

**CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/25/16

Referred: Finance

Sponsor(s): SENATORS COGHILL, Ellis, McGuire, Costello, Bishop, Micciche, Egan

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to criminal law and procedure; relating to controlled substances;  
2 relating to immunity from prosecution for the crime of prostitution; relating to  
3 probation; relating to sentencing; establishing a pretrial services program with pretrial  
4 services officers in the Department of Corrections; relating to permanent fund  
5 dividends; relating to electronic monitoring; relating to penalties for violations of  
6 municipal ordinances; relating to parole; relating to correctional restitution centers;  
7 relating to community work service; relating to revocation, termination, suspension,  
8 cancellation, or restoration of a driver's license; relating to the Alaska Criminal Justice  
9 Commission; relating to the disqualification of persons convicted of specified drug  
10 offenses from participation in the food stamp and temporary assistance programs and  
11 other public assistance programs; relating to the duties of the commissioner of  
12 corrections; amending Rules 6, 32, 32.1, 38, 41, and 43, Alaska Rules of Criminal

1 **Procedure, and repealing Rules 41(d) and (e), Alaska Rules of Criminal Procedure; and**  
 2 **providing for an effective date."**

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

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

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

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

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

12 (3) under circumstances not amounting to murder in the first degree  
 13 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the  
 14 person commits or attempts to commit arson in the first degree, kidnapping, sexual  
 15 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor  
 16 in the first degree, sexual abuse of a minor in the second degree, burglary in the first  
 17 degree, escape in the first or second degree, robbery in any degree, or misconduct  
 18 involving a controlled substance under AS 11.71.010(a), 11.71.030(a)(1), (2), or (4) -  
 19 (8) [11.71.020(a), 11.71.030(a)(1) OR (2)], or 11.71.040(a)(1) or (2) and, in the course  
 20 of or in furtherance of that crime or in immediate flight from that crime, any person  
 21 causes the death of a person other than one of the participants;

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

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

29 (A) a felony violation of AS 11.41;

30 (B) in violation of a law or ordinance in another jurisdiction

1 with elements similar to a felony under AS 11.41; or

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

4 \* **Sec. 2.** AS 11.41.150(a) is amended to read:

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

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

8 (2) with intent to cause serious physical injury to an unborn child or to  
9 another person or knowing that the conduct is substantially certain to cause death or  
10 serious physical injury to an unborn child or to another person, causes the death of an  
11 unborn child;

12 (3) while acting alone or with one or more persons, commits or  
13 attempts to commit arson in the first degree, kidnapping, sexual assault in the first  
14 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,  
15 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the  
16 first or second degree, robbery in any degree, or misconduct involving a controlled  
17 substance under AS 11.71.010(a), 11.71.030(a)(1), (2), or (4) - (8) [11.71.020(a),  
18 11.71.030(a)(1) OR (2)], or 11.71.040(a)(1) or (2), and, in the course of or in  
19 furtherance of that crime or in immediate flight from that crime, any person causes the  
20 death of an unborn child;

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

27 \* **Sec. 3.** AS 11.46.130(a) is amended to read:

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

30 (1) the value of the property or services is \$2,000 [\$750] or more but  
31 less than \$25,000;

- 1 (2) the property is a firearm or explosive;
- 2 (3) the property is taken from the person of another;
- 3 (4) the property is taken from a vessel and is vessel safety or survival  
4 equipment;
- 5 (5) the property is taken from an aircraft and the property is aircraft  
6 safety or survival equipment;
- 7 (6) the value of the property is \$250 or more but less than \$2,000  
8 [\$750] and, within the preceding five years, the person has been convicted and  
9 sentenced on two or more separate occasions in this or another jurisdiction of
- 10 (A) an offense under AS 11.46.120, or an offense under  
11 another law or ordinance with similar elements;
- 12 (B) a crime set out in this subsection or an offense under  
13 another law or ordinance with similar elements;
- 14 (C) an offense under AS 11.46.140(a)(1), or an offense under  
15 another law or ordinance with similar elements; or
- 16 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an  
17 offense under another law or ordinance with similar elements; or
- 18 (7) the property is an access device.

19 \* **Sec. 4.** AS 11.46.140(a) is amended to read:

- 20 (a) A person commits the crime of theft in the third degree if the person  
21 commits theft as defined in AS 11.46.100 and
- 22 (1) the value of the property or services is \$250 or more but less than  
23 \$2,000 [\$750]; or
- 24 (2) [REPEALED]
- 25 (3) the value of the property is less than \$250 and, within the past five  
26 years, the person has been convicted and sentenced on two or more separate occasions  
27 in this or another jurisdiction of theft or concealment of merchandise, or an offense  
28 under another law or ordinance with similar elements.

29 \* **Sec. 5.** AS 11.46.220(c) is amended to read:

- 30 (c) Concealment of merchandise is
- 31 (1) a class C felony if

- 1 (A) the merchandise is a firearm;
- 2 (B) the value of the merchandise is **\$2,000** [\$750] or more; or
- 3 (C) the value of the merchandise is \$250 or more but less than
- 4 **\$2,000** [\$750] and, within the preceding five years, the person has been
- 5 convicted and sentenced on two or more separate occasions in this or another
- 6 jurisdiction of
- 7 (i) the offense of concealment of merchandise under
- 8 this paragraph or (2)(A) of this subsection, or an offense under another
- 9 law or ordinance with similar elements; or
- 10 (ii) an offense under AS 11.46.120, 11.46.130, or
- 11 11.46.140(a)(1), or an offense under another law or ordinance with
- 12 similar elements;
- 13 (2) a class A misdemeanor if
- 14 (A) the value of the merchandise is \$250 or more but less than
- 15 **\$2,000** [\$750]; or
- 16 (B) the value of the merchandise is less than \$250 and, within
- 17 the preceding five years, the person has been convicted and sentenced on two
- 18 or more separate occasions of the offense of concealment of merchandise or
- 19 theft in any degree, or an offense under another law or ordinance with similar
- 20 elements;
- 21 (3) a class B misdemeanor if the value of the merchandise is less than
- 22 \$250.

23 \* **Sec. 6.** AS 11.46.260(b) is amended to read:

- 24 (b) Removal of identification marks is
- 25 (1) a class C felony if the value of the property on which the serial
- 26 number or identification mark appeared is **\$2,000** [\$750] or more;
- 27 (2) a class A misdemeanor if the value of the property on which the
- 28 serial number or identification mark appeared is \$250 or more but less than **\$2,000**
- 29 [\$750];
- 30 (3) a class B misdemeanor if the value of the property on which the
- 31 serial number or identification mark appeared is less than \$250.

1 \* **Sec. 7.** AS 11.46.270(b) is amended to read:

2 (b) Unlawful possession is

3 (1) a class C felony if the value of the property on which the serial  
4 number or identification mark appeared is \$2,000 [\$750] or more;

5 (2) a class A misdemeanor if the value of the property on which the  
6 serial number or identification mark appeared is \$250 or more but less than \$2,000  
7 [\$750];

8 (3) a class B misdemeanor if the value of the property on which the  
9 serial number or identification mark appeared is less than \$250.

10 \* **Sec. 8.** AS 11.46.280(d) is amended to read:

11 (d) Issuing a bad check is

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

13 (2) a class C felony if the face amount of the check is \$2,000 [\$750] or  
14 more but less than \$25,000;

15 (3) a class A misdemeanor if the face amount of the check is \$250 or  
16 more but less than \$2,000 [\$750];

17 (4) a class B misdemeanor if the face amount of the check is less than  
18 \$250.

19 \* **Sec. 9.** AS 11.46.285(b) is amended to read:

20 (b) Fraudulent use of an access device is

21 (1) a class B felony if the value of the property or services obtained is  
22 \$25,000 or more;

23 (2) a class C felony if the value of the property or services obtained is  
24 \$50 [\$750] or more but less than \$25,000;

25 (3) a class A misdemeanor if the value of the property or services  
26 obtained is less than \$50 [\$750].

27 \* **Sec. 10.** AS 11.46.295 is amended to read:

28 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior  
29 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) [OR  
30 11.46.140(a)(3),] or in prosecuting the crime of concealment of merchandise under  
31 AS 11.46.220(c),

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

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

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

9 \* **Sec. 11.** AS 11.46.460 is amended to read:

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

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

15 (2) opens an obstruction erected on [UPON] a highway under authority  
 16 of AS 19.10.100.

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

19 \* **Sec. 12.** AS 11.46.482(a) is amended to read:

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

23 (1) with intent to damage property of another, the person damages  
 24 property of another in an amount of \$2,000 [\$750] or more;

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

27 (3) the person knowingly

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

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

4 \* **Sec. 13.** AS 11.46.484(a) is amended to read:

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

8 (1) with intent to damage property of another, the person damages  
 9 property of another in an amount of \$250 or more but less than \$2,000 [\$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 [UPON] a highway under construction.

21 \* **Sec. 14.** AS 11.46.530(b) is amended to read:

22 (b) Criminal simulation is

23 (1) a class C felony if the value of what the object purports to represent  
 24 is \$2,000 [\$750] or more;

25 (2) a class A misdemeanor if the value of what the object purports to  
 26 represent is \$250 or more but less than \$2,000 [\$750];

27 (3) a class B misdemeanor if the value of what the object purports to  
 28 represent is less than \$250.

29 \* **Sec. 15.** AS 11.46.620(d) is amended to read:

30 (d) Misapplication of property is

31 (1) a class C felony if the value of the property misapplied is \$2,000

1           [\$750] or more;

2                           (2) a class A misdemeanor if the value of the property misapplied is  
3           less than **\$2,000** [\$750].

4   \* **Sec. 16.** AS 11.46.730(c) is amended to read:

5                           (c) Defrauding creditors is a class A misdemeanor unless that secured party,  
6           judgment creditor, or creditor incurs a pecuniary loss of **\$2,000** [\$750] or more as a  
7           result **of** [TO] the defendant's conduct, in which case defrauding secured creditors is

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

9   (2) a class C felony if the loss is **\$2,000** [\$750] or more but less than  
10          \$25,000.

11   \* **Sec. 17.** AS 11.56.730 is amended by adding a new subsection to read:

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

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

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

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

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

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

22   \* **Sec. 19.** AS 11.56.757(b) is amended to read:

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

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

28   \* **Sec. 20.** AS 11.56.759(a) is amended to read:

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

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

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

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

7 \* **Sec. 21.** AS 11.61.110(c) is amended to read:

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

12 \* **Sec. 22.** AS 11.61.145(d) is amended to read:

13 (d) Promoting an exhibition of fighting animals

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

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

16 (A) a violation

17 (i) for the first offense;

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

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

20 (B) a class A misdemeanor for the third and each subsequent  
21 offense.

22 \* **Sec. 23.** AS 11.61.150(a) is amended to read:

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

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

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

29 \* **Sec. 24.** AS 11.61.150(c) is amended to read:

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

1 \* **Sec. 25.** AS 11.66.100 is amended by adding a new subsection to read:

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

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

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

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

7 (C) manslaughter under AS 11.41.120;

8 (D) criminally negligent homicide under AS 11.41.130;

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

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

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

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

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

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

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

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

17 (M) sex trafficking in the first degree under AS 11.66.110;

18 (N) sex trafficking in the second degree under AS 11.66.120;

19 (O) sex trafficking in the third degree under AS 11.66.130; or

20 (P) sex trafficking in the fourth degree under AS 11.66.135;

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

24 (3) person cooperated with law enforcement personnel.

25 \* **Sec. 26.** AS 11.66.200(c) is amended to read:

26 (c) Gambling is a violation

27 (1) for the first offense;

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

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

30 \* **Sec. 27.** AS 11.71.030(a) is amended to read:

31 (a) Except as authorized in AS 17.30, a person commits the crime of

1 misconduct involving a controlled substance in the **second** [THIRD] degree if the  
2 person

3 (1) under circumstances not proscribed under **(4) - (8) of this**  
4 **subsection** [AS 11.71.020(a)(2) - (6)], manufactures or delivers **2.5 grams or more**  
5 [ANY AMOUNT] of a schedule **IA, IIA,** or IIIA controlled substance or possesses **2.5**  
6 **grams or more** [ANY AMOUNT] of a schedule **IA, IIA,** or IIIA controlled substance  
7 with intent to manufacture or deliver;

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

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

12 (A) with reckless disregard that the possession occurs

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

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

15 or

16 (B) on a school bus;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 \* **Sec. 28.** AS 11.71.030(c) is amended to read:

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

25 \* **Sec. 29.** AS 11.71.030 is amended by adding new subsections to read:

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

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

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

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

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

9 (i) retailer or wholesaler;

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

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

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

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

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

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

25 \* **Sec. 30.** AS 11.71.040(a) is amended to read:

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

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

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

5 (3) possesses

6 (A) any amount of a

7 (i) schedule IA controlled substance; or

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

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

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

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

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

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

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

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

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

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

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

2 (A) with reckless disregard that the possession occurs

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

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

5 or

6 (B) on a school bus;

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

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

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

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

21 (9) obtains possession of a controlled substance by misrepresentation,  
22 fraud, forgery, deception, or subterfuge; [OR]

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

25 **(11) manufactures or delivers less than 2.5 grams of a schedule IA,**  
26 **IIA, or IIIA controlled substance or possesses less than 2.5 grams of a schedule**  
27 **IA, IIA, or IIIA controlled substance with intent to manufacture or deliver.**

28 \* **Sec. 31.** AS 11.71.040(d) is amended to read:

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

31 \* **Sec. 32.** AS 11.71.050 is amended to read:

1                   **Sec. 11.71.050. Misconduct involving a controlled substance in the fourth**  
2 **[FIFTH] degree.** (a) Except as authorized in AS 17.30, a person commits the crime  
3 of misconduct involving a controlled substance in the **fourth** [FIFTH] degree if the  
4 person

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

9                   (2) possesses

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

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

14                   (i) three grams containing a schedule IIIA or IVA  
15 controlled substance except a controlled substance in a form listed in

16 (ii) of this subparagraph;

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

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

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

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

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

31                   (3) fails to make, keep, or furnish any record, notification, order form,

1 statement, invoice, or information required under AS 17.30; or

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

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

7 \* **Sec. 33.** AS 11.71.060 is amended to read:

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

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

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

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

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

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

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

25 \* **Sec. 34.** AS 11.71.311(a) is amended to read:

26 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),  
 27 11.71.040(a)(4), 11.71.050(a)(4) [11.71.040(a)(3) OR (4), 11.71.050(a)(2)], or  
 28 11.71.060(a)(1) or (2) if that person

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

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

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

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

9 (2) was experiencing a drug overdose and sought medical assistance,  
 10 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),  
 11 11.71.040(a)(4), 11.71.050(a)(4) [11.71.040(a)(3) OR (4), 11.71.050(a)(2)], or  
 12 11.71.060(a)(1) or (2) was obtained as a result of the overdose and the need for  
 13 medical assistance.

14 \* **Sec. 35.** AS 12.25.150(a) is amended to read:

15 (a) A person arrested shall be taken before a judge or magistrate without  
 16 unnecessary delay [,] and in any event within 24 [48] hours after arrest, **absent**  
 17 **compelling circumstances**, including Sundays and holidays. **The hearing before the**  
 18 **judge or magistrate may not take place more than 48 hours after arrest.** This  
 19 requirement applies to municipal police officers to the same extent as it does to state  
 20 troopers.

