

Sec. 18.67.101. Incidents and offenses to which this chapter applies. The board may order the payment of compensation in accordance with the provisions of this chapter for personal injury or death that resulted from

(1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of crime; or

(2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses:

(A) murder in any degree;

(B) manslaughter;

(C) criminally negligent homicide;

(D) assault in any degree;

(E) kidnapping;

(F) sexual assault in any degree;

(G) sexual abuse of a minor;

(H) robbery in any degree;

(I) threats to do bodily harm;

(J) driving while under the influence of an alcoholic beverage, inhalant, or controlled substance or another crime resulting from the operation of a motor vehicle, boat, or airplane when the offender is under the influence of an alcoholic beverage, inhalant, or controlled substance;

(K) arson in the first degree;

(L) sex trafficking in violation of AS 11.66.110 or 11.66.130(a)(2) [11.66.130(a)(2)(B)];

(M) human trafficking in any degree; or

(N) unlawful exploitation of a minor.

* **Sec. 80.** AS 28.15.191(g) is amended to read:

(g) A court that has ordered a person to refrain from consuming alcoholic beverages as part of a sentence for conviction of a crime under AS 28.35.030, 28.35.032, or a similar municipal ordinance or as a condition of probation or parole following a conviction under those sections or a similar municipal ordinance [, OR AS A CONDITION OF PROBATION OR PAROLE FOR ANY OTHER CRIME] shall

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

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

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

* **Sec. 81.** AS 28.15.291(a) is repealed and reenacted to read:

(a) A person is guilty of a class A misdemeanor if the person

(1) drives 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 in this or another jurisdiction; or

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

* **Sec. 82.** AS 28.15.291(b) is repealed and reenacted to read:

(b) Upon conviction under (a) of this section, the court

(1) shall impose a minimum sentence of imprisonment

(A) if the person has not been previously convicted, of not less than 10 days with 10 days suspended, including a mandatory condition of probation that the defendant complete not less than 80 hours of community work service;

(B) if the person has been previously convicted, of not less than 10 days;

(C) if the person's driver's license, privilege to drive, or privilege to obtain a license was revoked under circumstances described in AS 28.15.181(c)(1), if the person was driving in violation of a limited license issued under AS 28.15.201(d) following that revocation, or if the person was driving in violation of an ignition interlock device requirement following that revocation, of not less than 20 days with 10 days suspended, and a fine of not less than \$500, including a mandatory condition of probation that the defendant complete not less than 80 hours of community work service;

(D) if the person's driver's license, privilege to drive, or privilege to obtain a license was revoked under circumstances described in AS 28.15.181(c)(2), (3), or (4), if the person was driving in violation of a limited license issued under AS 28.15.201(d) following that revocation, or if the person was driving in violation of an ignition interlock device requirement following that revocation, of not less than 30 days and a fine of not less than \$1,000;

(2) may impose additional conditions of probation;

(3) may not

(A) suspend execution of sentence or grant probation except on condition that the person serve a minimum term of imprisonment and perform required community work service as provided in (1) of this subsection;

(B) suspend imposition of sentence;

(4) shall revoke the person's license, privilege to drive, or privilege to obtain a license, and the person may not be issued a new license or a limited license nor may the privilege to drive or obtain a license be restored for an additional period of not less than 90 days after the date that the person would have been entitled to restoration of driving privileges; and

(5) may order that the motor vehicle that was used in commission of the offense be forfeited under AS 28.35.036.

* **Sec. 83.** AS 28.35.028(b) is amended to read:

(b) Once the court elects to proceed under this section, the defendant shall enter a no contest or guilty plea to the offense or shall admit to a probation violation,

as appropriate. The state and the defendant may enter into a plea agreement to determine the offense or offenses to which the defendant is required to plead. If the court accepts the agreement, the court shall enforce the terms of the agreement. The court shall enter a judgment of conviction for the offense or offenses for which the defendant has pleaded or an order finding that the defendant has violated probation, as appropriate. A judgment of conviction or an order finding a probation violation must set a schedule for payment of restitution owed by the defendant. In a judgment of conviction and on probation conditions that the court considers appropriate, the court may withhold pronouncement of a period of imprisonment or a fine to provide an incentive for the defendant to complete recommended treatment successfully. Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any mandatory minimum or other sentencing provision applicable to the offense. However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any other provision of law, the court, at any time after the period when a reduction of sentence is normally available, may consider and reduce the defendant's sentence [, INCLUDING IMPRISONMENT, FINE, OR LICENSE REVOCATION,] based on the defendant's compliance with the treatment plan; when reducing a sentence, the court (1) may not reduce the sentence below the mandatory minimum sentence for the offense unless the court finds that the defendant has successfully complied with and completed the treatment plan and that the treatment plan approximated the severity of the minimum period of imprisonment, and (2) may consider the defendant's compliance with the treatment plan as a mitigating factor allowing a reduction of a sentence under AS 12.55.155(a). A court entering an order finding the defendant has violated probation may withhold pronouncement of disposition to provide an incentive for the defendant to complete the recommended treatment successfully.

* **Sec. 84.** 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 electronic monitoring is not available, imprisonment required under (b)(1)(A) of this section **may** [SHALL] be served at **another appropriate place determined by the commissioner of corrections** [A PRIVATE

1 RESIDENCE BY OTHER MEANS DETERMINED BY THE COMMISSIONER OF
 2 CORRECTIONS. A PERSON WHO IS SERVING A SENTENCE OF
 3 IMPRISONMENT REQUIRED UNDER (b)(1)(A) OF THIS SECTION BY
 4 ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY NOT BE
 5 SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A PEACE
 6 OFFICER OR A PERSON REQUIRED TO ADMINISTER THE ELECTRONIC
 7 MONITORING UNDER AS 33.30.065(a), EXCEPT UPON PROBABLE CAUSE].
 8 Imprisonment required under (b)(1)(B) - (F) of this section may be served at a
 9 community residential center or at a private residence if approved by the
 10 commissioner of corrections. Imprisonment served at a private residence must include
 11 electronic monitoring [UNDER AS 33.30.065 OR, IF ELECTRONIC MONITORING
 12 IS NOT AVAILABLE, BY OTHER MEANS AS DETERMINED BY THE
 13 COMMISSIONER OF CORRECTIONS]. The cost of imprisonment resulting from
 14 the sentence imposed under (b)(1) of this section shall be paid to the state by the
 15 person being sentenced **provided, however, that the** [. THE] cost of imprisonment
 16 required to be paid under this subsection may not exceed \$2,000. Upon the person's
 17 conviction, the court shall include the costs of imprisonment as a part of the judgment
 18 of conviction. Except for reimbursement from a permanent fund dividend as provided
 19 in this subsection, payment of the cost of imprisonment is not required if the court
 20 determines the person is indigent. For costs of imprisonment that are not paid by the
 21 person as required by this subsection, the state shall seek reimbursement from the
 22 person's permanent fund dividend as provided under AS 43.23.140. **While at the**
 23 **community residential center or other appropriate place, a person sentenced**
 24 **under (b)(1)(A) of this section shall perform at least 24 hours of community**
 25 **service work.** A person sentenced under (b)(1)(B) of this section shall perform at least
 26 160 hours of community service work, as required by the director of the community
 27 residential center or other appropriate place, or as required by the commissioner of
 28 corrections if the sentence is being served at a private residence. In this subsection,
 29 "appropriate place" means a facility with 24-hour on-site staff supervision that is
 30 specifically adapted to provide a residence, and includes a correctional center,
 31 residential treatment facility, hospital, halfway house, group home, work farm, work

camp, or other place that provides varying levels of restriction.