21 \* **Sec. 36.** AS 12.25.180 is amended to read:

22 **Sec. 12.25.180. When peace officer shall [MAY] issue citation or take**  
 23 **person before the court.** (a) When a peace officer stops or contacts a person for the  
 24 commission of a **class C felony offense that is not a crime against a person under**  
 25 **AS 11.41, a misdemeanor**, or the violation of a municipal ordinance, the officer **shall**  
 26 [MAY, IN THE OFFICER'S DISCRETION,] issue a citation to the person instead of  
 27 taking the person before a judge or magistrate under AS 12.25.150, unless

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

29 (2) the **peace** [CONTACTING] officer reasonably believes the person  
 30 is a danger to self or others;

31 (3) the crime for which the person is contacted is one involving

1 violence or harm to another person or to property;

2 (4) [THE PERSON ASKS TO BE TAKEN BEFORE A JUDGE OR  
3 MAGISTRATE UNDER AS 12.25.150; OR

4 (5)] the peace officer has probable cause to believe the person  
5 committed **a crime against a person under AS 11.41, a sex offense, theft in the**  
6 **second degree under AS 11.46.130, escape under AS 11.56.300 - 11.56.330,**  
7 **unlawful evasion under AS 11.56.335 or 11.56.340, unlawful contact under**  
8 **AS 11.56.750 or 11.56.755, or** a crime involving domestic violence; in this paragraph,

9 (A) "crime involving domestic violence" has the meaning given  
10 in AS 18.66.990; **and**

11 (B) **"sex offense" has the meaning given in AS 12.63.100;**

12 **(5) the person refuses to accept service of the citation;**

13 **(6) the peace officer reasonably believes there is a risk the**  
14 **defendant will fail to appear in court; or**

15 **(7) the peace officer is required to arrest the person under another**  
16 **provision of law.**

17 (b) When a peace officer stops or contacts a person for the commission of an  
18 infraction or a violation, the officer shall issue a citation instead of taking the person  
19 before a judge or magistrate under AS 12.25.150, unless

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

21 (2) the person refuses to accept service of the citation;

22 **(3) the peace officer has probable cause to believe the person has**  
23 **committed a violation of conditions of release under AS 11.56.757; or**

24 **(4) the peace officer has probable cause to believe the person has**  
25 **committed the crime of failure to appear under AS 11.56.730.**

26 \* **Sec. 37.** AS 12.25.180 is amended by adding a new subsection to read:

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

29 \* **Sec. 38.** AS 12.25.190(b) is amended to read:

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

1 \* **Sec. 39.** AS 12.25.190 is amended by adding a new subsection to read:

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

4 \* **Sec. 40.** AS 12.30.006(b) is amended to read:

5 (b) At the first appearance before a judicial officer, a person who is charged  
6 with a felony may be detained up to 48 hours for the prosecuting authority to  
7 demonstrate that release of the person under **AS 12.30.011** [AS 12.30.011(a)] would  
8 not reasonably **ensure** [ASSURE] the appearance of the person or will pose a danger  
9 to the victim, other persons, or the community.

10 \* **Sec. 41.** AS 12.30.006(c) is amended to read:

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

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

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

22 \* **Sec. 42.** AS 12.30.006(d) is amended to read:

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

29 (1) the person provides to the court and the prosecuting authority a  
30 written statement that new information not considered at the previous review will be  
31 presented at the hearing; the statement must include a description of the information

1 and the reason the information was not presented at a previous hearing; in this  
 2 paragraph, "new information" **includes** [DOES NOT INCLUDE] the **person's**  
 3 inability to post the required bail;

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

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

10 \* **Sec. 43.** AS 12.30.006(f) is amended to read:

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

17 \* **Sec. 44.** AS 12.30.006 is amended by adding a new subsection to read:

18 (h) The first appearance under (a) and (b) of this section shall take place  
 19 within 24 hours after a person's arrest absent compelling circumstances, and in no  
 20 instance shall the first appearance take place more than 48 hours after a person's arrest.

21 \* **Sec. 45.** AS 12.30.011 is amended to read:

22 **Sec. 12.30.011. Release before trial.** (a) **A** [EXCEPT AS OTHERWISE  
 23 PROVIDED IN THIS CHAPTER, A] judicial officer shall order a person charged  
 24 with an offense to be released on the person's personal recognizance, [OR] upon  
 25 execution of an unsecured appearance bond, **or upon execution of an unsecured**  
 26 **performance bond if** [ON THE CONDITION THAT THE PERSON]

27 (1) **the pretrial services officer, in a report required under**  
 28 **AS 33.07, determined that the person is a low or moderate risk defendant and the**  
 29 **person has been charged with a misdemeanor, or that the person is a low risk**  
 30 **defendant and has been charged with a class C felony; and**

31 **(2) the person has not been charged with**

**(A) an offense under****(i) AS 11.41;****(ii) AS 11.56.730;****(iii) AS 11.56.757;****(iv) AS 18.66.990 that involves domestic violence;****(v) AS 28.35.030; or****(vi) AS 28.35.032; or****(B) a sex offense as defined in AS 12.63.100** [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) **The** [IF A JUDICIAL OFFICER DETERMINES THAT THE RELEASE UNDER (a) OF THIS SECTION WILL NOT REASONABLY ASSURE 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 ASSURE THE PERSON'S APPEARANCE AND PROTECT THE VICTIM, OTHER PERSONS, AND THE COMMUNITY. IN ADDITION TO CONDITIONS UNDER (a) OF THIS SECTION, THE] judicial officer may **impose the least restrictive additional conditions on a person released under this section that the judicial officer determines are necessary to reasonably ensure the person's appearance and the safety of the victim, other persons, and the community. Singly** [, SINGLY] or in combination, **the additional conditions may**

(1) [REQUIRE THE EXECUTION OF AN APPEARANCE BOND IN A SPECIFIED AMOUNT OF CASH TO BE DEPOSITED INTO THE REGISTRY OF THE COURT, IN A SUM NOT TO EXCEED 10 PERCENT OF THE AMOUNT OF THE BOND;

1                   (2) REQUIRE THE EXECUTION OF A BAIL BOND WITH  
2 SUFFICIENT SOLVENT SURETIES OR THE DEPOSIT OF CASH;

3                   (3) REQUIRE THE EXECUTION OF A PERFORMANCE BOND IN  
4 A SPECIFIED AMOUNT OF CASH TO BE DEPOSITED IN THE REGISTRY OF  
5 THE COURT;

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

7                   (2) [(5)] order the person to refrain from possessing a deadly weapon  
8 on the person or in the person's vehicle or residence;

9                   (3) [(6)] require the person to maintain employment or, if unemployed,  
10 actively seek employment;

11                  (4) [(7)] require the person to notify the person's lawyer and the  
12 prosecuting authority within two business days after any change in employment;

13                  (5) [(8)] require the person to avoid all contact with a victim, a  
14 potential witness, or a codefendant;

15                  (6) [(9)] require the person to refrain from the consumption and  
16 possession of alcoholic beverages;

17                  (7) [(10)] require the person to refrain from the use of a controlled  
18 substance as defined by AS 11.71, unless prescribed by a licensed health care provider  
19 with prescriptive authority;

20                  (8) [(11)] require the person to be physically inside the person's  
21 residence, or in the residence of the person's third-party custodian, at time periods set  
22 by the court, **subject to AS 12.30.021**;

23                  (9) [(12)] require the person to keep regular contact with a **pretrial**  
24 **services officer or** law enforcement officer or agency;

25                  (10) [(13)] order the person to refrain from entering or remaining in  
26 premises licensed under AS 04;

27                  (11) [(14)] place the person in the custody of an individual who agrees  
28 to serve as a third-party custodian of the person as provided in AS 12.30.021;

29                  (12) [(15)] if the person is under the treatment of a licensed health care  
30 provider, order the person to follow the provider's treatment recommendations;

31                  (13) [(16)] order the person to take medication that has been prescribed

1 for the person by a licensed health care provider with prescriptive authority;

2 **(14)** [(17)] order the person to comply with any other condition that is  
3 reasonably necessary to **ensure** [ASSURE] the appearance of the person and to assure  
4 the safety of the victim, other persons, and the community;

5 **(15)** [(18)] require the person to comply with a program established  
6 under AS 47.38.020 if the person has been charged with an alcohol-related or  
7 substance-abuse-related offense that is an unclassified felony, a class A felony, a  
8 sexual felony, or a crime involving domestic violence.

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

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

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  
30 proof is on the prosecuting authority that a person charged with an offense should be  
31 detained or released with conditions described in [(b) OF] this section or AS 12.30.016

1       [;

2                   (2) THERE IS A REBUTTABLE PRESUMPTION THAT NO  
3       CONDITION OR COMBINATION OF CONDITIONS WILL REASONABLY  
4       ASSURE THE APPEARANCE OF THE PERSON OR THE SAFETY OF THE  
5       VICTIM, OTHER PERSONS, OR THE COMMUNITY, IF THE PERSON IS

6                   (A) CHARGED WITH AN UNCLASSIFIED FELONY, A  
7       CLASS A FELONY, A SEXUAL FELONY, OR A FELONY UNDER  
8       AS 28.35.030 OR 28.35.032;

9                   (B) CHARGED WITH A FELONY CRIME AGAINST A  
10       PERSON UNDER AS 11.41, WAS PREVIOUSLY CONVICTED OF A  
11       FELONY CRIME AGAINST A PERSON UNDER AS 11.41 IN THIS  
12       STATE OR A SIMILAR OFFENSE IN ANOTHER JURISDICTION, AND  
13       LESS THAN FIVE YEARS HAVE ELAPSED BETWEEN THE DATE OF  
14       THE PERSON'S UNCONDITIONAL DISCHARGE ON THE  
15       IMMEDIATELY PRECEDING OFFENSE AND THE COMMISSION OF  
16       THE PRESENT OFFENSE;

17                   (C) CHARGED WITH A FELONY OFFENSE COMMITTED  
18       WHILE THE PERSON WAS ON RELEASE UNDER THIS CHAPTER FOR  
19       A CHARGE OR CONVICTION OF ANOTHER OFFENSE;

20                   (D) CHARGED WITH A CRIME INVOLVING DOMESTIC  
21       VIOLENCE, AND HAS BEEN CONVICTED IN THE PREVIOUS FIVE  
22       YEARS OF A CRIME INVOLVING DOMESTIC VIOLENCE IN THIS  
23       STATE OR A SIMILAR OFFENSE IN ANOTHER JURISDICTION;

24                   (E) ARRESTED IN CONNECTION WITH AN  
25       ACCUSATION THAT THE PERSON COMMITTED A FELONY OUTSIDE  
26       THE STATE OR IS A FUGITIVE FROM JUSTICE FROM ANOTHER  
27       JURISDICTION, AND THE COURT IS CONSIDERING RELEASE UNDER  
28       AS 12.70].

29       \* **Sec. 46.** AS 12.30.011 is amended by adding new subsections to read:

30                   (e) Except as provided in (f) of this section, a judicial officer may order that a  
31       person charged with an offense, in addition to other conditions imposed under this

1 section, be released

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

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

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

5 (f) A judicial officer shall order a person charged with an offense released on  
6 the person's own recognizance, upon execution of an unsecured appearance bond, or  
7 upon execution of an unsecured performance bond, unless the judicial officer makes a  
8 finding on the record that there is clear and convincing evidence that no nonmonetary  
9 conditions of release in combination with the release of the person on the person's own  
10 recognizance or upon the execution of an unsecured performance bond can reasonably  
11 ensure the appearance of the person in court and the safety of the victim, other  
12 persons, and the community, if the person has been assessed by a pretrial services  
13 officer under AS 33.07 as a

14 (1) low risk defendant, unless a judicial officer orders the defendant to  
15 be released as provided in (a) and (b) of this section;

16 (2) high risk defendant, and the defendant has been charged with a  
17 misdemeanor that does not include an offense under

18 (A) AS 11.41;

19 (B) AS 11.56.340;

20 (C) AS 11.56.730;

21 (D) AS 11.56.750;

22 (E) AS 11.56.757;

23 (F) AS 11.61.210;

24 (G) AS 11.61.220;

25 (H) AS 18.66.990 that involves domestic violence;

26 (I) AS 28.35.030; or

27 (J) AS 28.35.032;

28 (3) moderate to high risk defendant, and the defendant has been  
29 charged with a class C felony that does not include an offense under

30 (A) AS 11.41;

31 (B) AS 11.56.320;

1 (C) AS 11.56.335;

2 (D) AS 11.56.730;

3 (E) AS 11.56.757;

4 (F) AS 11.56.810;

5 (G) AS 11.61.127;

6 (H) AS 11.61.200;

7 (I) AS 11.66.130;

8 (J) AS 18.66.990 that involves domestic violence;

9 (K) AS 28.35.030; or

10 (L) AS 28.35.032;

11 (4) low to moderate risk defendant, and the defendant has been  
12 charged with an offense under

13 (A) AS 11.56.730; or

14 (B) AS 11.56.757.

15 (g) A person released under this section shall be released on the condition that  
16 the person

17 (1) obey all court orders;

18 (2) obey all laws;

19 (3) make all court appearances;

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

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

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

26 (h) If a person charged with an offense is not required under this section to be  
27 released on the person's own recognizance, upon execution of an unsecured  
28 appearance bond, or upon execution of an unsecured performance bond, a judicial  
29 officer may, singly or in combination, require that the person deposit with the court  
30 and execute

31 (1) an appearance bond with a full or partial posting of the specified

1 amount of the bond with the condition that the deposit be returned upon the  
2 appearance of the defendant at scheduled hearings;

3 (2) a bail bond with sufficient solvent sureties or the deposit of cash; or

4 (3) a performance bond with a full or partial posting of the amount of  
5 the bond with the condition that the deposit be returned upon the performance of the  
6 conditions of release set by the court.

7 (i) A judicial officer may require supervision by a pretrial services officer to  
8 ensure compliance with the conditions of release.

9 \* **Sec. 47.** AS 12.30.016(b) is amended to read:

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

12 (1) to refrain from

13 (A) consuming alcoholic beverages; or

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

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

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

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

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

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

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

31 \* **Sec. 48.** AS 12.30.016(c) is amended to read:

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

3 (1) to refrain from

4 (A) consuming a controlled substance; or

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

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

14 (3) to enroll in a random drug testing program, at the person's expense,  
15 **with testing to occur not less than once a week, or to submit to random drug**  
16 **testing by the pretrial services office in the Department of Corrections** to detect  
17 the presence of a controlled substance, [WITH TESTING TO OCCUR NOT LESS  
18 THAN ONCE A WEEK, AND] with the results being submitted to the court and the  
19 prosecuting authority;

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

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

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

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

27 \* **Sec. 49.** AS 12.30.021(a) is amended to read:

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

31 **(1) pretrial supervision under AS 33.07 is not available in the**

1 **person's location;**

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

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

8 \* **Sec. 50.** AS 12.30.021(c) is amended to read:

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

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

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

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

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

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

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

24 \* **Sec. 51.** AS 12.30.055 is amended by adding a new subsection to read:

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

29 \* **Sec. 52.** AS 12.55.011 is amended by adding a new subsection to read:

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

1 (1) provides information on

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

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

6 (2) allows the victim to update the victim's contact information with  
7 the court and with the Department of Corrections.

8 \* **Sec. 53.** AS 12.55.025(a) is amended to read:

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

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

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

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

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

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

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

29 (5) in the case of a conviction for a felony offense, information  
30 assessing

31 (A) the financial, emotional, and medical effects of the offense

1 on the victim;

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

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

4 \* **Sec. 54.** AS 12.55.025(c) is amended to read:

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

18 \* **Sec. 55.** AS 12.55.027(d) is amended to read:

19 (d) A court may grant credit against a sentence of imprisonment **imposed**  
20 **following conviction for an offense** for time spent under electronic monitoring **that**  
21 **complies with AS 33.30.011(10),** if the person has not committed a criminal offense  
22 while under electronic monitoring and the court imposes restrictions on the person's  
23 freedom of movement and behavior while under the electronic monitoring program,  
24 including requiring the person to be confined to a residence except for a  
25 (1) court appearance;  
26 (2) meeting with counsel; or  
27 (3) period during which the person is at a location ordered by the court  
28 for the purposes of employment, attending educational or vocational training,  
29 performing community volunteer work, or attending a rehabilitative activity or  
30 medical appointment.

31 \* **Sec. 56.** AS 12.55.027 is amended by adding new subsections to read:

1 (f) A court granting credit against a sentence of imprisonment under (d) of this  
 2 section may grant credit of not more than 120 days against a total term of  
 3 imprisonment imposed for

4 (1) a crime against a person under AS 11.41;

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

6 (3) an offense under AS 11.71 involving the delivery of a controlled  
 7 substance to a person under 19 years of age;

8 (4) burglary in the first degree under AS 11.46.300; or

9 (5) arson in the first degree under AS 11.46.400.

10 (g) To qualify as a treatment program under this section, a program must

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

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

13 (3) require notification to the court or probation officer of violations of  
 14 conditions of bail or probation.

15 \* **Sec. 57.** AS 12.55.051(a) is amended to read:

16 (a) If the defendant defaults in the payment of a fine or any installment or of  
 17 restitution or any installment, the court may order the defendant to show cause why  
 18 the defendant should not be sentenced to imprisonment for nonpayment and, if the  
 19 payment was made a condition of the defendant's probation, may revoke the probation  
 20 of the defendant **subject to the limits set out in AS 12.55.110**. In a contempt or  
 21 probation revocation proceeding brought as a result of failure to pay a fine or  
 22 restitution, it is an affirmative defense that the defendant was unable to pay despite  
 23 having made continuing good faith efforts to pay the fine or restitution. If the court  
 24 finds that the defendant was unable to pay despite having made continuing good faith  
 25 efforts, the defendant may not be imprisoned solely because of the inability to pay. If  
 26 the court does not find that the default was attributable to the defendant's inability to  
 27 pay despite having made continuing good faith efforts to pay the fine or restitution, the  
 28 court may order the defendant imprisoned **subject to the limits set out in**  
 29 **AS 12.55.110** [UNTIL THE ORDER OF THE COURT IS SATISFIED]. A term of  
 30 imprisonment imposed under this section may not exceed one day for each \$50 of the  
 31 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall

1 be given toward satisfaction of the order of the court for every day a person is  
2 incarcerated for nonpayment of a fine or restitution.

3 \* **Sec. 58.** AS 12.55.051 is amended by adding a new subsection to read:

4 (k) The Department of Law may garnish a permanent fund dividend under  
5 AS 43.23.065 or garnish other income of a defendant as allowed by state law to collect  
6 restitution ordered by the court.

7 \* **Sec. 59.** AS 12.55.055(c) is amended to read:

8 (c) The court may offer a defendant convicted of an offense the option of  
9 performing community work in lieu of a fine, surcharge, or portion of a fine or  
10 surcharge if the court finds the defendant is unable to pay the fine. The value of  
11 community work in lieu of a fine is **the state's minimum wage for each** [\$3 PER]  
12 hour.

13 \* **Sec. 60.** AS 12.55.055 is amended by adding new subsections to read:

14 (g) The court may not

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

18 (2) convert uncompleted community work hours into a sentence of  
19 imprisonment.

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

27 \* **Sec. 61.** AS 12.55 is amended by adding a new section to read:

28 **Sec. 12.55.078. Suspending entry of judgment.** (a) Except as provided in (f)  
29 of this section, if a person is found guilty or pleads guilty to a crime, the court may,  
30 with the consent of the defendant and the prosecution and without imposing or  
31 entering a judgment of guilt, defer further proceedings and place the person on

1 probation. The period of probation may not exceed the maximum term of sentence that  
2 may be imposed or a period of one year, whichever is greater.

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

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

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

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

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

9 (c) At any time during the probationary term of the person released on  
10 probation, a probation officer may, without warrant or other process, rearrest the  
11 person so placed in the officer's care and bring the person before the court, or the court  
12 may, in its discretion, issue a warrant for the rearrest of the person. The court may  
13 revoke and terminate the probation if the court finds that the person placed on  
14 probation is

15 (1) violating the conditions of probation;

16 (2) engaging in criminal practices; or

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

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

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

27 (f) The court may not suspend imposing or entering the judgment and defer  
28 prosecution under this section of a person who

29 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260  
30 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,  
31 AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.135;

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

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

8 (4) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony  
9 and the person has one or more prior convictions for a misdemeanor violation of  
10 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction  
11 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a  
12 felony in this state; for the purposes of this paragraph, a person shall be considered to  
13 have a prior conviction even if

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

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

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

18 (5) has been convicted of a crime involving domestic violence, as  
19 defined by AS 18.66.990.

20 \* **Sec. 62.** AS 12.55.090(b) is amended to read:

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

24 \* **Sec. 63.** AS 12.55.090(c) is amended to read:

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

26 (1) **10** [25] years for **an unclassified felony under AS 11 or** a felony  
27 sex offense; [OR]

28 (2) **five** [10] years for **a felony** [ANY OTHER] offense **not listed in**  
29 **(1) of this subsection;**

30 (3) **four years for a misdemeanor offense involving domestic**  
31 **violence;**

1                   **(4) two years for a misdemeanor offense under AS 28.35.030 or**  
 2                   **28.35.032, if the person has previously been convicted of an offense under**  
 3                   **AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or another**  
 4                   **jurisdiction; or**

5                   **(5) one year for an offense not listed in (1) - (4) of this subsection.**

6 \* **Sec. 64.** AS 12.55.090(f) is amended to read:

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

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

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

19 \* **Sec. 65.** AS 12.55.090 is amended by adding new subsections to read:

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

22                               (1) has completed at least one year on probation;

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

25                               (3) has been in compliance with all conditions of probation for at least  
 26                   one year;

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

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

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

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

15 (j) The court shall provide copies of the victim's written comments to the  
16 prosecuting attorney, the defendant, and the defendant's attorney.

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

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

25 (m) The court shall discharge the defendant from probation upon completion  
26 of the period of probation. The period of probation is considered to be completed  
27 when the combination of time served and credits earned under AS 33.05.020 is equal  
28 to the probation period imposed.

29 \* **Sec. 66.** AS 12.55.100(a) is amended to read:

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

31 **(1) shall be required to obey all state, federal, and local laws or**

1 **ordinances, and any court orders applicable to the probationer; and**

2 **(2)** may be required

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

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

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

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

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

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

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

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

29 \* **Sec. 67.** AS 12.55.100(c) is amended to read:

30 (c) A program of inpatient treatment may be required by the authorized  
 31 agency under **(a)(2)(F)** [(a)(6)] of this section only if authorized in the judgment, and

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

7 \* **Sec. 68.** AS 12.55.110 is amended by adding new subsections to read:

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

13 (1) three days for the first petition to revoke probation filed with the  
14 court;

15 (2) five days for the second petition to revoke probation filed with the  
16 court;

17 (3) 10 days for the third petition to revoke probation filed with the  
18 court; or

19 (4) up to the remainder of the suspended portion of the sentence for a  
20 fourth or subsequent petition to revoke probation.

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

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

26 (f) If the defendant is ordered to complete treatment under  
27 AS 12.55.100(a)(2)(E) and does not comply with the court's order, the court may order  
28 the defendant to show cause why the defendant should not be sentenced to  
29 imprisonment for noncompletion of treatment and may revoke the suspended sentence  
30 subject to the limits established in this section. In a contempt or probation revocation  
31 proceeding brought as a result of failure to complete treatment, it is an affirmative

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

8 (g) In this section,

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

14 (2) "technical violation" means a violation of the conditions of  
 15 probation that does not result from

16 (A) an arrest for a new criminal offense;

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

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

19 \* **Sec. 69.** AS 12.55.115 is amended to read:

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

25 \* **Sec. 70.** AS 12.55.125(a) is amended to read:

26 (a) A defendant convicted of murder in the first degree or murder of an unborn  
 27 child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment  
 28 of at least 25 [20] years but not more than 99 years. A defendant convicted of murder  
 29 in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years  
 30 when

31 (1) the defendant is convicted of the murder of a uniformed or

1 otherwise clearly identified peace officer, firefighter, or correctional employee who  
2 was engaged in the performance of official duties at the time of the murder;

3 (2) the defendant has been previously convicted of

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

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

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

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

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

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

18 \* **Sec. 71.** AS 12.55.125(b) is amended to read:

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

1 a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and  
 2 "position of authority" have the meanings given in AS 11.41.470.

3 \* **Sec. 72.** AS 12.55.125(c) is amended to read:

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

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

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

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

18 (B) and the conviction is for manufacturing related to  
 19 methamphetamine under **AS 11.71.030(a)(4)(A) or (B)**  
 20 [AS 11.71.020(a)(2)(A) OR (B)], seven to 11 years, if

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

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

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

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

1 \* **Sec. 73.** AS 12.55.125(d) is amended to read:

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

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

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

14 (A) the defendant violated AS 11.41.130, and the victim was a  
15 child under 16 years of age, two to four years;

16 (B) two to four years if the conviction is for an attempt,  
17 solicitation, or conspiracy to manufacture related to methamphetamine under  
18 AS 11.31 and **AS 11.71.030(a)(4)(A) or (B)** [AS 11.71.020(a)(2)(A) OR (B)],  
19 and

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

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

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

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

31 \* **Sec. 74.** AS 12.55.125(e) is amended to read:

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

5 (1) if the offense is a first felony conviction and does not involve  
 6 circumstances described in (4) of this subsection, **probation, with a suspended term**  
 7 **of imprisonment of** zero to **18 months** [TWO YEARS; A DEFENDANT  
 8 SENTENCED UNDER THIS PARAGRAPH MAY, IF THE COURT FINDS IT  
 9 APPROPRIATE, BE GRANTED A SUSPENDED IMPOSITION OF SENTENCE  
 10 UNDER AS 12.55.085, AND THE COURT MAY, AS A CONDITION OF  
 11 PROBATION UNDER AS 12.55.086, REQUIRE THE DEFENDANT TO SERVE  
 12 AN ACTIVE TERM OF IMPRISONMENT WITHIN THE RANGE SPECIFIED IN  
 13 THIS PARAGRAPH];

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

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

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

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

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

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

24 **(A) conviction is for a crime with a mandatory minimum**  
 25 **term of more than 30 days of active imprisonment; or**

26 **(B) trier of fact finds the aggravating factor that the**  
 27 **conduct constituting the offense was among the most serious conduct**  
 28 **included in the definition of the offense;**

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

1 **(D) conviction is for the crime of assault in the fourth**  
 2 **degree under AS 11.41.230; or**  
 3 **(2) 30 days.**

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

5 (b) A defendant convicted of a class B misdemeanor may be sentenced to a  
 6 definite term of imprisonment of not more than **10** [90] days unless otherwise  
 7 specified in the provision of law defining the offense **or in this section.**

8 \* **Sec. 77.** AS 12.55.135 is amended by adding new subsections to read:

9 (l) A court sentencing a person convicted of theft in the fourth degree under  
 10 AS 11.46.150, concealment of merchandise under AS 11.46.220(c)(2), removal of  
 11 identification marks under AS 11.46.260(b)(3), unlawful possession under  
 12 AS 11.46.270(b)(3), issuing a bad check under AS 11.46.280(d)(4), or criminal  
 13 simulation under AS 11.46.530(b)(3) may not impose

14 (1) a sentence of more than five days of suspended imprisonment and a  
 15 term of probation of more than six months if the person has previously been convicted  
 16 two or more times of an offense under AS 11.46.110 - 11.46.220, 11.46.260 -  
 17 11.46.290, 11.46.360 or 11.46.365, or a law or ordinance of this or another jurisdiction  
 18 with substantially similar elements; or

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

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

25 (n) A court sentencing a person convicted of misconduct involving a  
 26 controlled substance in the fourth degree under AS 11.71.050(a)(4) or a person  
 27 convicted of misconduct involving a controlled substance in the fifth degree under  
 28 AS 11.71.060(a)(2) may not impose

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

1 or

2 (2) a sentence of suspended imprisonment greater than

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

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

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

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

12 (1) under (a)(1)(B) of this section, written notice must be served on the  
13 opposing party and filed with the court not later than 10 days before the date set for  
14 imposition of sentence; the aggravating factors in (a)(1) of this section must be  
15 established by clear and convincing evidence before the court sitting without a jury; all  
16 findings must be set out with specificity;

17 (2) aggravating factors in (a)(1)(B) of this section shall be presented to  
18 a trial jury under procedures set by the court, unless the defendant waives trial by jury,  
19 stipulates to the existence of the factor, or consents to have the factor proven under  
20 procedures set out in (1) of this subsection; an aggravating factor presented to a jury is  
21 established if proved beyond a reasonable doubt; written notice of the intent to  
22 establish an aggravating factor must be served on the defendant and filed with the  
23 court

24 (A) 10 days before trial or at a time specified by the court;

25 (B) within 48 hours, or at a time specified by the court, if the  
26 court instructs the jury about the option to return a verdict for a lesser included  
27 offense; or

28 (C) five days before entering a plea that results in a finding of  
29 guilt or at a time specified by the court unless the defendant waives the notice  
30 requirement.

31 \* **Sec. 78.** AS 12.61.015(a) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

28 \* **Sec. 79.** AS 22.35.030 is amended by adding a new subsection to read:

29 (b) Notwithstanding (a) of this section, the Alaska Court System shall publish  
30 the court record of a person who is granted a suspended entry of judgment under  
31 AS 12.55.078 on a publicly available website with a notation indicating a suspended

1 entry of judgment.