* **Sec. 85.** AS 28.35.030(*l*) is amended to read:

(*l*) The commissioner of corrections shall determine and prescribe by regulation a uniform average cost of imprisonment for the purpose of determining the cost of imprisonment required to be paid under (k) of this section by a convicted person. [THE REGULATIONS MUST INCLUDE THE COSTS ASSOCIATED WITH ELECTRONIC MONITORING UNDER AS 33.30.065.]

* **Sec. 86.** AS 28.35.032(o) is amended to read:

(o) Imprisonment required under (g)(1)(A) of this section shall be served at a community residential center, or if a community residential center [PRIVATE RESIDENCE BY ELECTRONIC MONITORING UNDER AS 33.30.065. IF ELECTRONIC MONITORING] is not available, at another appropriate place as determined by the commissioner of corrections [IMPRISONMENT UNDER (g)(1)(A) OF THIS SECTION SHALL BE SERVED AT A PRIVATE RESIDENCE BY OTHER MEANS AS DETERMINED BY THE COMMISSIONER OF CORRECTIONS. A PERSON WHO IS SERVING A SENTENCE OF IMPRISONMENT REQUIRED UNDER (g)(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 (g)(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, SHALL BE SERVED BY OTHER MEANS AS DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. The cost of imprisonment resulting from the sentence imposed under (g)(1) of this section shall be paid to the state by the person being sentenced provided, however, that the [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. **While at the community residential center or another appropriate place, a person sentenced under (g)(1)(A) of this section shall perform at least 24 hours of community service work.** 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. 87.** AS 29.10.200(21) is amended to read:

(21) AS 29.25.070(e) **(notices of certain civil actions)** [AND (g) (PENALTIES)];

* **Sec. 88.** AS 29.25.070(a) is amended to read:

(a) For the violation of an ordinance, a municipality may by ordinance prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days [, EXCEPT AS LIMITED BY (g) OF THIS SECTION]. For a violation that cannot result in incarceration or the loss of a valuable license, a municipality may allow disposition of the violation without court appearance and establish a schedule of fine amounts for each offense.

* **Sec. 89.** AS 33.05.040(a) is amended to read:

(a) A probation officer shall

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

(2) keep informed concerning the conduct and condition of each

1 probationer under the supervision of the officer and shall report on the probationer to
2 the court placing that person on probation;

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

6 (4) keep records of the probation work, [INCLUDING
7 ADMINISTRATIVE SANCTIONS AND INCENTIVES THE PROBATION
8 OFFICER IMPOSES UNDER AS 33.05.020(g),] keep accurate and complete
9 accounts of all money collected from persons under the supervision of the officer, give
10 receipts for money collected and make at least monthly returns of it, make the reports
11 to the court and the commissioner required by them, and perform other duties the court
12 may direct;

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

15 (6) [USE ADMINISTRATIVE SANCTIONS AND INCENTIVES
16 DEVELOPED UNDER AS 33.05.020(g) TO RESPOND TO A PROBATIONER'S
17 NEGATIVE AND POSITIVE BEHAVIOR, INCLUDING RESPONSES TO
18 TECHNICAL VIOLATIONS OF CONDITIONS OF PROBATION, IN A WAY
19 THAT IS INTENDED TO INTERRUPT NEGATIVE BEHAVIOR IN A SWIFT,
20 CERTAIN, AND PROPORTIONAL MANNER AND SUPPORT PROGRESS WITH
21 A RECOGNITION OF POSITIVE BEHAVIOR;

22 (7) UPON DETERMINING THAT A PROBATIONER UNDER THE
23 SUPERVISION OF THE OFFICER MEETS THE REQUIREMENTS OF
24 AS 12.55.090(g), RECOMMEND TO THE COURT AS SOON AS PRACTICABLE
25 THAT PROBATION BE TERMINATED AND THE PROBATIONER BE
26 DISCHARGED FROM PROBATION;

27 (8) FOR EACH PROBATIONER WHO OWES RESTITUTION AND
28 WHO IS UNDER THE SUPERVISION OF THE OFFICER, CREATE A
29 RESTITUTION PAYMENT SCHEDULE BASED ON THE PROBATIONER'S
30 INCOME AND ABILITY TO PAY IF THE COURT HAS NOT ALREADY SET A
31 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; **and**

(7) [(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.

* **Sec. 90.** AS 33.16.010(c) is amended to read:

(c) 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. 91.** AS 33.16.060(a) is amended to read:

(a) The board shall

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

(2) **upon receiving an application**, consider the suitability for parole of a prisoner who is eligible [FOR DISCRETIONARY PAROLE AT LEAST 90 DAYS BEFORE THE PRISONER'S FIRST DATE OF ELIGIBILITY AND UPON RECEIPT OF THE PRISONER'S APPLICATION] for special medical **or discretionary** 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. 92.** 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

(1) [(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;

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

(3) [(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 [; 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. 93.** AS 33.16.090(b) is amended to read:

(b) A prisoner eligible under (a) [(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), one-third of the active term of imprisonment imposed, or any term set under AS 12.55.115, whichever is greatest;

(2) 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) [AS 12.55.125(i)(1) AND (2)], and has not been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release, may not be released on discretionary parole until the

1 prisoner has served the term imposed, less good time earned under AS 33.20.010;

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

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

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

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

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

15 (4) to a single enhanced sentence under AS 12.55.155(a) that is above
 16 the applicable presumptive range may not be released on discretionary parole until the
 17 prisoner has served the greater of the following:

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

21 (B) any term set under AS 12.55.115;

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

26 (6) to concurrent sentences may not be released on discretionary parole
 27 until the prisoner has served the greatest of

28 (A) any mandatory minimum sentence or sentences imposed
 29 under any provision of law;

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

31 (C) the amount of time that is required to be served under (1) -

(5) of this subsection for the sentence imposed for the primary crime, had that been the only sentence imposed;

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

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

(B) any term set under AS 12.55.115; or

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

(8) TO A SINGLE SENTENCE UNDER AS 12.55.125(i)(3) AND (4), AND HAS NOT BEEN ALLOWED BY THE THREE-JUDGE PANEL UNDER AS 12.55.175 TO BE CONSIDERED FOR DISCRETIONARY PAROLE RELEASE, MAY NOT BE RELEASED ON DISCRETIONARY PAROLE UNTIL THE PRISONER HAS SERVED, AFTER A DEDUCTION FOR GOOD TIME EARNED UNDER AS 33.20.010, ONE-HALF OF THE ACTIVE TERM OF IMPRISONMENT IMPOSED].

* **Sec. 94.** AS 33.16.100(a) is amended to read:

(a) The board may authorize the release of a prisoner [CONVICTED OF AN UNCLASSIFIED FELONY WHO IS OTHERWISE ELIGIBLE UNDER AS 12.55.115 AND AS 33.16.090(a)(1)] on discretionary parole if it determines a reasonable probability exists that

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

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

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

(4) release of the prisoner on parole would not diminish the

1 seriousness of the crime.

2 * **Sec. 95.** AS 33.16.100(b) is amended to read:

3 (b) If the board finds a change in circumstances in a prisoner's **parole release**
 4 **plan submitted under AS 33.16.130(a)** [PREPAROLE REPORTS LISTED IN
 5 AS 33.16.110(a)], or discovers new information concerning a prisoner who has been
 6 granted a parole release date, the board may rescind or revise the previously granted
 7 parole release date. In reconsidering the release date, the procedures set out in
 8 **AS 33.16.130(b) and (c)** [AS 33.16.130] shall be followed.

9 * **Sec. 96.** AS 33.16.100 is amended by adding a new subsection to read:

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

15 * **Sec. 97.** AS 33.16.120(a) is amended to read:

16 (a) If the victim of a crime against a person or arson in the first degree
 17 requests notice of a scheduled hearing to review or consider discretionary parole for a
 18 prisoner convicted of that crime, the board shall send notice of the hearing to the
 19 victim at least 30 days before the hearing. The notice must be accompanied by a copy
 20 of the prisoner's **application for parole submitted under AS 33.16.130(a)** [PAROLE
 21 PLAN SUBMITTED TO THE BOARD]. However, the copy of the **application**
 22 [PAROLE PLAN] sent to the victim may not include the prisoner's [CONFIDENTIAL
 23 HEALTH INFORMATION, INFORMATION PROTECTED UNDER
 24 AS 33.16.170,] proposed residence **and** [, OR] employment addresses.

25 * **Sec. 98.** AS 33.16.120(f) is amended to read:

26 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c)
 27 [OR 33.16.090,] the board shall make every reasonable effort to notify the victim
 28 before the prisoner's release date. Notification under this subsection must include the
 29 expected date of the prisoner's release, the geographic area in which the prisoner is
 30 required to reside, and other pertinent information concerning the prisoner's conditions
 31 of parole that may affect the victim.

1 * **Sec. 99.** AS 33.16.120(g) is amended to read:

2 (g) A victim of a crime involving domestic violence [OR OF A SEXUAL
3 ASSAULT UNDER AS 11.41.410 - 11.41.427] shall be informed by the board at least
4 30 days in advance of a scheduled hearing to review or consider discretionary parole
5 for a prisoner. The board shall inform the victim of any decision to grant or deny
6 discretionary parole or to release the prisoner under AS 33.16.010(c). If the prisoner
7 is to be released, the victim shall be notified of the expected date of the release, the
8 geographic area in which the prisoner will reside, and any other information
9 concerning conditions of parole that may affect the victim. The victim shall also be
10 informed of any changes in the conditions of parole that may affect the victim. The
11 board shall send the notice required to the last known address of the victim. A person
12 may not bring a civil action for damages for a failure to comply with the provisions of
13 this subsection.

14 * **Sec. 100.** AS 33.16.130 is repealed and reenacted to read:

15 **Sec. 33.16.130. Application for discretionary parole.** (a) A prisoner eligible
16 for discretionary parole may apply to the board for discretionary parole. As part of the
17 application for parole, the prisoner shall submit to the board a parole release plan that
18 includes the prisoner's plan for employment, residence, and other information
19 concerning the prisoner's rehabilitative plans if released on parole.

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

27 (c) The board shall issue its decision in writing and provide the basis for a
28 denial of discretionary parole. A copy of the decision shall be provided to the prisoner.

29 * **Sec. 101.** AS 33.16.150(g) is amended to read:

30 (g) In addition to other conditions of parole imposed under this section for a
31 prisoner serving a sentence for an offense where the aggravating factor provided in

AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a condition of special medical, discretionary, and mandatory parole a requirement that the prisoner submit to electronic monitoring. Electronic monitoring under this subsection must [COMPLY WITH AS 33.30.011(a)(10) AND] provide for monitoring of the prisoner's location and movements by Global Positioning System technology. The board shall require a prisoner serving a period of parole with electronic monitoring as provided under this subsection to pay all or a portion of the costs of the electronic monitoring, but only if the prisoner has sufficient financial resources to pay the costs or a portion of the costs. A prisoner subject to electronic monitoring under this subsection is not entitled to a credit for time served in a correctional facility while the defendant is on parole. In this subsection, "correctional facility" has the meaning given in AS 33.30.901.

* **Sec. 102.** AS 33.16.180 is amended to read:

Sec. 33.16.180. Duties of the commissioner. The commissioner shall

(1) conduct investigations of prisoners eligible for discretionary parole, as requested by the board [AND AS PROVIDED IN THIS SECTION];

(2) supervise the conduct of parolees;

(3) appoint and assign parole officers and personnel;

(4) notify the board and provide information on a prisoner 120 days before the prisoner's mandatory release date, if the prisoner is to be released on mandatory parole; and

(5) maintain records, files, and accounts as requested by the board [;

(6) PREPARE PREPAROLE REPORTS UNDER AS 33.16.110(a);

(7) NOTIFY THE BOARD IN WRITING OF A PRISONER'S COMPLIANCE OR NONCOMPLIANCE WITH THE PRISONER'S CASE PLAN CREATED UNDER AS 33.30.011(a)(8) NOT LESS THAN 30 DAYS BEFORE THE PRISONER'S NEXT PAROLE ELIGIBILITY DATE OR THE PRISONER'S PAROLE HEARING DATE, WHICHEVER IS EARLIER;

(8) ESTABLISH AN ADMINISTRATIVE SANCTION AND INCENTIVE PROGRAM TO FACILITATE A SWIFT AND CERTAIN RESPONSE TO A PAROLEE'S COMPLIANCE WITH OR VIOLATION OF THE

1 CONDITIONS OF PAROLE AND SHALL ADOPT REGULATIONS TO
 2 IMPLEMENT THE PROGRAM; AT A MINIMUM, THE REGULATIONS MUST
 3 INCLUDE

4 (A) A DECISION-MAKING PROCESS TO GUIDE PAROLE
 5 OFFICERS IN DETERMINING THE SUITABLE RESPONSE TO
 6 POSITIVE AND NEGATIVE OFFENDER BEHAVIOR THAT INCLUDES
 7 A LIST OF SANCTIONS FOR THE MOST COMMON TYPES OF
 8 NEGATIVE BEHAVIOR, INCLUDING TECHNICAL VIOLATIONS OF
 9 CONDITIONS OF PAROLE, AND A LIST OF INCENTIVES FOR
 10 COMPLIANCE WITH CONDITIONS AND POSITIVE BEHAVIOR THAT
 11 EXCEEDS THOSE CONDITIONS;

12 (B) POLICIES AND PROCEDURES THAT ENSURE

13 (i) A PROCESS FOR RESPONDING TO NEGATIVE
 14 BEHAVIOR THAT INCLUDES A REVIEW OF PREVIOUS
 15 VIOLATIONS AND SANCTIONS;

16 (ii) THAT ENHANCED SANCTIONS FOR CERTAIN
 17 NEGATIVE CONDUCT ARE APPROVED BY THE
 18 COMMISSIONER OR THE COMMISSIONER'S DESIGNEE; AND