2 \* **Sec. 80.** AS 28.15.165 is amended by adding a new subsection to read:

3 (e) A person whose driver's license, privilege to drive, or privilege to obtain a  
4 license has been revoked under this section as a result of a refusal to submit to a  
5 chemical test authorized under AS 28.35.031(a) or (g) or a similar municipal  
6 ordinance or a chemical test administered under AS 28.35.031(a) or (g) or a similar  
7 municipal ordinance in which the test produced a result described in  
8 AS 28.35.030(a)(2) may request that the department rescind the revocation. The  
9 department shall rescind a revocation under this subsection if the department finds that  
10 the person has supplied proof in a form satisfactory to the department that

11 (1) the person has been acquitted of driving while under the influence  
12 under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a  
13 similar municipal ordinance for the incident on which the revocation was based; or

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

18 \* **Sec. 81.** AS 28.15.181(f) is amended to read:

19 (f) The court may terminate a revocation for an offense described in (a)(5) or  
20 (8) of this section if

21 (1) **either**

22 **(A)** the person's license, privilege to drive, or privilege to  
23 obtain a license has been revoked for the minimum periods set out in (c) of this  
24 section; **or**

25 **(B) the person**

26 **(i) has successfully completed a court-ordered**  
27 **treatment program under AS 28.35.028;**

28 **(ii) has not been convicted of a violation of**  
29 **AS 28.35.030 or 28.35.032, or a similar law or ordinance of this or**  
30 **another jurisdiction since completing the program; and**

31 **(iii) has been granted limited license privileges under**

1                    **AS 28.15.201(g) and has successfully driven for three years under**  
 2                    **that limited license without having the limited license privileges**  
 3                    **revoked**; and

4                    (2) the person complies with the provisions of AS 28.15.211(d) and  
 5                    (e).

6                    \* **Sec. 82.** AS 28.15.201 is amended by adding new subsections to read:

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

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

12                    (2) the person has successfully participated for at least six months in,  
 13                    or has successfully completed, a court-ordered treatment program under  
 14                    AS 28.35.028;

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

17                    (4) the person is required to use an ignition interlock device during the  
 18                    period of the limited license whenever the person operates a motor vehicle in a  
 19                    community not included in the list published by the department under  
 20                    AS 28.22.011(b) and, when applicable,

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

23                    (B) the person signs an affidavit acknowledging that

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

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

29                    (iii) the person is required to maintain the ignition  
 30                    interlock device throughout the period of the limited license, to keep  
 31                    up-to-date records in each vehicle showing that any required service

1 and calibration is current, and to produce those records immediately on  
2 request;

3 (5) the person is enrolled in and is in compliance with or has  
4 successfully completed the alcoholism screening, evaluation, referral, and program  
5 requirements of the Department of Health and Social Services under AS 28.35.030(h);

6 (6) the person has not previously been granted a limited license under  
7 this subsection and had the license revoked under (h) of this section;

8 (7) the person is participating in a program established under  
9 AS 47.38.020 for a minimum of 120 days from the date a limited license is granted  
10 under this section.

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

16 \* **Sec. 83.** AS 28.15.291(a) is repealed and reenacted to read:

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

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

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

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

29 \* **Sec. 84.** AS 28.15.291(b) is repealed and reenacted to read:

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

1 (1) a class A misdemeanor if the person violates (a)(1) of this section;  
 2 upon conviction the court shall impose a minimum sentence of imprisonment of not  
 3 less than 10 days

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

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

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

10 \* **Sec. 85.** AS 28.35.028(b) is amended to read:

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

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

7 \* **Sec. 86.** AS 28.35.030(k) is amended to read:

8 (k) Imprisonment required under (b)(1)(A) of this section shall be served [AT  
 9 A COMMUNITY RESIDENTIAL CENTER OR] by electronic monitoring at a  
 10 private residence **under AS 33.30.065**. If [A COMMUNITY RESIDENTIAL  
 11 CENTER OR] electronic monitoring [AT A PRIVATE RESIDENCE] is not available,  
 12 imprisonment required under (b)(1)(A) of this section **shall** [MAY] be served at **a**  
 13 **private residence by other means determined by the commissioner of corrections**  
 14 [ANOTHER APPROPRIATE PLACE DETERMINED BY THE COMMISSIONER  
 15 OF CORRECTIONS]. Imprisonment required under (b)(1)(B) - (F) of this section  
 16 may be served at a community residential center or at a private residence if approved  
 17 by the commissioner of corrections. Imprisonment served at a private residence must  
 18 include electronic monitoring **under AS 33.30.065 or, if electronic monitoring is not**  
 19 **available, by other means as determined by the commissioner of corrections**. The  
 20 cost of imprisonment resulting from the sentence imposed under (b)(1) of this section  
 21 shall be paid to the state by the person being sentenced. **The** [PROVIDED,  
 22 HOWEVER, THAT THE] cost of imprisonment required to be paid under this  
 23 subsection may not exceed \$2,000. Upon the person's conviction, the court shall  
 24 include the costs of imprisonment as a part of the judgment of conviction. Except for  
 25 reimbursement from a permanent fund dividend as provided in this subsection,  
 26 payment of the cost of imprisonment is not required if the court determines the person  
 27 is indigent. For costs of imprisonment that are not paid by the person as required by  
 28 this subsection, the state shall seek reimbursement from the person's permanent fund  
 29 dividend as provided under AS 43.23.065. [WHILE AT THE COMMUNITY  
 30 RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A PERSON  
 31 SENTENCED UNDER (b)(1)(A) OF THIS SECTION SHALL PERFORM AT

1 LEAST 24 HOURS OF COMMUNITY SERVICE WORK.] A person sentenced  
 2 under (b)(1)(B) of this section shall perform at least 160 hours of community service  
 3 work, as required by the director of the community residential center or other  
 4 appropriate place, or as required by the commissioner of corrections if the sentence is  
 5 being served at a private residence. In this subsection, "appropriate place" means a  
 6 facility with 24-hour on-site staff supervision that is specifically adapted to provide a  
 7 residence, and includes a correctional center, residential treatment facility, hospital,  
 8 halfway house, group home, work farm, work camp, or other place that provides  
 9 varying levels of restriction.

10 \* **Sec. 87.** AS 28.35.030(l) is amended to read:

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

16 \* **Sec. 88.** AS 28.35.030(o) is amended to read:

17 (o) Upon request, the department shall review a driver's license revocation  
 18 imposed under **(b) or** (n)(3) of this section and

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

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

22 **(B)** [(2)] the person has not been convicted of a criminal  
 23 offense since the license was revoked; and

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

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

26 **(A) the person has been granted limited license privileges**  
 27 **under AS 28.15.201(g) and has successfully driven under that limited**  
 28 **license for three years without having the limited license privileges**  
 29 **revoked;**

30 **(B) the person has successfully completed a court-ordered**  
 31 **treatment program under AS 28.35.028;**

1                    **(C) the court previously terminated the person's revocation**  
 2                    **as provided in AS 28.15.181(f)(1)(B);**

3                    **(D) the person has not been convicted of a violation of**  
 4                    **AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another**  
 5                    **jurisdiction since the license was revoked;**

6                    **(E) the person's privilege to drive may be restored as**  
 7                    **provided in AS 28.15.211; and**

8                    **(F) the person provides proof of financial responsibility.**

9                    \* **Sec. 89.** AS 28.35.032(o) is amended to read:

10                    (o) Imprisonment required under (g)(1)(A) of this section shall be served **at a**  
 11                    **private residence by electronic monitoring under AS 33.30.065. If electronic**  
 12                    **monitoring** [AT A COMMUNITY RESIDENTIAL CENTER, OR IF A  
 13                    COMMUNITY RESIDENTIAL CENTER] is not available, **imprisonment under**  
 14                    **(g)(1)(A) of this section shall be served at a private residence by other means as**  
 15                    **determined by the commissioner of corrections** [AT ANOTHER APPROPRIATE  
 16                    PLACE DETERMINED BY THE COMMISSIONER OF CORRECTIONS].  
 17                    Imprisonment required under (g)(1)(B) - (F) of this section may be served at a  
 18                    community residential center or at a private residence if approved by the  
 19                    commissioner of corrections. Imprisonment served at a private residence must include  
 20                    electronic monitoring **under AS 33.30.065 or, if electronic monitoring is not**  
 21                    **available, shall be served by other means as determined by the commissioner of**  
 22                    **corrections.** The cost of imprisonment resulting from the sentence imposed under  
 23                    (g)(1) of this section shall be paid to the state by the person being sentenced. **The**  
 24                    [PROVIDED, HOWEVER, THAT THE] cost of imprisonment required to be paid  
 25                    under this subsection may not exceed \$2,000. Upon the person's conviction, the court  
 26                    shall include the costs of imprisonment as a part of the judgment of conviction. Except  
 27                    for reimbursement from a permanent fund dividend as provided in this subsection,  
 28                    payment of the cost of imprisonment is not required if the court determines the person  
 29                    is indigent. For costs of imprisonment that are not paid by the person as required by  
 30                    this subsection, the state shall seek reimbursement from the person's permanent fund  
 31                    dividend as provided under AS 43.23.065. [WHILE AT THE COMMUNITY

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

12 \* **Sec. 90.** AS 29.10.200(21) is amended to read:

13 (21) AS 29.25.070(e) and (g) (penalties) [(NOTICES OF CERTAIN  
 14 CIVIL ACTIONS)];

15 \* **Sec. 91.** AS 29.25.070(a) is amended to read:

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

22 \* **Sec. 92.** AS 29.25.070 is amended by adding a new subsection to read:

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

29 \* **Sec. 93.** AS 33.05.020 is amended by adding new subsections to read:

30 (g) The commissioner shall establish an administrative sanction and incentive  
 31 program to facilitate a swift and effective response to a probationer's compliance with

1 or violation of the conditions of probation. The commissioner shall adopt regulations  
2 to implement the program. At a minimum, the regulations must include

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

8 (2) policies and procedures that ensure

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

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

13 (C) that appropriate due process protections are included in the  
14 process, including notice of negative behavior, an opportunity to dispute the  
15 accusation and the sanction, and an opportunity to request a review of the  
16 accusation and the sanction.

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

22 (1) require that a probationer earn a credit of 30 days for each month  
23 served in which the defendant complied with the conditions of probation;

24 (2) include policies and procedures for

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

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

28 (C) notifying the court at least 30 days before the earliest date  
29 the probationer's period of probation will be served based on credits earned by  
30 the probationer; and

31 (D) notifying a victim under AS 33.30.013.

1 \* **Sec. 94.** AS 33.05.040 is amended to read:

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

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

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

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

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

18 (5) perform **the** [SUCH] duties with respect to persons on parole as the  
19 commissioner shall request [,] and, in **that** [SUCH] service, shall be termed a parole  
20 officer;

21 **(6) use administrative sanctions and incentives developed under**  
22 **AS 33.05.020(g) to respond to a probationer's negative and positive behavior,**  
23 **including responses to technical violations of conditions of probation, in a way**  
24 **that is intended to interrupt negative behavior in a swift, certain, and**  
25 **proportional manner and support progress with a recognition of positive**  
26 **behavior; and**

27 **(7) upon determining that a probationer under the supervision of**  
28 **the officer meets the requirements of AS 12.55.090(g), recommend to the court as**  
29 **soon as practicable that probation be terminated and the probationer be**  
30 **discharged from probation.**

31 \* **Sec. 95.** AS 33.05.080 is amended by adding a new paragraph to read:

1 (3) "administrative sanctions and incentives" means responses by a  
 2 probation officer to a probationer's compliance with or violation of the conditions of  
 3 probation under AS 33.05.020(g).

4 \* **Sec. 96.** AS 33 is amended by adding a new chapter to read:

5 **Chapter 07. Pretrial Services Program.**

6 **Sec. 33.07.010. Pretrial services program; establishment.** The commissioner  
 7 shall establish and administer a pretrial services program that provides a pretrial risk  
 8 assessment for all defendants, recommendations to the court concerning pretrial  
 9 release decisions, and supervision of defendants released while awaiting trial as  
 10 ordered by the court.

11 **Sec. 33.07.020. Duties of commissioner; pretrial services.** The commissioner  
 12 shall

13 (1) appoint and make available to the superior court and district court  
 14 qualified pretrial services officers;

15 (2) fix pretrial services officers' salaries;

16 (3) assign pretrial services officers to each judicial district;

17 (4) provide for the necessary supervision, training, expenses, including  
 18 clerical services, and travel of pretrial services officers;

19 (5) approve a risk assessment instrument that is objective,  
 20 standardized, and developed based on analysis of empirical data and risk factors  
 21 relevant to pretrial failure, that evaluates the likelihood of failure to appear in court  
 22 and the likelihood of rearrest during the pretrial period, and that is validated on the  
 23 state's pretrial population; and

24 (6) adopt regulations in consultation with the Department of Law, the  
 25 public defender, the Department of Public Safety, the office of victims' rights, and the  
 26 Alaska Court System, consistent with this chapter and as necessary to implement the  
 27 program; the regulations must include a process for pretrial services officers to make a  
 28 recommendation to the court concerning a pretrial release decision and guidelines for  
 29 pretrial diversion recommendations.

30 **Sec. 33.07.030. Duties of pretrial services officers.** (a) Pretrial services  
 31 officers shall, in advance of a first appearance before a judicial officer under

1 AS 12.30, conduct a pretrial risk assessment on the defendant using an instrument  
2 approved by the commissioner for the purpose of making a recommendation to the  
3 court concerning an appropriate pretrial release decision and conditions of release. In  
4 conducting a pretrial risk assessment and making a recommendation to the court, the  
5 department shall follow the decision-making process established by regulation under  
6 this chapter. The pretrial risk assessment shall be completed and presented to the court  
7 in a pretrial release report that contains a risk assessment rating of low, moderate, or  
8 high and a recommendation regarding release and release conditions before the  
9 defendant's first appearance before a judicial officer.

10 (b) A pretrial services officer shall make a recommendation under (a) of this  
11 section for pretrial release to the court based on factors that include the results of a  
12 pretrial risk assessment, the offense charged, and the least restrictive condition or  
13 conditions that will reasonably ensure the appearance of the person in court and the  
14 safety of the victim, other persons, and the community. The recommendation must  
15 take into account

16 (1) the defendant's risk rating;

17 (2) the appropriateness for release on the defendant's own  
18 recognizance or upon the execution of an unsecured appearance bond, unsecured  
19 performance bond, or both; and

20 (3) the appropriateness of nonmonetary release conditions permitted  
21 under AS 12.30.011, 12.30.016, 12.30.021, and 12.30.027 and supervision of those  
22 conditions by a pretrial services officer for defendants who are recommended for  
23 release.