19 (iii) THAT APPROPRIATE DUE PROCESS
 20 PROTECTIONS ARE INCLUDED IN THE PROCESS, INCLUDING
 21 NOTICE OF NEGATIVE BEHAVIOR, AN OPPORTUNITY TO
 22 DISPUTE THE ACCUSATION AND THE SANCTION, AND AN
 23 OPPORTUNITY TO REQUEST A REVIEW OF THE
 24 ACCUSATION AND THE SANCTION; AND

25 (9) WITHIN 30 DAYS AFTER SENTENCING OF AN OFFENDER,
 26 PROVIDE THE VICTIM OF A CRIME INFORMATION ON THE EARLIEST
 27 DATES THE OFFENDER COULD BE RELEASED ON FURLOUGH,
 28 PROBATION, OR PAROLE, INCLUDING DEDUCTIONS OR REDUCTIONS
 29 FOR GOOD TIME OR OTHER GOOD CONDUCT INCENTIVES, AND THE
 30 PROCESS FOR RELEASE, INCLUDING CONTACT INFORMATION FOR THE
 31 DECISION-MAKING BODIES].

1 * **Sec. 103.** AS 33.16.190 is amended to read:

2 **Sec. 33.16.190. Authority of parole [, PRETRIAL SERVICES,] and**
 3 **probation officers.** An officer appointed by the commissioner under AS 33.05.020(a)
 4 [, AS 33.07,] or this chapter [,] may discharge duties under AS 33.05 [, AS 33.07,] or
 5 this chapter.

6 * **Sec. 104.** AS 33.16.210(a) is amended to read:

7 (a) The board may unconditionally discharge a parolee from the jurisdiction
 8 and custody of the board after the parolee has completed **two years** [ONE YEAR] of
 9 parole. A discretionary parolee with a residual period of probation may, after **two**
 10 **years** [ONE YEAR] of parole, be discharged by the board to immediately begin
 11 serving the residual period of probation.

12 * **Sec. 105.** AS 33.16.210(b) is amended to read:

13 (b) Notwithstanding (a) of this section, the board may unconditionally
 14 discharge a mandatory parolee before the parolee has completed **two years** [ONE
 15 YEAR] of parole if the parolee is serving a concurrent period of residual probation
 16 under AS 33.20.040(c), and the period of residual probation and the period of
 17 suspended imprisonment each equal or exceed the period of mandatory parole.

18 * **Sec. 106.** AS 33.16.220(b) is amended to read:

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

28 * **Sec. 107.** AS 33.16.220(f) is amended to read:

29 (f) **The** [IF A PAROLEE HAS HAD A PRELIMINARY HEARING UNDER
 30 (b) OF THIS SECTION, THE] board shall hold a final revocation hearing not later
 31 than 120 days after a parolee's arrest, subject to restrictions arising under

AS 33.36.110 and (g) of this section.

* **Sec. 108.** 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 FOR ABSCONDING AND THE DATE OF THE PAROLEE'S ARREST, IF THE PAROLE BOARD FINDS, AFTER A HEARING, THAT THE PAROLEE VIOLATED PAROLE BY ABSCONDING, AS DEFINED IN AS 33.16.215(f). THE BOARD MAY NOT EXTEND THE PERIOD OF PAROLE BEYOND THE MAXIMUM RELEASE DATE CALCULATED BY THE DEPARTMENT ON THE PAROLEE'S ORIGINAL SENTENCE PLUS ANY TIME THAT HAS BEEN TOLLED AS DESCRIBED IN THIS SECTION.]

* **Sec. 109.** AS 33.20.010(c) is repealed and reenacted to read:

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

* **Sec. 110.** AS 33.30.011(a) is amended to read:

(a) The commissioner shall

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

(2) classify prisoners;

(3) for persons committed to the custody of the commissioner, establish programs, including furlough programs that are reasonably calculated to

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

- 1 (B) maintain health;
- 2 (C) create or improve occupational skills;
- 3 (D) enhance educational qualifications;
- 4 (E) support court-ordered restitution; and
- 5 (F) otherwise provide for the rehabilitation and reformation of
- 6 prisoners, facilitating their reintegration into society;
- 7 (4) provide necessary
- 8 (A) medical services for prisoners in correctional facilities or
- 9 who are committed by a court to the custody of the commissioner, including
- 10 examinations for communicable and infectious diseases;
- 11 (B) psychological or psychiatric treatment if a physician or
- 12 other health care provider, exercising ordinary skill and care at the time of
- 13 observation, concludes that
- 14 (i) a prisoner exhibits symptoms of a serious disease or
- 15 injury that is curable or may be substantially alleviated; and
- 16 (ii) the potential for harm to the prisoner by reason of
- 17 delay or denial of care is substantial; and
- 18 (C) assessment or screening of the risks and needs of offenders
- 19 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal
- 20 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based
- 21 disorder;
- 22 (5) establish minimum standards for sex offender treatment programs
- 23 offered to persons who are committed to the custody of the commissioner;
- 24 (6) provide for fingerprinting in correctional facilities in accordance
- 25 with AS 12.80.060; **and**
- 26 (7) establish a program to conduct assessments of the risks and needs
- 27 of offenders sentenced to serve a term of incarceration of 30 days or more and provide
- 28 to the legislature, by electronic means, by January 15, 2017, and thereafter by
- 29 January 15, preceding the first regular session of each legislature, a report
- 30 summarizing the findings and results of the program [; THE PROGRAM MUST
- 31 INCLUDE A REQUIREMENT FOR AN ASSESSMENT BEFORE A PRISONER'S

1 RELEASE ON PAROLE, FURLOUGH, OR ELECTRONIC MONITORING FROM
2 A CORRECTIONAL FACILITY;

3 (8) ESTABLISH A PROCEDURE THAT PROVIDES FOR EACH
4 PRISONER REQUIRED TO SERVE AN ACTIVE TERM OF IMPRISONMENT OF
5 30 DAYS OR MORE A WRITTEN CASE PLAN THAT

6 (A) IS PROVIDED TO THE PRISONER WITHIN 90 DAYS
7 AFTER SENTENCING;

8 (B) IS BASED ON THE RESULTS OF THE ASSESSMENT
9 OF THE PRISONER'S RISKS AND NEEDS UNDER (7) OF THIS
10 SUBSECTION;

11 (C) INCLUDES A REQUIREMENT TO FOLLOW THE
12 RULES OF THE INSTITUTION;

13 (D) IS MODIFIED WHEN NECESSARY FOR CHANGES IN
14 CLASSIFICATION, HOUSING STATUS, MEDICAL OR MENTAL
15 HEALTH, AND RESOURCE AVAILABILITY;

16 (E) INCLUDES PARTICIPATION IN PROGRAMMING
17 THAT ADDRESSES THE NEEDS IDENTIFIED IN THE ASSESSMENT;

18 (9) ESTABLISH A PROGRAM TO BEGIN REENTRY PLANNING
19 WITH EACH PRISONER SERVING AN ACTIVE TERM OF IMPRISONMENT
20 OF 90 DAYS OR MORE; REENTRY PLANNING MUST BEGIN AT LEAST 90
21 DAYS BEFORE RELEASE ON FURLOUGH OR PROBATION OR PAROLE; THE
22 REENTRY PROGRAM MUST INCLUDE