24 (c) A pretrial services officer shall recommend for release on personal  
25 recognizance, upon execution of an unsecured appearance bond, or upon execution of  
26 an unsecured performance bond, with nonmonetary conditions as appropriate, if a  
27 defendant is charged with

28 (1) a misdemeanor, unless that misdemeanor is

29 (A) a crime involving domestic violence, as defined in  
30 AS 18.66.990;

31 (B) a crime against the person under AS 11.41;

- 1 (C) an offense under AS 11.56.730 or 11.56.757;
- 2 (2) a class C felony unless that felony is
- 3 (A) a crime involving domestic violence, as defined in
- 4 AS 18.66.990;
- 5 (B) a crime against the person under AS 11.41;
- 6 (C) an offense under AS 11.56.730;
- 7 (3) an offense under AS 28.35.030 or 28.35.032, if the defendant has
- 8 been assessed as being low or moderate risk on the pretrial risk assessment.
- 9 (d) A pretrial services officer shall recommend release on personal
- 10 recognizance, upon execution of an unsecured appearance bond, or upon execution of
- 11 an unsecured performance bond, with nonmonetary conditions as appropriate, unless
- 12 the pretrial services officer finds
- 13 (1) by substantial evidence that no nonmonetary conditions of release
- 14 in combination with release on personal recognizance or upon execution of unsecured
- 15 bond can reasonably ensure public safety and appearance in court; and
- 16 (2) the defendant has been charged with
- 17 (A) an offense under AS 28.33.030 or 28.33.032, and the
- 18 offender has been assessed as high risk under a pretrial risk assessment;
- 19 (B) an offense under AS 11.56.730 or 11.56.757, and the
- 20 offender has been assessed as low to moderate risk under a pretrial risk
- 21 assessment; or
- 22 (C) any other offense, and the defendant has been assessed as
- 23 being low risk under a pretrial risk assessment.
- 24 (e) A pretrial services officer may supervise a defendant released during the
- 25 pretrial period, imposing the least restrictive level of supervision that will reasonably
- 26 ensure the appearance of the person in court and the safety of the victim, other
- 27 persons, and the community, and prioritizing higher levels of supervision for a
- 28 defendant accused of serious charges or assessed as moderate or high risk under a
- 29 pretrial risk assessment. The commissioner may, in accordance with AS 36.30,
- 30 procure and enter into agreements or contracts for the supervision of defendants on
- 31 electronic monitoring during the pretrial period.

1 (f) A pretrial services officer may

2 (1) recommend pretrial diversion to the court and parties before  
3 adjudication in accordance with the guidelines established by the commissioner under  
4 AS 33.07.020(6);

5 (2) arrest a defendant who has been released pretrial without a warrant  
6 if the officer has probable cause to believe the defendant has committed an offense  
7 under AS 11.56.730 or 11.56.757 or has violated the defendant's release conditions;

8 (3) refer interested defendants for substance abuse screening,  
9 assessment, and treatment on a voluntary basis;

10 (4) require that a defendant charged with an offense involving the use  
11 of alcohol or controlled substances comply with a program established under  
12 AS 47.38.020; and

13 (5) coordinate with community-based organizations and tribal courts  
14 and councils to develop and expand pretrial diversion options.

15 **Sec. 33.07.040. Pretrial services officers as officers of court.** (a) All pretrial  
16 services officers shall be available to the superior and district courts and shall be  
17 officers of the court.

18 (b) The appointment of a pretrial services officer shall be entered on the  
19 journal of the court in the judicial district where the pretrial services officer is  
20 assigned, and one copy of the journal entry shall be sent to the administrative director  
21 of the Alaska Court System.

22 **Sec. 33.07.090. Definitions.** In this chapter,

23 (1) "commissioner" means the commissioner of corrections;

24 (2) "program" means the pretrial services program.

25 \* **Sec. 97.** AS 33.16.010(c) is amended to read:

26 (c) A prisoner who is not eligible for **special medical, administrative, or**  
27 **discretionary parole**, or who is not released on **special medical, administrative, or**  
28 **discretionary parole**, shall be released on mandatory parole for the term of good time  
29 deductions credited under AS 33.20, if the term or terms of imprisonment are two  
30 years or more.

31 \* **Sec. 98.** AS 33.16.010(d) is amended to read:

1 (d) A prisoner released on special medical, **administrative**, discretionary, or  
 2 mandatory parole is subject to the conditions of parole imposed under AS 33.16.150.  
 3 Parole may be revoked under AS 33.16.220.

4 \* **Sec. 99.** AS 33.16.010 is amended by adding a new subsection to read:

5 (f) A prisoner eligible under AS 33.16.089 shall be released on administrative  
 6 parole by the board of parole.

7 \* **Sec. 100.** AS 33.16.060(a) is amended to read:

8 (a) The board shall

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

10 (2) [UPON RECEIPT OF AN APPLICATION,] consider the  
 11 suitability for parole of a prisoner who is eligible **for discretionary parole at least 90**  
 12 **days before the prisoner's first date of eligibility and upon receipt of the**  
 13 **prisoner's application** for special medical [OR DISCRETIONARY] parole;

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

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

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

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

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

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

26 (9) execute other responsibilities prescribed by law.

27 \* **Sec. 101.** AS 33.16 is amended by adding a new section to read:

28 **Sec. 33.16.089. Eligibility for administrative parole.** (a) A prisoner  
 29 convicted of a class B or C felony that is not a sex offense as defined in AS 12.63.100  
 30 who has not been previously convicted of a felony in this or another jurisdiction and  
 31 who has been sentenced to an active term of imprisonment of at least 181 days shall be

1 released on administrative parole by the board without a hearing if

2 (1) the prisoner has served the greater of

3 (A) one-fourth of the active term of imprisonment imposed;

4 (B) the mandatory minimum term of imprisonment imposed; or

5 (C) a term of imprisonment imposed under AS 12.55.115;

6 (2) the prisoner is not excluded from eligibility for administrative  
7 parole by court order;

8 (3) the prisoner has agreed to and signed the conditions of parole under  
9 AS 33.16.050;

10 (4) the victim does not request a hearing to consider issues of public  
11 safety under AS 33.16.120; and

12 (5) the prisoner has met the requirements of the case plan established  
13 under AS 33.30.011(8).

14 (b) If a prisoner who is eligible for discretionary parole under AS 33.16.090  
15 does not meet the criteria for release on administrative parole under (a) of this section,  
16 the board shall consider the prisoner for discretionary parole.

17 (c) If a victim makes a request at least 60 days before the prisoner's earliest  
18 parole eligibility date for a hearing under AS 33.16.120, the board shall conduct the  
19 hearing not later than 30 days before the prisoner's earliest parole eligibility date. The  
20 board may release or deny release of a prisoner on administrative parole after the  
21 hearing.

22 (d) The board shall send notice to the victim at least 90 days before the  
23 prisoner's earliest parole eligibility date and provide instructions on how to request a  
24 hearing under AS 33.16.120.

25 \* **Sec. 102.** AS 33.16.090(a) is amended to read:

26 (a) A prisoner sentenced to an active term of imprisonment of at least 181  
27 days **and who has not been released on administrative parole as provided in**  
28 **AS 33.16.089** may, in the discretion of the board, be released on discretionary parole  
29 if the prisoner

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

1                    (A) [(1)] a prisoner sentenced to one or more mandatory 99-  
2 year terms under AS 12.55.125(a) or one or more definite terms under  
3 AS 12.55.125(l) is not eligible for consideration for discretionary parole;

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

6                    (C) [(3)] a prisoner imprisoned under AS 12.55.086 is not  
7 eligible for discretionary parole unless the actual term of imprisonment is more  
8 than one year; or

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

12 \* **Sec. 103.** AS 33.16.090(b) is amended to read:

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

14                    (1) to a single sentence under AS 12.55.125(a) or (b) may not be  
15 released on discretionary parole until the prisoner has served the mandatory minimum  
16 term under AS 12.55.125(a) or (b), one-third of the active term of imprisonment  
17 imposed, or any term set under AS 12.55.115, whichever is greatest;

18                    (2) to a single sentence within or below a presumptive range set out in  
19 AS 12.55.125(i)(1)(C) - (F) [AS 12.55.125(c), (d)(2) - (4), (e)(3) AND (4), OR (i)],  
20 and has not been allowed by the three-judge panel under AS 12.55.175 to be  
21 considered for discretionary parole release, may not be released on discretionary  
22 parole until the prisoner has served the term imposed, less good time earned under  
23 AS 33.20.010;

24                    (3) to a single sentence under AS 12.55.125(i)(1)(C) - (F)  
25 [AS 12.55.125(c), (d)(2) - (4), (e)(3) AND (4), OR (i)], and has been allowed by the  
26 three-judge panel under AS 12.55.175 to be considered for discretionary parole release  
27 during the second half of the sentence, may not be released on discretionary parole  
28 until

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

31                    (B) in addition to the factors set out in AS 33.16.100(a), the

1 board determines that

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

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

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

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

13 (B) any term set under AS 12.55.115;

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

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

20 (A) any mandatory minimum sentence or sentences imposed  
21 under any provision of law;

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

23 (C) the amount of time that is required to be served under (1) -  
24 (5) of this subsection for the sentence imposed for the primary crime, had that  
25 been the only sentence imposed;

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

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

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) -

1 (5) of this subsection for the sentence imposed for the primary crime, had that  
 2 been the only sentence imposed, plus one-quarter of the composite total of the  
 3 active term of imprisonment imposed as consecutive or partially consecutive  
 4 sentences imposed for all crimes other than the primary crime.

5 \* **Sec. 104.** AS 33.16.100(a) is amended to read:

6 (a) The board may authorize the release of a prisoner **convicted of an**  
 7 **unclassified felony who is otherwise eligible under AS 12.55.115 and**  
 8 **AS 33.16.090(a)(1)** on discretionary parole if it determines a reasonable probability  
 9 exists that

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

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

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

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

18 \* **Sec. 105.** AS 33.16.100(b) is amended to read:

19 (b) If the board finds a change in circumstances in a prisoner's **preparole**  
 20 **reports listed in AS 33.16.110(a)** [PAROLE RELEASE PLAN SUBMITTED  
 21 UNDER AS 33.16.130(a)], or discovers new information concerning a prisoner who  
 22 has been granted a parole release date, the board may rescind or revise the previously  
 23 granted parole release date. In reconsidering the release date, the procedures set out in  
 24 **AS 33.16.130** [AS 33.16.130(b) AND (c)] shall be followed.

25 \* **Sec. 106.** AS 33.16.100 is amended by adding new subsections to read:

26 (f) The board shall authorize the release of a prisoner who has been convicted  
 27 of a class A, class B, or class C felony, or a misdemeanor, who is eligible for parole  
 28 under AS 12.55.115 and AS 33.16.090, has met the requirement of a case plan created  
 29 under AS 33.30.011(8), has agreed to and signed the condition of parole under  
 30 AS 33.16.150, and has not been released on administrative parole under AS 33.16.089,  
 31 unless the board finds by clear and convincing evidence on the record that the prisoner

1 poses a threat of harm to the public if released on parole. If the board finds that the  
 2 incomplete case plan is not the fault of the prisoner or that the prisoner would not pose  
 3 a threat of harm to the public if released on parole, the board may waive the case plan  
 4 requirement.

5 (g) When considering a prisoner for release on discretionary parole under  
 6 AS 33.16.090(a)(2), the board may release a prisoner if, taking into consideration the  
 7 prisoner's likelihood of recidivism given the prisoner's age, criminal history, behavior  
 8 in prison, participation in treatment, and plans for reentering the community, a  
 9 reasonable probability exists that

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

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

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

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

18 \* **Sec. 107.** AS 33.16.110(a) is amended to read:

19 (a) In determining whether a prisoner is suitable for discretionary parole, the  
 20 board shall consider the preparole reports including

21 (1) the presentence report made to the sentencing court;

22 (2) the recommendations made by the sentencing court, by the  
 23 prosecuting attorney, and by the defense attorney, and any statements made by the  
 24 victim or the prisoner at sentencing;

25 (3) the prisoner's institutional conduct history while incarcerated;

26 (4) recommendations made by the staff of the correctional facilities in  
 27 which the prisoner was incarcerated;

28 (5) reports of prior crimes, juvenile histories, and previous experiences  
 29 of the prisoner on parole or probation;

30 (6) physical, mental, and psychiatric examinations of the prisoner;

31 (7) information submitted by the prisoner, the sentencing court, the

1 victim of the crime, the prosecutor, or other persons having knowledge of the prisoner  
2 or the crime;

3 (8) information concerning an unjustified disparity in the sentence  
4 imposed on a prisoner in relation to other sentences imposed under similar  
5 circumstances; [AND]

6 (9) other relevant information that may be reasonably available;

7 **(10) the case plan created under AS 33.30.011(8) for the prisoner,**  
8 **including a compliance report on the case plan; and**

9 **(11) a reentry plan created under AS 33.30.011(9).**

10 \* **Sec. 108.** AS 33.16.120(a) is amended to read:

11 (a) If the victim of a crime against a person or arson in the first degree  
12 requests notice of a scheduled hearing to review or consider discretionary parole for a  
13 prisoner convicted of that crime, the board shall send notice of the hearing to the  
14 victim at least 30 days before the hearing. The notice must be accompanied by a copy  
15 of the prisoner's **preparole reports listed in AS 33.16.110** [APPLICATION FOR  
16 PAROLE SUBMITTED UNDER AS 33.16.130(a)]. However, the copy of the  
17 **preparole reports** [APPLICATION] sent to the victim may not include the prisoner's  
18 **confidential health information, information protected under AS 33.16.170,**  
19 **proposed residence, or** [AND] employment addresses.

20 \* **Sec. 109.** AS 33.16.120(f) is amended to read:

21 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c),  
22 **33.16.089, or 33.16.090,** the board shall make every reasonable effort to notify the  
23 victim before the prisoner's release date. Notification under this subsection must  
24 include the expected date of the prisoner's release, the geographic area in which the  
25 prisoner is required to reside, and other pertinent information concerning the prisoner's  
26 conditions of parole that may affect the victim.

27 \* **Sec. 110.** AS 33.16.120(g) is amended to read:

28 (g) A victim of a crime involving domestic violence **or of a sexual assault**  
29 **under AS 11.41.200 - 11.41.230** shall be informed by the board at least 30 days in  
30 advance of a scheduled hearing to review or consider [DISCRETIONARY] parole for  
31 a prisoner. The board shall inform the victim of any decision to grant or deny

1 [DISCRETIONARY] parole or to release the prisoner under AS 33.16.010(c). If the  
 2 prisoner is to be released, the victim shall be notified of the expected date of the  
 3 release, the geographic area in which the prisoner will reside, and any other  
 4 information concerning conditions of parole that may affect the victim. The victim  
 5 shall also be informed of any changes in the conditions of parole that may affect the  
 6 victim. The board shall send the notice required to the last known address of the  
 7 victim. A person may not bring a civil action for damages for a failure to comply with  
 8 the provisions of this subsection.

9 \* **Sec. 111.** AS 33.16.120 is amended by adding a new subsection to read:

10 (h) A victim who has a right to notice under (a) of this section may request a  
 11 hearing before a prisoner is released on administrative parole under AS 33.16.089. The  
 12 notice to the victim must include the procedure and time frame for requesting a  
 13 hearing.

14 \* **Sec. 112.** AS 33.16.130 is repealed and reenacted to read:

15 **Sec. 33.16.130. Parole procedures; consultation before parole.** (a) The  
 16 parole board shall hold a hearing before granting an eligible prisoner special medical  
 17 or discretionary parole. The board shall also hold a hearing if requested by a victim  
 18 under procedures established for the request for a prisoner eligible for administrative  
 19 parole. A hearing shall be conducted within the following time frames:

20 (1) for prisoners eligible under AS 33.16.100(a) or (f), not less than 90  
 21 days before the first parole eligibility date, unless the prisoner is eligible for  
 22 administrative parole;

23 (2) for all other prisoners, not less than 30 days after the board is  
 24 notified of the need for a hearing by the commissioner or the commissioner's designee.

25 (b) The commissioner or the commissioner's designee shall furnish a copy of  
 26 the preparole reports listed in AS 33.16.110(a), and the prisoner shall be permitted  
 27 access to all records that the board will consider in making its decision except those  
 28 that are made confidential by law. The prisoner may also respond in writing to all  
 29 materials the board considers, be present at the hearing, and present evidence to the  
 30 board.

31 (c) If the board denies parole, the board shall state the reasons for the denial,

1 identify all of the factors considered relevant to the denial, and provide a written plan  
 2 for addressing all of the factors relevant to the denial. The board may schedule a  
 3 subsequent parole hearing at the time of the denial or at a later date as follows:

4 (1) for the first parole denial, within two years after the first parole  
 5 eligibility date;

6 (2) for the second and subsequent denials, within two years after the  
 7 most recent parole hearing.

8 (d) The board shall issue its decision in writing and provide a copy of the  
 9 decision to the prisoner.

10 (e) Before granting parole to a prisoner under this chapter, the board shall  
 11 consult with a corrections officer designated by the commissioner.

12 \* **Sec. 113.** AS 33.16.140 is amended to read:

13 **Sec. 33.16.140. Order for parole.** An order for parole issued by the board,  
 14 setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole  
 15 custody ends, shall be furnished to each prisoner released on special medical,  
 16 administrative, discretionary, or mandatory parole.

17 \* **Sec. 114.** AS 33.16.150(a) is amended to read:

18 (a) As a condition of parole, a prisoner released on special medical,  
 19 administrative, discretionary, or mandatory parole

20 (1) shall obey all state, federal, or local laws or ordinances, and any  
 21 court orders applicable to the parolee;

22 (2) shall make diligent efforts to maintain steady employment or meet  
 23 family obligations;

24 (3) shall, if involved in education, counseling, training, or treatment,  
 25 continue in the program unless granted permission from the parole officer assigned to  
 26 the parolee to discontinue the program;

27 (4) shall report

28 (A) upon release to the parole officer assigned to the parolee;

29 (B) at other times, and in the manner, prescribed by the board  
 30 or the parole officer assigned to the parolee;

31 (5) shall reside at a stated place and not change that residence without

1 notifying, and receiving permission from, the parole officer assigned to the parolee;

2 (6) shall remain within stated geographic limits unless written  
3 permission to depart from the stated limits is granted the parolee;

4 (7) may not use, possess, handle, purchase, give, distribute, or  
5 administer a controlled substance as defined in AS 11.71.900 or under federal law or a  
6 drug for which a prescription is required under state or federal law without a  
7 prescription from a licensed medical professional to the parolee;

8 (8) may not possess or control a firearm; in this paragraph, "firearm"  
9 has the meaning given in AS 11.81.900;

10 (9) may not enter into an agreement or other arrangement with a law  
11 enforcement agency or officer that will place the parolee in the position of violating a  
12 law or parole condition without the prior approval of the board;

13 (10) may not contact or correspond with anyone confined in a  
14 correctional facility of any type serving any term of imprisonment or a felon without  
15 the permission of the parole officer assigned to a parolee;

16 (11) shall agree to waive extradition from any state or territory of the  
17 United States and to not contest efforts to return the parolee to the state;

18 (12) shall provide a blood sample, an oral sample, or both, when  
19 requested by a health care professional acting on behalf of the state to provide the  
20 sample or samples, or an oral sample when requested by a juvenile or adult  
21 correctional, probation, or parole officer, or a peace officer, if the prisoner is being  
22 released after a conviction of an offense requiring the state to collect the sample or  
23 samples for the deoxyribonucleic acid identification system under AS 44.41.035;

24 (13) from a conviction for a sex offense shall submit to regular  
25 periodic polygraph examinations; in this paragraph, "sex offense" has the meaning  
26 given in AS 12.63.100.

27 \* **Sec. 115.** AS 33.16.150(b) is amended to read:

28 (b) The board may require as a condition of special medical, **administrative**,  
29 discretionary, or mandatory parole, or a member of the board acting for the board  
30 under (e) of this section may require as a condition of **administrative or** mandatory  
31 parole, that a prisoner released on parole

1 (1) not possess or control a defensive weapon, a deadly weapon other  
2 than an ordinary pocket knife with a blade three inches or less in length, or  
3 ammunition for a firearm, or reside in a residence where there is a firearm capable of  
4 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly  
5 weapon," "defensive weapon," and "firearm" have the meanings given in  
6 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

7 (2) refrain from possessing or consuming alcoholic beverages;

8 (3) submit to reasonable searches and seizures by a parole officer, or a  
9 peace officer acting under the direction of a parole officer;

10 (4) submit to appropriate medical, mental health, or controlled  
11 substance or alcohol examination, treatment, or counseling;

12 (5) submit to periodic examinations designed to detect the use of  
13 alcohol or controlled substances; the periodic examinations may include testing under  
14 the program established under AS 33.16.060(c);

15 (6) make restitution ordered by the court according to a schedule  
16 established by the board;

17 (7) refrain from opening, maintaining, or using a checking account or  
18 charge account;

19 (8) refrain from entering into a contract other than a prenuptial contract  
20 or a marriage contract;

21 (9) refrain from operating a motor vehicle;

22 (10) refrain from entering an establishment where alcoholic beverages  
23 are served, sold, or otherwise dispensed;

24 (11) refrain from participating in any other activity or conduct  
25 reasonably related to the parolee's offense, prior record, behavior or prior behavior,  
26 current circumstances, or perceived risk to the community, or from associating with  
27 any other person that the board determines is reasonably likely to diminish the  
28 rehabilitative goals of parole, or that may endanger the public; in the case of special  
29 medical parole, for a prisoner diagnosed with a communicable disease, comply with  
30 conditions set by the board designed to prevent the transmission of the disease.

31 \* **Sec. 116.** AS 33.16.150(e) is amended to read:

1 (e) The board may designate a member of the board to act on behalf of the  
2 board in imposing conditions of administrative or mandatory parole under (a) and (b)  
3 of this section, in delegating imposition of conditions of administrative or mandatory  
4 parole under (c) of this section, and in setting the period of compliance with the  
5 conditions of administrative or mandatory parole under (d) of this section. The  
6 decision of a member of the board under this section is the decision of the board. A  
7 prisoner or parolee aggrieved by a decision of a member of the board acting for the  
8 board under this subsection may apply to the board under AS 33.16.160 for a change  
9 in the conditions of administrative or mandatory parole.

10 \* **Sec. 117.** AS 33.16.150(f) is amended to read:

11 (f) In addition to other conditions of parole imposed under this section, the  
12 board may impose as a condition of special medical, administrative, discretionary, or  
13 mandatory parole for a prisoner serving a term for a crime involving domestic  
14 violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) - (7); (2) a  
15 requirement that, at the prisoner's expense, the prisoner participate in and complete, to  
16 the satisfaction of the board, a program for the rehabilitation of perpetrators of  
17 domestic violence that meets the standards set by, and that is approved by, the  
18 department under AS 44.28.020(b); and (3) any other condition necessary to  
19 rehabilitate the prisoner. The board shall establish procedures for the exchange of  
20 information concerning the parolee with the victim and for responding to reports of  
21 nonattendance or noncompliance by the parolee with conditions imposed under this  
22 subsection. The board may not under this subsection require a prisoner to participate  
23 in and complete a program for the rehabilitation of perpetrators of domestic violence  
24 unless the program meets the standards set by, and is approved by, the department  
25 under AS 44.28.020(b).

26 \* **Sec. 118.** AS 33.16.150(g) is amended to read:

27 (g) In addition to other conditions of parole imposed under this section for a  
28 prisoner serving a sentence for an offense where the aggravating factor provided in  
29 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a  
30 condition of special medical, administrative, discretionary, and mandatory parole a  
31 requirement that the prisoner submit to electronic monitoring. Electronic monitoring

1 under this subsection must **comply with AS 33.30.011(10) and** provide for  
 2 monitoring of the prisoner's location and movements by Global Positioning System  
 3 technology. The board shall require a prisoner serving a period of **parole**  
 4 [PROBATION] with electronic monitoring as provided under this subsection to pay  
 5 all or a portion of the costs of the electronic monitoring, but only if the prisoner has  
 6 sufficient financial resources to pay the costs or a portion of the costs. A prisoner  
 7 subject to electronic monitoring under this subsection is not entitled to a credit for  
 8 time served in a correctional facility while the defendant is on parole. In this  
 9 subsection, "correctional facility" has the meaning given in AS 33.30.901.

10 \* **Sec. 119.** AS 33.16.150 is amended by adding a new subsection to read:

11 (h) In addition to other conditions of parole imposed under this section, for a  
 12 prisoner serving a sentence for an offense involving the use of alcohol or controlled  
 13 substances, the board may impose, as a condition of special medical, administrative,  
 14 discretionary, or mandatory parole, a requirement that the prisoner comply with a  
 15 program established under AS 33.16.060(c) or AS 47.38.020. The board may require a  
 16 prisoner serving a period of parole and complying with a program established under  
 17 AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of the costs associated with  
 18 the program.

19 \* **Sec. 120.** AS 33.16.180 is amended to read:

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

21 (1) conduct investigations of prisoners eligible for **administrative or**  
 22 discretionary parole, as requested by the board **and as provided in this section;**

23 (2) supervise the conduct of parolees;

24 (3) appoint and assign parole officers and personnel;

25 (4) provide the board, within 30 days after sentencing, information on  
 26 a sentenced prisoner who may be eligible for **administrative parole under**  
 27 **AS 33.16.089 or** discretionary parole under AS 33.16.090;

28 (5) notify the board and provide information on a prisoner 120 days  
 29 before the prisoner's mandatory release date, if the prisoner is to be released **on** [TO]  
 30 mandatory parole; [AND]

31 (6) maintain records, files, and accounts as requested by the board;

1 (7) prepare preparole reports under AS 33.16.110(a);

2 (8) notify the board in writing of a prisoner's compliance or  
3 noncompliance with the prisoner's case plan created under AS 33.30.011(8) not  
4 less than 30 days before the prisoner's next parole eligibility date or the  
5 prisoner's parole hearing date, whichever is earlier;

6 (9) establish an administrative sanction and incentive program to  
7 facilitate a swift and certain response to a parolee's compliance with or violation  
8 of the conditions of parole and shall adopt regulations to implement the program;  
9 at a minimum, the regulations must include

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

16 (B) policies and procedures that ensure

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

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

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

27 (10) within 30 days after sentencing of an offender, provide the  
28 victim of a crime information on the earliest dates the offender could be released  
29 on furlough, probation, or parole, including deductions or reductions for good  
30 time or other good conduct incentives and the process for release, including  
31 contact information for the decision-making bodies.

1 \* **Sec. 121.** AS 33.16.200 is amended to read:

2           **Sec. 33.16.200. Custody of parolee.** Except as provided in AS 33.16.210, the  
3 board retains custody of special medical, **administrative**, discretionary, and  
4 mandatory parolees until the expiration of the maximum term or terms of  
5 imprisonment to which the parolee is sentenced.

6 \* **Sec. 122.** AS 33.16.210 is amended to read:

7           **Sec. 33.16.210. Discharge of parolee.** (a) The board may unconditionally  
8 discharge a parolee from the jurisdiction and custody of the board after the parolee has  
9 completed **one year** [TWO YEARS] of parole. A discretionary parolee with a residual  
10 period of probation may, after **one year** [TWO YEARS] of parole, be discharged by  
11 the board to immediately begin serving the residual period of probation.

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

17 \* **Sec. 123.** AS 33.16.210 is amended by adding a new subsection to read:

18           (c) A parole officer shall recommend to the board early discharge for all  
19 parolees who

20                   (1) have completed at least one year on parole;

21                   (2) have completed all treatment programs required as a condition of  
22 parole;

23                   (3) have been in compliance with all conditions of parole for at least  
24 one year; and

25                   (4) have not been convicted of an unclassified felony offense, a sexual  
26 felony as defined by AS 12.55.185, or a crime involving domestic violence as defined  
27 by AS 18.66.990.

28 \* **Sec. 124.** AS 33.16 is amended by adding a new section to read:

29           **Sec. 33.16.215. Sanctions for a technical violation of parole.** (a) If a parolee  
30 is serving a period of parole for an offense, the board may find that the parolee has  
31 committed a technical violation of parole. If the board finds that a parolee has

1 committed a technical violation of parole that does not include absconding, the board  
2 may revoke parole and return the parolee to the custody of the commissioner and then  
3 place the person back on parole after the appropriate period of time below:

4 (1) three days for the first technical violation of parole filed with the  
5 board;

6 (2) five days for the second technical violation of parole filed with the  
7 board;

8 (3) 10 days for the third technical violation of parole filed with the  
9 board; and

10 (4) up to the remainder of the sentence for a fourth or subsequent  
11 technical violation of parole.

12 (b) If the board revokes a parolee's parole for absconding, the board may  
13 impose a period of imprisonment not to exceed 30 days.

14 (c) The limits on length of imprisonment the board may impose under this  
15 section if the board revokes a parolee's parole do not apply if the parolee is enrolled in  
16 the program established under AS 33.16.060(c).

17 (d) If the defendant is ordered to complete treatment under AS 33.16.150(a)(3)  
18 and does not comply with the board's order, the board may order the parolee to show  
19 cause why the board should not revoke the parole for noncompletion of treatment. In a  
20 parole revocation proceeding brought as a result of failure to complete treatment, it is  
21 an affirmative defense that the parolee was unable to afford the cost of treatment or  
22 secure a place in a free treatment program, despite having made continuing good faith  
23 efforts. If the board finds that the parolee was unable to complete treatment despite  
24 having made continuing good faith efforts, the parole may not be revoked solely  
25 because of an inability to pay. If the board does not find that the noncompletion of  
26 treatment was attributable to the parolee's inability to pay, the board may revoke  
27 parole subject to the limits established in this section.

28 (e) In this section,

29 (1) "absconding" means failing to report within five working days after  
30 release from custody under AS 33.20.030 or failing to report for a scheduled meeting  
31 with a parole officer, as directed by the board or the parole officer, and failing to make

1 contact with the parole officer within 30 days following the missed meeting;

2 (2) "technical violation" means a violation of the conditions of parole  
3 that does not result from

4 (A) an arrest for a new criminal offense;

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

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

7 \* **Sec. 125.** AS 33.16.220(b) is amended to read:

8 (b) **If a parolee has been arrested for the commission of a new criminal**  
9 **offense or for failing to complete a sex offender treatment program, except**  
10 [EXCEPT] as provided in (e) of this section, **the board or its designee shall hold a**  
11 **preliminary hearing** within 15 working days after the arrest and incarceration of a  
12 parolee for violation of a condition of parole [, THE BOARD OR ITS DESIGNEE  
13 SHALL HOLD A PRELIMINARY HEARING]. At the preliminary hearing, the board  
14 or its designee shall determine if there is probable cause to believe that the parolee  
15 violated the conditions of parole and, when probable cause exists, whether the parolee  
16 should be released pending a final revocation hearing. A finding of probable cause at a  
17 preliminary hearing in a criminal case is conclusive proof of probable cause that a  
18 parole violation occurred.