23 (A) A WRITTEN REENTRY PLAN FOR EACH PRISONER
24 COMPLETED UPON RELEASE ON FURLOUGH OR PROBATION OR
25 PAROLE THAT INCLUDES INFORMATION ON THE PRISONER'S
26 PROPOSED

27 (i) RESIDENCE;

28 (ii) EMPLOYMENT OR ALTERNATIVE MEANS OF
29 SUPPORT;

30 (iii) TREATMENT OPTIONS;

31 (iv) COUNSELING SERVICES;

1 (v) EDUCATION OR JOB TRAINING SERVICES;

2 (B) ANY OTHER REQUIREMENTS FOR SUCCESSFUL
3 TRANSITION BACK TO THE COMMUNITY, INCLUDING
4 ELECTRONIC MONITORING OR FURLOUGH FOR THE PERIOD
5 BETWEEN A SCHEDULED PAROLE HEARING AND PAROLE
6 ELIGIBILITY;

7 (C) COORDINATION WITH THE DEPARTMENT OF
8 LABOR AND WORKFORCE DEVELOPMENT TO PROVIDE ACCESS,
9 AFTER RELEASE, TO JOB TRAINING AND EMPLOYMENT
10 ASSISTANCE;

11 (10) FOR OFFENDERS UNDER ELECTRONIC MONITORING,
12 ESTABLISH

13 (A) MINIMUM STANDARDS FOR ELECTRONIC
14 MONITORING, WHICH MAY INCLUDE THE REQUIREMENT OF
15 ACTIVE, REAL-TIME MONITORING USING GLOBAL POSITIONING
16 SYSTEMS; AND

17 (B) PROCEDURES FOR OVERSIGHT AND APPROVING
18 ELECTRONIC MONITORING PROGRAMS AND SYSTEMS PROVIDED
19 BY PRIVATE CONTRACTORS; AND

20 (11) ASSIST A PRISONER IN OBTAINING A VALID STATE
21 IDENTIFICATION CARD IF THE PRISONER DOES NOT HAVE A VALID
22 STATE IDENTIFICATION CARD BEFORE THE PRISONER'S RELEASE; THE
23 DEPARTMENT SHALL PAY THE APPLICATION FEE FOR THE
24 IDENTIFICATION CARD].

25 * **Sec. 111.** AS 33.30.013(a) is amended to read:

26 (a) The commissioner shall notify the victim if the offender

27 [(1)] escapes from custody [;

28 (2) IS DISCHARGED FROM PAROLE UNDER AS 33.16;] or

29 [(3)] is released to the community on a furlough, on an early release
30 program, or for any other reason.

31 * **Sec. 112.** AS 33.30.065(a) is amended to read:

(a) If the commissioner designates a prisoner to serve the prisoner's term of imprisonment or period of temporary commitment, or a part of the term or period, by electronic monitoring, the commissioner shall direct the prisoner to serve the term or period at the prisoner's residence or other place selected by the commissioner. The electronic monitoring shall be administered by the department [OR BY A PRIVATE CONTRACTOR APPROVED BY THE DEPARTMENT UNDER AS 33.30.011(a)(10)(B)] and shall be designed so that any attempt to remove, tamper with, or disable the monitoring equipment or to leave the place selected for the service of the term or period will result in a report or notice to the department.

* **Sec. 113.** AS 33.30.151 is amended to read:

Sec. 33.30.151. Correctional restitution centers. (a) The commissioner shall establish correctional restitution centers in the state. The purpose of the centers is to provide certain offenders with rehabilitation through [COMPREHENSIVE TREATMENT FOR SUBSTANCE ABUSE, COGNITIVE BEHAVIORAL DISORDERS, AND OTHER CRIMINAL RISK FACTORS, INCLUDING AFTERCARE SUPPORT,] community service [,] and employment [,] while protecting the community through partial incarceration of the offender, and to create a means to provide restitution to victims of crimes.

(b) The commissioner shall adopt regulations setting standards for the operation of the centers including

(1) requirements that the centers be secure and in compliance with state and local safety laws;

(2) standards for disciplinary rules to be imposed on prisoners confined to the centers;

(3) standards for the granting of emergency absence to prisoners confined to the centers;

(4) standards for classifying prisoners to centers;

(5) standards for mandatory employment and participation in community service programs in each center; **and**

(6) standards for periodic review of the performance of prisoners confined to the centers [AND QUALITY ASSURANCE MEASURES TO ENSURE

1 CENTERS ARE MEETING STATE STANDARDS AND CONTRACTUAL
2 OBLIGATIONS;

3 (7) STANDARDS FOR THE PROVISION OF TREATMENT,
4 INCLUDING SUBSTANCE ABUSE TREATMENT, COGNITIVE BEHAVIORAL
5 THERAPY, AND AFTERCARE DESIGNED TO ADDRESS AN OFFENDER'S
6 INDIVIDUAL CRIMINOGENIC NEEDS; AND

7 (8) STANDARDS AND A PROCESS TO ASSESS AN
8 OFFENDER'S RISK OF RECIDIVATING AND THE CRIMINAL RISK FACTORS
9 AND NEEDS THAT REDUCE THE RISK OF RECIDIVATING AND ENSURE
10 THAT

11 (A) HIGH RISK OFFENDERS WITH MODERATE TO
12 HIGH NEEDS ARE A PRIORITY FOR ACCEPTANCE INTO A
13 CORRECTIONAL RESTITUTION CENTER; AND

14 (B) CENTERS ESTABLISH INTERNAL PROCEDURES TO
15 LIMIT THE MIXING OF LOW AND HIGH RISK PRISONERS].

16 * **Sec. 114.** AS 34.03.360(7) is amended to read:

17 (7) "illegal activity involving a controlled substance" means a violation
18 of AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4)
19 - (8)], or 11.71.040(a)(1), (2), or (5);

20 * **Sec. 115.** AS 34.03.360(10) is amended to read:

21 (10) "illegal activity involving a place of prostitution" means a
22 violation of AS 11.66.120(a)(1) or 11.66.130(a)(1) or (4) [11.66.130(a)(2)(A) or (D)];

23 * **Sec. 116.** AS 43.61.010(f) is amended to read:

24 (f) The marijuana education and treatment fund is established in the general
25 fund. The [IN ADDITION TO THE ACCOUNTING UNDER (c) OF THIS
26 SECTION, THE] Department of Administration shall separately account for 25
27 percent of the tax collected under this section and deposit it into the marijuana
28 education and treatment fund. The Department of Administration shall deposit interest
29 earned on the fund into the general fund. Money in the fund does not lapse. The
30 legislature may use the annual estimated balance in the fund to make appropriations to
31 the Department of Health and Social Services for the comprehensive marijuana use

1 education and treatment program established under AS 44.29.020(a)(17).