19 \* **Sec. 126.** AS 33.16.220(f) is amended to read:

20 (f) **If a parolee has had a preliminary hearing under (b) of this section, the**  
21 [THE] board shall hold a final revocation hearing **not** [NO] later than 120 days after a  
22 parolee's arrest, subject to restrictions arising under AS 33.36.110 and (g) of this  
23 section.

24 \* **Sec. 127.** AS 33.16.220(i) is amended to read:

25 (i) If, after the final revocation hearing, the board finds that the parolee has  
26 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or  
27 ordinance, the board may revoke all or a portion of the **remaining period of** parole  
28 **subject to the limits set out in AS 33.16.215**, or change any condition of parole. **The**  
29 **board cannot extend the period of parole beyond the maximum release date**  
30 **calculated by the department on the parolee's original sentence.**

31 \* **Sec. 128.** AS 33.16.220 is amended by adding a new subsection to read:

1 (j) If a parolee has been arrested for a technical violation of conditions of  
2 parole, the board or its designee shall hold a final hearing within 15 working days.

3 \* **Sec. 129.** AS 33.16.240 is amended by adding new subsections to read:

4 (h) A parolee arrested under this section for a technical violation shall be  
5 released once the parolee has served the maximum number of days that could be  
6 served for a technical violation under AS 33.16.215. Nothing in this subsection  
7 prohibits the board or its designee from releasing a parolee sooner.

8 (i) The board or its designee may impose additional conditions necessary to  
9 ensure the parolee's appearance at a hearing held under AS 33.16.220(h).

10 \* **Sec. 130.** AS 33.16 is amended by adding a new section to read:

11 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish  
12 by regulation a program allowing parolees to earn credits for complying with the  
13 conditions of parole. The earned compliance credits reduce the period of parole.  
14 Nothing in this section prohibits the department from recommending to the board the  
15 early discharge of the parolee as provided in AS 33.16. At a minimum, the regulations  
16 must

17 (1) require that a parolee earn a credit of 30 days for each month  
18 served in which the parolee complied with the conditions of parole;

19 (2) include policies and procedures for

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

21 (B) reducing the parolee's period of parole based on credits  
22 earned by the parolee;

23 (C) notifying the court at least 30 days before the earliest date  
24 the parolee's period of parole will be served based on credits earned by the  
25 parolee; and

26 (D) notifying a victim under AS 33.30.013.

27 \* **Sec. 131.** AS 33.16.900 is amended by adding new paragraphs to read:

28 (14) "administrative parole" means the release of a prisoner who is  
29 eligible for administrative parole under AS 33.16.089 and who has satisfied the  
30 criteria for release, subject to conditions imposed by the board and subject to its  
31 custody and jurisdiction;

1 (15) "administrative sanctions and incentives" means responses by a  
 2 parole officer to a parolee's compliance with or violation of the conditions of parole  
 3 under AS 33.16.180.

4 \* **Sec. 132.** AS 33.20.010(a) is amended to read:

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

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

13 (2) to a definite term under AS 12.55.125(I); [OR]

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

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

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

18 **(4) to a definite term of imprisonment of not more than 10 days for**  
 19 **a technical violation of AS 12.55.110(c) or AS 33.16.215.**

20 \* **Sec. 133.** AS 33.20.010(c) is amended to read:

21 (c) A prisoner may not be awarded a good time deduction under (a) of this  
 22 section for any period spent in a treatment program **or** [,] in a private residence **unless,**  
 23 **during that time, the prisoner was** [, OR WHILE] under electronic monitoring.

24 \* **Sec. 134.** AS 33.20.010 is amended by adding a new subsection to read:

25 (d) Notwithstanding (a) and (c) of this section, the commissioner of  
 26 corrections shall award to a prisoner convicted of a sexual offense that is ineligible for  
 27 a deduction under (a)(3)(A) or (B) of this section and sentenced to a term of  
 28 imprisonment that exceeds three days a deduction of one-fifth of the term of  
 29 imprisonment rounded off to the nearest day for periods during which the prisoner  
 30 follows the rules of the correctional facility in which the prisoner is confined. The  
 31 commissioner may not award the deduction under this subsection until the prisoner

1 completes the treatment requirements in the prisoner's case plan.

2 \* **Sec. 135.** AS 33.30.011 is amended to read:

3 **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

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

9 (2) classify prisoners;

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

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

14 (B) maintain health;

15 (C) create or improve occupational skills;

16 (D) enhance educational qualifications;

17 (E) support court-ordered restitution; and

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

20 (4) provide necessary

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

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

27 (i) a prisoner exhibits symptoms of a serious disease or  
28 injury that is curable or may be substantially alleviated; and

29 (ii) the potential for harm to the prisoner by reason of  
30 delay or denial of care is substantial; and

31 (C) assessment or screening of the risks and needs of offenders

1 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal  
 2 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based  
 3 disorder;

4 (5) establish minimum standards for sex offender treatment programs  
 5 offered to persons who are committed to the custody of the commissioner;

6 (6) provide for fingerprinting in correctional facilities in accordance  
 7 with AS 12.80.060; [AND]

8 (7) establish a program to conduct assessments of the risks and needs  
 9 of offenders sentenced to serve a term of incarceration of 30 days or more and provide  
 10 to the legislature, by electronic means, by January 15, 2017, and thereafter by  
 11 January 15, preceding the first regular session of each legislature, a report  
 12 summarizing the findings and results of the program; **the program must include a**  
 13 **requirement for an assessment before a prisoner's release on parole, furlough, or**  
 14 **electronic monitoring from a correctional facility;**

15 (8) **establish a procedure that provides for each prisoner required**  
 16 **to serve an active term of imprisonment of 30 days or more a written case plan**  
 17 **that**

18 (A) **is provided to the prisoner within 90 days after**  
 19 **sentencing;**

20 (B) **is based on the results of the assessment of the**  
 21 **prisoner's risks and needs under (7) of this section;**

22 (C) **includes a requirement to follow the rules of the**  
 23 **institution;**

24 (D) **is modified when necessary for changes in classification,**  
 25 **housing status, medical or mental health, and resource availability;**

26 (E) **includes participation in programming that addresses**  
 27 **the needs identified in the assessment;**

28 (9) **establish a program to begin reentry planning with each**  
 29 **prisoner serving an active term of imprisonment of 90 days or more; reentry**  
 30 **planning must begin at least 90 days before release on furlough or probation or**  
 31 **parole; the written reentry plan must be completed upon release on furlough or**

1 **probation or parole and must include**

2 **(A) information on the prisoner's proposed**

3 **(i) residence;**

4 **(ii) employment or alternative means of support;**

5 **(iii) treatment options;**

6 **(iv) counseling services;**

7 **(v) education or job training services;**

8 **(B) any other requirements for successful transition back to**  
 9 **the community, including electronic monitoring or furlough for the period**  
 10 **between a scheduled parole hearing and parole eligibility; and**

11 **(10) for offenders under electronic monitoring, establish**

12 **(A) minimum standards for electronic monitoring, including**  
 13 **the requirement of active, real-time monitoring using global positioning**  
 14 **systems; and**

15 **(B) procedures for oversight and approving electronic**  
 16 **monitoring programs and systems provided by private contractors.**

17 \* **Sec. 136.** AS 33.30.013(a) is amended to read:

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

19 **(1) escapes from custody;**

20 **(2) is discharged from parole under AS 33.16;** or

21 **(3) is released to the community on a furlough, on an early release**  
 22 **program, or for any other reason.**

23 \* **Sec. 137.** AS 33.30.065(a) is amended to read:

24 (a) If the commissioner designates a prisoner to serve the prisoner's term of  
 25 imprisonment or period of temporary commitment, or a part of the term or period, by  
 26 electronic monitoring, the commissioner shall direct the prisoner to serve the term or  
 27 period at the prisoner's residence or other place selected by the commissioner. The  
 28 electronic monitoring shall be administered by the department **or by a private**  
 29 **contractor approved by the department under AS 33.30.011(10)** and shall be  
 30 designed so that any attempt to remove, tamper with, or disable the monitoring  
 31 equipment or to leave the place selected for the service of the term or period will result

1 in a report or notice to the department.

2 \* **Sec. 138.** AS 33.30 is amended by adding a new section to read:

3 **Sec. 33.30.095. Duties of commissioner before release of prisoner.** (a) The  
4 commissioner shall establish a program to prepare a prisoner who is serving a sentence  
5 of imprisonment exceeding one year for the prisoner's discharge, release on parole or  
6 probation, or prerelease furlough under AS 33.30.111 that begins 90 days before the  
7 date of the prisoner's discharge, release, or furlough.

8 (b) The program established under (a) of this section must include

9 (1) instruction on

10 (A) obtaining state identification;

11 (B) community resources available for housing, employment,  
12 and treatment;

13 (2) an individualized reentry plan under AS 30.30.011(9) for the  
14 prisoner; and

15 (3) probation and parole orientation, if appropriate.

16 \* **Sec. 139.** AS 33.30.151 is amended to read:

17 **Sec. 33.30.151. Correctional restitution centers.** (a) The commissioner shall  
18 establish correctional restitution centers in the state. The purpose of the centers is to  
19 provide certain offenders with rehabilitation through **comprehensive treatment for**  
20 **substance abuse, cognitive behavioral disorders, and other criminal risk factors,**  
21 **including aftercare support,** community service, and employment, while protecting  
22 the community through partial incarceration of the offender, and to create a means to  
23 provide restitution to victims of crimes.

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

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

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

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

- 1 (4) standards for classifying prisoners to centers;
- 2 (5) standards for mandatory employment and participation in  
3 community service programs in each center; [AND]
- 4 (6) standards for periodic review of the performance of prisoners  
5 confined to the centers **and quality assurance measures to ensure centers are**  
6 **meeting state standards and contractual obligations;**
- 7 **(7) standards for the provision of treatment, including substance**  
8 **abuse treatment, cognitive behavioral therapy, and aftercare designed to address**  
9 **an offender's individual criminogenic needs; and**
- 10 **(8) standards and a process to assess an offender's risk of**  
11 **recidivating and the criminal risk factors and needs that reduce the risk of**  
12 **recidivating and ensure that**
- 13 **(A) high risk offenders with moderate to high needs are a**  
14 **priority for acceptance into a correctional restitution center; and**
- 15 **(B) centers establish internal procedures to limit the mixing**  
16 **of low and high risk prisoners.**

17 \* **Sec. 140.** AS 34.03.360(7) is amended to read:

18 (7) "illegal activity involving a controlled substance" means a violation  
19 of AS 11.71.010(a), **11.71.030(a)(1), (2), or (4) - (8)** [11.71.020(a), 11.71.030(a)(1)  
20 OR (2)], or 11.71.040(a)(1), (2), or (5);

21 \* **Sec. 141.** AS 43.23.065(b) is amended to read:

22 (b) An exemption is not available under this section for permanent fund  
23 dividends taken to satisfy

24 (1) child support obligations required by court order or decision of the  
25 child support services agency under AS 25.27.140 - 25.27.220;

26 (2) court ordered restitution under AS 12.55.045 - 12.55.051,  
27 12.55.100, or AS 47.12.120(b)(4);

28 (3) claims on defaulted education loans under AS 43.23.067;

29 (4) court ordered fines;

30 (5) writs of execution under AS 09.35 of a judgment that is entered

31 (A) against a minor in a civil action to recover damages and

1 court costs;

2 (B) under AS 09.65.255 against the parent, parents, or legal  
3 guardian of an unemancipated minor;

4 (6) a debt owed by an eligible individual to an agency of the state,  
5 including the University of Alaska, unless the debt is contested and an appeal is  
6 pending, or the time limit for filing an appeal has not expired;

7 (7) a debt owed to a person for a program for the rehabilitation of  
8 perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15),  
9 AS 25.20.061(3), or AS 33.16.150(f)(2);

10 (8) a judgment for unpaid rent or damage owed to a landlord by an  
11 eligible individual that was a tenant of the landlord; in this paragraph, "tenant" has the  
12 meaning given in AS 34.03.360;

13 **(9) court-ordered forfeiture of an appearance or performance**  
14 **bond under AS 12.30.075.**

15 \* **Sec. 142.** AS 44.19.645 is amended to read:

16 **Sec. 44.19.645. Powers and duties of the commission.** (a) The commission  
17 shall evaluate the effect of sentencing laws and criminal justice practices on the  
18 criminal justice system to evaluate whether those sentencing laws and criminal justice  
19 practices provide for protection of the public, community condemnation of the  
20 offender, the rights of victims of crimes, the rights of the accused and the person  
21 convicted, restitution from the offender, and the principle of reformation. The  
22 commission shall make recommendations for improving criminal sentencing practices  
23 and criminal justice practices, including rehabilitation and restitution. **The**  
24 **commission shall annually make recommendations to the governor and the**  
25 **legislature on how savings from criminal justice reforms should be reinvested to**  
26 **reduce recidivism.** In formulating its recommendations, the commission shall  
27 consider

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

30 (2) sentencing practices of the judiciary, including use of presumptive  
31 sentences;

1 (3) means of promoting uniformity, proportionality, and accountability  
2 in sentencing;

3 (4) alternatives to traditional forms of incarceration;

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

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

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

12 (8) the relationship between sentencing priorities and correctional  
13 resources;

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

16 (10) whether the schedules for controlled substances in AS 11.71.140 -  
17 11.71.190 are reasonable and appropriate, considering the criteria established in  
18 AS 11.71.120(c).

19 (b) The commission may

20 (1) recommend legislative and administrative action on criminal justice  
21 practices; [AND]

22 (2) select and retain the services of consultants as necessary;

23 **(3) appoint a working group to review and analyze the**  
24 **implementation of the recommendations made in the justice reinvestment report**  
25 **in December 2015, and other recommendations issued by the commission, and**  
26 **regularly report to the commission on the status of the implementation; a**  
27 **working group may include representatives of criminal justice agencies and key**  
28 **constituencies who are not members of the commission; and**

29 **(4) enter into data-sharing agreements with the Justice Center at**  
30 **the University of Alaska, the Alaska Judicial Council, or other research**  
31 **institutions for the purposes of analyzing data and performance metrics.**

1 \* **Sec. 143.** AS 44.19.645 is amended by adding new subsections to read:

2 (c) The commission shall

3 (1) receive and analyze data collected by agencies and entities charged  
4 with implementing the recommendations of the 2015 justice reinvestment report and  
5 other recommendations issued by the commission and who are collecting data during  
6 the implementation and management of specific commission recommendations;

7 (2) track and assess outcomes from the recommendations the  
8 commission has made and corresponding criminal justice reforms; and

9 (3) request, receive, and review data and reports on performance  
10 outcome data relating to criminal justice reform.

11 (d) Agencies and entities reporting data to the working group authorized in  
12 (b)(3) of this section under (e) - (g) of this section shall

13 (1) report data individually by case number, including an identifier  
14 number such as the Alaska Public Safety Information Network number, the court case  
15 number, the Alaska Corrections Offender Management System number, and the arrest  
16 tracking number, as available;

17 (2) include demographic information necessary for tracking  
18 individuals across multiple databases, including the individual's first name, last name,  
19 middle initial as available, and date of birth; and

20 (3) include information necessary to measure possible disparate effects  
21 of criminal justice laws and policies, such as race and gender as available.