2 * **Sec. 117.** AS 44.19.645(a) is amended to read:

3 (a) The commission shall evaluate the effect of sentencing laws and criminal
4 justice practices on the criminal justice system to evaluate whether those sentencing
5 laws and criminal justice practices provide for protection of the public, community
6 condemnation of the offender, the rights of victims of crimes, the rights of the accused
7 and the person convicted, restitution from the offender, and the principle of
8 reformation. The commission shall make recommendations for improving criminal
9 sentencing practices and criminal justice practices, including rehabilitation and
10 restitution. [THE COMMISSION SHALL ANNUALLY MAKE
11 RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE ON
12 HOW SAVINGS FROM CRIMINAL JUSTICE REFORMS SHOULD BE
13 REINVESTED TO REDUCE RECIDIVISM.] In formulating its recommendations,
14 the commission shall consider

15 (1) statutes, court rules, and court decisions relevant to sentencing of
16 criminal defendants in misdemeanor and felony cases;

17 (2) sentencing practices of the judiciary, including use of presumptive
18 sentences;

19 (3) means of promoting uniformity, proportionality, and accountability
20 in sentencing;

21 (4) alternatives to traditional forms of incarceration;

22 (5) the efficacy of parole and probation in ensuring public safety,
23 achieving rehabilitation, and reducing recidivism;

24 (6) the adequacy, availability, and effectiveness of treatment and
25 rehabilitation programs;

26 (7) crime and incarceration rates, including the rate of violent crime
27 and the abuse of controlled substances, in this state compared to other states, and best
28 practices adopted by other states that have proven to be successful in reducing
29 recidivism;

30 (8) the relationship between sentencing priorities and correctional
31 resources;

(9) the effectiveness of the state's current methodologies for the collection and dissemination of criminal justice data; and

(10) whether the schedules for controlled substances in AS 11.71.140 - 11.71.190 are reasonable and appropriate, considering the criteria established in AS 11.71.120(c).

* **Sec. 118.** AS 44.19.647(a) is amended to read:

(a) The commission shall submit to the governor and the legislature an annual report [THE REPORT MUST INCLUDE

(1) A DESCRIPTION] of its proceedings for the previous calendar year and may submit [;

(2) A SUMMARY OF SAVINGS AND RECOMMENDATIONS ON HOW SAVINGS FROM CRIMINAL JUSTICE REFORM SHOULD BE REINVESTED TO REDUCE RECIDIVISM;

(3) PERFORMANCE METRICS AND OUTCOMES FROM THE RECOMMENDATIONS THE COMMISSION MADE IN ITS DECEMBER 2015 REPORT, INCLUDING RECIDIVISM RATES, DEFINED AS

(A) THE PERCENTAGE OF INMATES WHO RETURN TO PRISON WITHIN THREE YEARS AFTER RELEASE, BROKEN DOWN BY OFFENSE TYPE AND RISK LEVEL; AND

(B) THE PERCENTAGE OF INMATES WHO RETURN TO PRISON WITHIN THREE YEARS AFTER RELEASE FOR A NEW CRIMINAL CONVICTION, BROKEN DOWN BY OFFENSE TYPE AND RISK LEVEL; AND

(4) RECOMMENDATIONS FOR ADDITIONAL REFORMS, WHICH MAY INCLUDE] recommendations for legislative and administrative action.

Reports and recommendations provided under this section shall be submitted not later than February 1 of each year.

* **Sec. 119.** AS 44.66.010(a)(12) is amended to read:

(12) Alaska Criminal Justice Commission (AS 44.19.641) - **June 30, 2019** [JUNE 30, 2021];

* **Sec. 120.** 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. 121.** AS 47.37.040 is amended to read:

Sec. 47.37.040. Duties of department. The department shall

- (1) develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and drug abuse and treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with public and private agencies, organizations, and individuals, and provide technical assistance and consultation services for these purposes;
- (2) coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers;
- (3) cooperate with the Department of Corrections in establishing and conducting programs to provide treatment for alcoholics, intoxicated persons, drug abusers, and inhalant abusers in or on parole from penal institutions;
- (4) cooperate with the Department of Education and Early Development, school boards, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing programs for the prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum

1 materials for use at all levels of school education;

2 (5) prepare, publish, evaluate, and disseminate educational material
3 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous
4 volatile substances;

5 (6) develop and implement, as an integral part of treatment programs,
6 an educational program for use in the treatment of alcoholics, intoxicated persons,
7 drug abusers, and inhalant abusers that includes the dissemination of information
8 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

9 (7) organize and foster training programs for all persons engaged in
10 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
11 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant
12 abuse workers;

13 (8) sponsor and encourage research into the causes and nature of
14 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
15 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse
16 for information relating to alcoholism, drug abuse, and inhalant abuse;

17 (9) specify uniform methods for keeping statistical information by
18 public and private agencies, organizations, and individuals, and collect and make
19 available relevant statistical information, including number of persons treated,
20 frequency of admission and readmission, and frequency and duration of treatment;

21 (10) conduct program planning activities approved by the Advisory
22 Board on Alcoholism and Drug Abuse;

23 (11) review all state health, welfare, and treatment plans to be
24 submitted for federal funding, and advise the commissioner on provisions to be
25 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant
26 abusers;

27 (12) assist in the development of, and cooperate with, alcohol, drug
28 abuse, and inhalant abuse education and treatment programs for employees of state
29 and local governments and businesses and industries in the state;

30 (13) use the support and assistance of interested persons in the
31 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to

1 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo
2 treatment;

3 (14) cooperate with the Department of Public Safety and the
4 Department of Transportation and Public Facilities in establishing and conducting
5 programs designed to deal with the problem of persons operating motor vehicles while
6 under the influence of an alcoholic beverage, inhalant, or controlled substance, and
7 develop and approve alcohol information courses required to be taken by drivers under
8 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic
9 laws;

10 (15) encourage hospitals and other appropriate health facilities to
11 admit without discrimination alcoholics, intoxicated persons, drug abusers, and
12 inhalant abusers and to provide them with adequate and appropriate treatment;

13 (16) encourage all health insurance programs to include alcoholism
14 and drug abuse as a covered illness;

15 (17) prepare an annual report covering the activities of the department
16 and notify the legislature that the report is available;

17 (18) develop and implement a training program on alcoholism and
18 drug abuse for employees of state and municipal governments, and private institutions;

19 (19) develop curriculum materials on drug and alcohol abuse and the
20 misuse of hazardous volatile substances for use in grades kindergarten through 12, as
21 well as a course of instruction for teachers to be charged with presenting the
22 curriculum;

23 (20) develop and implement or designate, in cooperation with other
24 state or local agencies, a juvenile alcohol safety action program that provides alcohol
25 and substance abuse screening, referral, and monitoring of persons under 18 years of
26 age who have been referred to it by

27 (A) a court in connection with a charge or conviction of a
28 violation or misdemeanor related to the use of alcohol or a controlled
29 substance;

30 (B) the agency responsible for the administration of motor
31 vehicle laws in connection with a license action related to the use of alcohol or

1 a controlled substance; or

2 (C) department staff after a delinquency adjudication that is
3 related to the use of alcohol or a controlled substance;

4 (21) develop and implement, or designate, in cooperation with other
5 state or local agencies, an alcohol safety action program that provides alcohol and
6 substance abuse screening, referral, and monitoring services to persons who have been
7 referred by a court in connection with a charge or conviction of a misdemeanor
8 involving the use of a motor vehicle, aircraft, or watercraft and alcohol or a
9 controlled substance, referred by a court [OR] under AS 28.35.028 [AS 04.16.049
10 OR 04.16.050] or referred by an agency of the state with the responsibility for
11 administering motor vehicle laws in connection with a driver's license action involving
12 the use of alcohol or a controlled substance;

13 (22) whenever possible, apply evidence-based, research-based, and
14 consensus-based substance abuse and co-occurring substance abuse and mental health
15 disorders treatment practices and remove barriers that prevent the use of those
16 practices;

17 (23) collaborate with first responders, hospitals, schools, primary care
18 providers, developmental disability treatment providers, law enforcement, corrections,
19 attorneys, the Alaska Court System, community behavioral treatment providers,
20 Alaska Native organizations, and federally funded programs in implementing
21 programs for co-occurring substance abuse and mental health disorders treatment.

22 * **Sec. 122.** AS 47.38.020 is amended to read:

23 **Sec. 47.38.020. Alcohol and substance abuse monitoring program.** (a) The
24 commissioner, in cooperation with the commissioner of corrections, shall establish a
25 program [USING A COMPETITIVE PROCUREMENT PROCESS] for certain
26 persons with release conditions ordered as provided under AS 12.30, or offenders with
27 conditions of probation, that include not consuming controlled substances or alcoholic
28 beverages.

29 (b) The commissioner shall adopt regulations to implement the program.
30 [THE REGULATIONS MUST INCLUDE REGULATIONS REGARDING
31 PRODUCTS AND SERVICES THAT PROVIDE ALCOHOL AND SUBSTANCE

1 ABUSE MONITORING.]

2 (c) The commissioner shall include in the program

3 (1) a requirement for twice-a-day testing, [EITHER REMOTELY OR]
4 in person if practicable, for alcoholic beverage use and random testing for controlled
5 substances;

6 (2) a means to provide the probation officer, prosecutor's office, or
7 local law enforcement agency with notice within 24 hours, so that a complaint may be
8 filed alleging a violation of AS 11.56.757, a petition may be filed with the court
9 seeking appropriate sanctions and may be scheduled by the court for a prompt hearing,
10 or an arrest warrant may be issued for the person on release or offender with
11 conditions of probation provided in this subsection, if the person or offender

12 (A) fails to appear for an appointment [OR FAILS TO
13 COMPLETE A TEST THROUGH THE USE OF REMOTE ALCOHOL OR
14 SUBSTANCE ABUSE MONITORING TECHNOLOGY] as required by the
15 program requirements; or

16 (B) tests positive for the use of controlled substances or
17 alcoholic beverages; and

18 (3) a requirement that the person or offender pay, based on the person's
19 or offender's ability under financial guidelines established by the commissioner, for
20 the cost of participating in the program.

21 (d) The department shall [CONTRACT WITH ONE OR MORE VENDORS
22 USING A COMPETITIVE PROCUREMENT PROCESS IN ACCORDANCE WITH
23 AS 36.30 (STATE PROCUREMENT CODE) TO] provide or conduct the testing
24 required under (c) of this section.

25 * **Sec. 123.** AS 47.38.100(a) is amended to read:

26 (a) The recidivism reduction program is established to promote the
27 rehabilitation through transitional re-entry programs of persons [ON PROBATION
28 OR PAROLE OR] incarcerated for offenses and recently released from correctional
29 facilities.

30 * **Sec. 124.** AS 47.38.100(b) is amended to read:

31 (b) The commissioner, in cooperation with the commissioner of corrections

[ALASKA CRIMINAL JUSTICE COMMISSION ESTABLISHED IN AS 44.19.641], may provide for programs that have, as a primary focus, rehabilitation and reduction of recidivism through transitional re-entry for persons [ON PROBATION OR PAROLE OR] incarcerated for offenses and recently released from correctional facilities. The commissioner may enter into contracts to provide for programs under this section. A [AN ELIGIBLE] program under this section must [ACCOMPLISH AT LEAST ONE OF THE FOLLOWING OBJECTIVES:]

(1) include case management;

(2) require sober living;

(3) provide, on-site or by referral, treatment for substance abuse or mental health treatment;

(4) require employment, educational programming, vocational training, or community volunteer work as approved by the director of the treatment program; and

(5) limit residential placements in the program to a maximum of one year [INCREASING ACCESS TO EVIDENCE-BASED REHABILITATION PROGRAMS, INCLUDING DRUG AND ALCOHOL TREATMENT, MENTAL HEALTH TREATMENT, AND COGNITIVE BEHAVIORAL PROGRAMS; OR

(2) SUPPORTING OFFENDERS' TRANSITION AND RE-ENTRY FROM CORRECTIONAL FACILITIES TO THE COMMUNITY, INCLUDING TRANSITIONAL HOUSING SERVICES, EMPLOYMENT SERVICES, VOCATIONAL TRAINING, EDUCATIONAL SUPPORT, COUNSELING, AND MEDICAL CARE].

* **Sec. 125.** Section 35, ch. 83, SLA 2014, as amended by sec. 177, ch. 36, SLA 2016, is amended to read:

Sec. 35. AS 22.20.210 is repealed June 30, 2019 [JUNE 30, 2021].

* **Sec. 126.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPEAL OF COURT RULES. Rules 38(d) and (e), Alaska Rules of Criminal Procedure, are repealed.

* **Sec. 127.** AS 09.55.700; AS 11.46.980(d), 11.46.982; AS 11.56.730(e); AS 11.66.100(c),

11.66.150(1); 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),
 11.71.050(a)(4); AS 12.25.180(c), 12.25.190(d); AS 12.30.055(b); AS 12.55.011(b),
 12.55.027(f), 12.55.027(g), 12.55.055(g), 12.55.055(h), 12.55.078, 12.55.090(g),
 12.55.090(h), 12.55.090(i), 12.55.090(j), 12.55.090(k), 12.55.090(l), 12.55.090(m),
 12.55.090(n), 12.55.100(a)(1), 12.55.100(a)(2)(H), 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), 12.55.145(a)(5); AS 12.61.016, 12.61.017(d); AS 22.35.030(4);
 AS 28.15.165(e), 28.15.201(g), 28.15.201(h), 28.15.201(i), 28.15.201(j); AS 29.25.070(g);
 AS 33.05.020(g), 33.05.020(h), 33.05.080(1); AS 33.07.010, 33.07.020, 33.07.030,
 33.07.040, 33.07.090; AS 33.16.100(f), 33.16.100(g), 33.16.110(a)(9), 33.16.110(a)(10),
 33.16.150(h), 33.16.150(i), 33.16.210(c), 33.16.215, 33.16.220(j), 33.16.240(h), 33.16.240(i),
 33.16.270, 33.16.900(2); AS 33.20.010(a)(4); AS 33.30.095; AS 43.23.140(b)(9);
 AS 43.61.010(c), 43.61.010(d), 43.61.010(e); AS 44.19.645(b)(3), 44.19.645(b)(4),
 44.19.645(c), 44.19.645(d), 44.19.645(e), 44.19.645(f), 44.19.645(g), 44.19.647(b);
 AS 47.27.015(i); AS 47.37.130(h)(3), 47.37.130(k); and AS 47.38.100(d) are repealed.

* **Sec. 128.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) The following sections apply to offenses committed on or after the effective date of those sections:

- (1) AS 11.46.130(a), as amended by sec. 4 of this Act;
- (2) AS 11.46.140(a), as amended by sec. 5 of this Act;
- (3) AS 11.46.150(a), as amended by sec. 6 of this Act;
- (4) AS 11.46.220(c), as amended by sec. 7 of this Act;
- (5) AS 11.46.260(b), as amended by sec. 8 of this Act;
- (6) AS 11.46.270(b), as amended by sec. 9 of this Act;
- (7) AS 11.46.280(d), as amended by sec. 10 of this Act;
- (8) AS 11.46.285(b), as amended by sec. 11 of this Act;
- (9) AS 11.46.295, as amended by sec. 12 of this Act;
- (10) AS 11.46.360(a), as amended by sec. 13 of this Act;
- (11) AS 11.46.420(a), as amended by sec. 14 of this Act;

- (12) AS 11.46.460, as amended by sec. 15 of this Act;
- (13) AS 11.46.482(a), as amended by sec. 16 of this Act;
- (14) AS 11.46.484(a), as amended by sec. 17 of this Act;
- (15) AS 11.46.486(a), as amended by sec. 18 of this Act;
- (16) AS 11.46.530(b), as amended by sec. 19 of this Act;
- (17) AS 11.46.620(d), as amended by sec. 20 of this Act;
- (18) AS 11.46.730(c), as amended by sec. 21 of this Act;
- (19) AS 11.56.730(d), as amended by sec. 23 of this Act;
- (20) AS 11.56.757(b), as amended by sec. 24 of this Act;
- (21) AS 11.61.110(c), as amended by sec. 25 of this Act;
- (22) AS 11.61.150(c), as amended by sec. 28 of this Act;
- (23) AS 11.66.110(a), as amended by sec. 29 of this Act;
- (24) AS 11.66.130(a), as amended by sec. 30 of this Act;
- (25) AS 11.66.135(a), as amended by sec. 31 of this Act;
- (26) AS 11.66.200(c), as amended by sec. 32 of this Act;
- (27) AS 11.71.021, enacted by sec. 33 of this Act;
- (28) AS 11.71.030(a), as amended by sec. 34 of this Act;
- (29) AS 11.71.030(d), as amended by sec. 35 of this Act;
- (30) AS 11.71.040(a), as amended by sec. 36 of this Act;
- (31) AS 11.71.040(d), as amended by sec. 37 of this Act;
- (32) AS 11.71.050, as amended by sec. 38 of this Act;
- (33) AS 11.71.060, as amended by sec. 39 of this Act;
- (34) AS 28.15.291(a), as repealed and reenacted by sec. 81 of this Act;
- (35) AS 29.10.200(21), as amended by sec. 87 of this Act; and
- (36) AS 29.25.070(a), as amended by sec. 88 of this Act.

(b) The following sections apply to contact with a police officer occurring on or after the effective date of those sections for offenses occurring before, on, or after the effective date of those sections:

- (1) AS 12.25.150(a), as amended by sec. 41 of this Act;
- (2) AS 12.25.180(a), as amended by sec. 42 of this Act;
- (3) AS 12.25.180(b), as amended by sec. 43 of this Act; and

(4) AS 12.25.190(b), as amended by sec. 44 of this Act.

(c) The following sections apply to offenses committed on or after the effective date of those sections:

(1) AS 12.30.006(b), as amended by sec. 45 of this Act;

(2) AS 12.30.006(c), as amended by sec. 46 of this Act;

(3) AS 12.30.006(d), as amended by sec. 47 of this Act;

(4) AS 12.30.006(f), as amended by sec. 48 of this Act;

(5) AS 12.30.011, as repealed and reenacted by sec. 49 of this Act;

(6) AS 12.30.016(b), as amended by sec. 50 of this Act;

(7) AS 12.30.016(c), as amended by sec. 51 of this Act;

(8) AS 12.30.021(a), as amended by sec. 53 of this Act; and

(9) AS 12.30.021(c), as amended by sec. 54 of this Act.

(d) 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 12.55.025(c), as amended by sec. 56 of this Act;

(2) AS 12.55.027(a), as amended by sec. 57 of this Act;

(3) AS 12.55.027(b), as repealed and reenacted by sec. 58 of this Act;

(4) AS 12.55.027(c), as repealed and reenacted by sec. 59 of this Act;

(5) AS 12.55.051(a), as amended by sec. 61 of this Act;

(6) AS 12.55.125(c), as amended by sec. 67 of this Act;

(7) AS 12.55.125(d), as amended by sec. 68 of this Act;

(8) AS 12.55.125(e), as amended by sec. 69 of this Act;

(9) AS 12.55.125(q), as amended by sec. 70 of this Act;

(10) AS 12.55.135(a), as amended by sec. 71 of this Act;

(11) AS 12.55.135(b), as amended by sec. 72 of this Act;

(12) AS 12.55.135(q), enacted by sec. 73 of this Act;

(13) AS 28.15.291(b), as repealed and reenacted by sec. 82 of this Act;

(14) AS 28.35.030(k), as amended by sec. 84 of this Act; and

(15) AS 28.35.032(o), as amended by sec. 86 of this Act.

(e) AS 12.55.055(a), as amended by sec. 62 of this Act, and AS 12.55.055(c), as amended by sec. 63 of this Act, apply to community work service imposed on or after the

1 effective date of secs. 62 and 63 of this Act for conduct occurring on or after the effective date
2 of secs. 62 and 63 of this Act.

3 (f) The following sections apply to probation ordered on or after the effective date of
4 those sections for conduct occurring on or after the effective date of those sections:

5 (1) AS 12.55.090(b), as amended by sec. 64 of this Act;

6 (2) AS 12.55.090(c), as amended by sec. 65 of this Act; and

7 (3) AS 12.55.090(f), as amended by sec. 66 of this Act.

8 (g) The following sections apply to parole granted on or after the effective date of
9 those sections for conduct occurring on or after the effective date of those sections:

10 (1) AS 33.16.010(c), as amended by sec. 90 of this Act;

11 (2) AS 33.16.060(a), as amended by sec. 91 of this Act;

12 (3) AS 33.16.090(a), as amended by sec. 92 of this Act;

13 (4) AS 33.16.090(b), as amended by sec. 93 of this Act;

14 (5) AS 33.16.100(h), enacted by sec. 96 of this Act;

15 (6) AS 33.16.150(g), as amended by sec. 101 of this Act;

16 (7) AS 33.16.210(a), as amended by sec. 104 of this Act;

17 (8) AS 33.16.210(b), as amended by sec. 105 of this Act;

18 (9) AS 33.16.220(b), as amended by sec. 106 of this Act;

19 (10) AS 33.16.220(f), as amended by sec. 107 of this Act;

20 (11) AS 33.16.220(i), as amended by sec. 108 of this Act; and

21 (12) AS 33.20.010(c), as repealed and reenacted by sec. 109 of this Act.

22 (h) AS 33.16.100(a), as amended by sec. 94 of this Act, applies to parole granted on
23 or after the effective date of sec. 94 of this Act, for conduct occurring before, on, or after the
24 effective date of sec. 94 of this Act.

25 * **Sec. 129.** This Act takes effect immediately under AS 01.10.070(c).