22 (e) The judiciary shall report quarterly to the working group authorized in  
23 (b)(3) of this section. The report shall include criminal case processing data, including

24 (1) the date, type, and number of all charges disposed within the  
25 quarter;

26 (2) the disposition of each charge, whether convicted, dismissed,  
27 acquitted, or otherwise disposed;

28 (3) the date of the disposition for each charge; and

29 (4) for each charge or conviction, the sentence, including the length of  
30 active incarceration, the amount of suspended time, the length of any probationary  
31 term, and whether a suspended imposition of sentence or suspended imposition of

1 judgment was given.

2 (f) The Department of Public Safety shall report quarterly to the working  
3 group authorized under (b)(3) of this section. The report shall include the following  
4 information:

5 (1) data on citations and arrests for criminal offenses, including the  
6 offense charged and reason for arrest if an arrest was made;

7 (2) data on all criminal convictions and sentences during the quarter;  
8 and

9 (3) criminal history information for selected offenders as agreed on by  
10 the department and the working group authorized in (b)(3) of this section.

11 (g) The Department of Corrections shall report quarterly to the working group  
12 authorized in (b)(3) of this section. The report shall include the following information:

13 (1) data on pretrial decision making and outcomes, including  
14 information on pretrial detainees admitted for a new criminal charge; detainees  
15 released at any point before case resolution; time spent detained before first release or  
16 case resolution; pretrial defendant risk level and charge; pretrial release  
17 recommendations made by pretrial service officers; pretrial conditions imposed on  
18 pretrial detainees by judicial officers, including amount of bail, and supervision  
19 conditions; and information on pretrial outcomes, including whether or not the  
20 defendant appeared in court or was re-arrested during the pretrial period;

21 (2) data on offenders admitted to the Department of Corrections for a  
22 new criminal conviction, including the offense type, number of prior felony  
23 convictions, sentence length, length of stay, and the number of offenders earning a  
24 good time deduction under AS 33.20.010(d);

25 (3) data on the population of the Department of Corrections, using a  
26 one-day snapshot on the first day of the first month of each quarter, broken down by  
27 type of admission, offense type, and risk level;

28 (4) data on offenders on probation supervised by the Department of  
29 Corrections, including the total number of offenders supervised using a one-day  
30 snapshot on the first month of each quarter; admissions to probation; assignments to a  
31 program under AS 33.05.020(f); probation sentence length; time served on the

1 sentence; whether probation was successfully completed, any new convictions for a  
2 felony offense, and any sentences to a term of imprisonment while on probation;

3 (5) data on parole, including the number of offenders supervised on  
4 parole, using a one-day snapshot on the first month of each quarter; the number of  
5 parole hearings; the parole grant rate and number of parolees released on  
6 administrative, discretionary, and special medical parole; and information on parolees,  
7 including time spent on parole, whether parole was successfully completed, any new  
8 convictions for a new felony offense, and any sentences to a term of imprisonment  
9 while on parole;

10 (6) data on the implementation of policies from the 2015 justice  
11 reinvestment report, including the number and percentage of offenders who earn  
12 compliance credits under AS 33.05.020(g) in one or more months, and the total  
13 amount of credits earned; the average number of sanctions issued under  
14 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most  
15 common violations of probation or parole; and

16 (7) data on probation and parole revocations, including information on  
17 probationers and parolees admitted for a supervision violation pre-case and post-case  
18 resolution; probationers and parolees admitted solely for a technical violation;  
19 probationers and parolees admitted for a new arrest; the number of previous  
20 revocations on the current sentence, if any; the length of time held pre-case resolution;  
21 the length of time to case resolution; and the length of stay.

22 \* **Sec. 144.** AS 44.19.647 is amended to read:

23 **Sec. 44.19.647. Annual report and recommendations.** The commission shall  
24 submit to the governor and the legislature an annual report. **The report must include**

25 **(1) a description** of its proceedings for the previous calendar year;

26 **(2) a summary of savings and recommendations on how savings**  
27 **from criminal justice reform should be reinvested to reduce recidivism;**

28 **(3) performance metrics and outcomes from the recommendations**  
29 **the commission made in its December 2015 report, including recidivism rates,**  
30 **defined as**

31 **(A) the percentage of inmates who return to prison within**

1           three years after release, broken down by offense type and risk level; and  
 2                           (B) the percentage of inmates who return to prison within  
 3           three years after release for a new criminal conviction, broken down by  
 4           offense type and risk level; and

5           (4) recommendations for additional reforms, which may include

6           [AND MAY SUBMIT] recommendations for legislative and administrative action.  
 7           [REPORTS AND RECOMMENDATIONS PROVIDED UNDER THIS SECTION  
 8           SHALL BE SUBMITTED NOT LATER THAN FEBRUARY 1 OF EACH YEAR].

9           \* **Sec. 145.** AS 44.19.647 is amended by adding a new subsection to read:

10                   (b) The commission shall submit the reports and recommendations provided  
 11                   under (a) of this section not later than November 1 of each year.

12           \* **Sec. 146.** AS 44.66.010(a)(12) is amended to read:

13                   (12) Alaska Criminal Justice Commission (AS 44.19.641) - **June 30,**  
 14                   **2021** [JUNE 30, 2017];

15           \* **Sec. 147.** AS 47.05 is amended by adding a new section to read:

16                   **Sec. 47.05.035. Disqualification from public assistance for felony drug**  
 17                   **offenses.** (a) A person convicted during or in the five years preceding a period in  
 18                   which the person is receiving public assistance under AS 47.25 of an offense under  
 19                   AS 11.71.010 - 11.71.050, 11.71.060(a)(2)(B), or by the law of another jurisdiction  
 20                   that has as an element the possession, use, or distribution of a controlled substance, as  
 21                   defined in AS 11.71.900, is disqualified from receiving public assistance under this  
 22                   title unless the person participates in a testing program implemented by the department  
 23                   at least quarterly, on renewal of public assistance eligibility, and on a random basis for  
 24                   the use of illegal controlled substances. A person subject to this section who tests  
 25                   positive for the illegal use of controlled substances or who refuses to submit to a test  
 26                   required under this section is disqualified from receiving public assistance for six  
 27                   months following the date of notice that the person tested positive for the use of illegal  
 28                   controlled substances or from the date the person refused to submit to a test required  
 29                   under this section.

30                   (b) The department shall adopt regulations to implement (a) of this section.  
 31                   The regulations adopted by the department must

1 (1) include an appeal process for a person disqualified under (a) of this  
2 section; and

3 (2) provide that, where available, an alcohol safety action program  
4 approved under AS 47.37.130 shall perform the drug testing.

5 (c) In this section, "public assistance" means

6 (1) a program that provides

7 (A) day care assistance under AS 47.25.001 - 47.25.095;

8 (B) general relief assistance under AS 47.25.120 - 300; or

9 (C) adult public assistance under AS 47.25.430 - 47.25.615;

10 (2) the Alaska affordable heating program under AS 47.25.621 -  
11 47.25.626; or

12 (3) the food stamp program under AS 47.25.975 - 47.25.990.

13 \* **Sec. 148.** AS 47.27.015 is amended by adding a new subsection to read:

14 (i) A person convicted after August 22, 1996, of an offense that is classified as  
15 a felony under AS 11.71.010 - 11.71.040 or by the law of another jurisdiction that has  
16 as an element the possession, use, or distribution of a controlled substance, as defined  
17 in AS 11.71.900, is disqualified from receiving temporary assistance under this  
18 chapter or food stamps under AS 47.25 unless the person demonstrates, to the  
19 satisfaction of the department, that the person

20 (1) is satisfactorily serving, or has successfully completed, a period of  
21 probation or parole;

22 (2) is in the process of serving, or has successfully completed,  
23 mandatory participation in a drug or alcohol treatment program; or

24 (3) has taken action toward rehabilitation, including participation in a  
25 drug or alcohol treatment program.

26 \* **Sec. 149.** AS 47.37.040 is amended to read:

27 **Sec. 47.37.040. Duties of department.** The department shall

28 (1) develop, encourage, and foster statewide, regional, and local plans  
29 and programs for the prevention of alcoholism and drug abuse and treatment of  
30 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with  
31 public and private agencies, organizations, and individuals, and provide technical

1 assistance and consultation services for these purposes;

2 (2) coordinate the efforts and enlist the assistance of all public and  
3 private agencies, organizations, and individuals interested in prevention of alcoholism,  
4 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug  
5 abusers, and inhalant abusers;

6 (3) cooperate with the Department of Corrections in establishing and  
7 conducting programs to provide treatment for alcoholics, intoxicated persons, drug  
8 abusers, and inhalant abusers in or on parole from penal institutions;

9 (4) cooperate with the Department of Education and Early  
10 Development, school boards, schools, police departments, courts, and other public and  
11 private agencies, organizations, and individuals in establishing programs for the  
12 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,  
13 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum  
14 materials for use at all levels of school education;

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

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

22 (7) organize and foster training programs for all persons engaged in  
23 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and  
24 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant  
25 abuse workers;

26 (8) sponsor and encourage research into the causes and nature of  
27 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,  
28 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse  
29 for information relating to alcoholism, drug abuse, and inhalant abuse;

30 (9) specify uniform methods for keeping statistical information by  
31 public and private agencies, organizations, and individuals, and collect and make

1 available relevant statistical information, including number of persons treated,  
2 frequency of admission and readmission, and frequency and duration of treatment;

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

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

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

12 (13) use the support and assistance of interested persons in the  
13 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to  
14 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo  
15 treatment;

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

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

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

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

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

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

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

9 (A) a court in connection with a charge or conviction of a  
 10 violation or misdemeanor related to the use of alcohol or a controlled  
 11 substance;

12 (B) the agency responsible for the administration of motor  
 13 vehicle laws in connection with a license action related to the use of alcohol or  
 14 a controlled substance; or

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

17 (21) develop and implement, or designate, in cooperation with other  
 18 state or local agencies, an alcohol safety action program that provides [ALCOHOL  
 19 AND SUBSTANCE ABUSE SCREENING, REFERRAL, AND MONITORING]  
 20 services to persons who have been referred by a court [IN CONNECTION WITH A  
 21 CHARGE OR CONVICTION OF A MISDEMEANOR INVOLVING THE USE OF  
 22 A MOTOR VEHICLE, AIRCRAFT, OR WATERCRAFT AND ALCOHOL OR A  
 23 CONTROLLED SUBSTANCE, REFERRED BY A COURT] under AS 28.35.028,  
 24 28.35.030, or 28.35.032, or referred by an agency of the state with the responsibility  
 25 for administering motor vehicle laws in connection with a driver's license action  
 26 involving the use of alcohol or a controlled substance;

27 (22) whenever possible, apply evidence-based, research-based, and  
 28 consensus-based substance abuse and co-occurring substance abuse and mental health  
 29 disorders treatment practices and remove barriers that prevent the use of those  
 30 practices;

31 (23) collaborate with first responders, hospitals, schools, primary care

1 providers, developmental disability treatment providers, law enforcement, corrections,  
 2 attorneys, the Alaska Court System, community behavioral treatment providers,  
 3 Alaska Native organizations, and federally funded programs in implementing  
 4 programs for co-occurring substance abuse and mental health disorders treatment.

5 \* **Sec. 150.** AS 47.37.130(h) is amended to read:

6 (h) The department shall

7 (1) inspect, on a regular basis, approved public and private alcohol  
 8 safety action programs at reasonable times and in a reasonable manner; [AND]

9 (2) maintain a list of approved public and private alcohol safety action  
 10 programs; **and**

11 **(3) develop regulations for the operation and management of**  
 12 **alcohol safety action programs that ensure**

13 **(A) assessments are conducted using a validated risk and**  
 14 **needs assessment tool; and**

15 **(B) supervision of participants is appropriate to the**  
 16 **assessed risk of re-offense of the participant.**

17 \* **Sec. 151.** AS 47.37.130 is amended by adding a new subsection to read:

18 (k) The public and private alcohol safety action programs established under  
 19 AS 47.37.040(21) shall provide

20 (1) assessment of eligible participants to determine the risk of the  
 21 person to re-offend and the criminal risk factors that are contributing to the risk; and

22 (2) supervision of participants based on the assessed risk to re-offend.

23 \* **Sec. 152.** AS 47.38.020(d) is repealed and reenacted to read:

24 (d) The department may, in accordance with AS 36.30, procure and enter into  
 25 agreements or contracts to establish and implement the program and testing required  
 26 under (a) - (c) of this section.

27 \* **Sec. 153.** AS 47.38.100(a) is amended to read:

28 (a) The recidivism reduction program is established to promote the  
 29 rehabilitation [THROUGH TRANSITIONAL RE-ENTRY PROGRAMS] of persons  
 30 **on probation or parole or** incarcerated for offenses and recently released from  
 31 correctional facilities.

1 \* **Sec. 154.** AS 47.38.100(b) is amended to read:

2 (b) The commissioner, in cooperation with the Alaska Criminal Justice  
 3 Commission established in AS 44.19.641 [COMMISSIONER OF CORRECTIONS],  
 4 may provide for programs that have, as a primary focus, rehabilitation and reduction  
 5 of recidivism [THROUGH TRANSITIONAL RE-ENTRY] for persons on probation  
 6 or parole or incarcerated for offenses and recently released from correctional  
 7 facilities. The commissioner may enter into contracts to provide for programs under  
 8 this section. An eligible [A] program under this section must accomplish at least one  
 9 of the following objectives:

10 (1) increasing access to evidence-based rehabilitation programs,  
 11 including drug and alcohol treatment, mental health treatment, and cognitive  
 12 behavioral programs; or

13 (2) supporting offenders' transition and re-entry from correctional  
 14 facilities to the community, including transitional housing services, employment  
 15 services, vocational training, educational support, and counseling [INCLUDE  
 16 CASE MANAGEMENT;

17 (2) REQUIRE SOBER LIVING;

18 (3) PROVIDE, ON-SITE OR BY REFERRAL, TREATMENT FOR  
 19 SUBSTANCE ABUSE OR MENTAL HEALTH TREATMENT;

20 (4) REQUIRE EMPLOYMENT, EDUCATIONAL  
 21 PROGRAMMING, VOCATIONAL TRAINING, OR COMMUNITY VOLUNTEER  
 22 WORK AS APPROVED BY THE DIRECTOR OF THE TREATMENT PROGRAM;  
 23 AND

24 (5) LIMIT RESIDENTIAL PLACEMENTS IN THE PROGRAM TO  
 25 A MAXIMUM OF ONE YEAR].

26 \* **Sec. 155.** AS 47.38.100 is amended by adding a new subsection to read:

27 (d) In this section, "evidenced-based" means a program or practice that offers  
 28 a high level of research on effectiveness.

29 \* **Sec. 156.** The uncodified law of the State of Alaska is amended by adding a new section  
 30 to read:

31 DIRECT COURT RULE AMENDMENT. Rule 38, Alaska Rules of Criminal

1 Procedure, is amended by adding new subsections to read:

2 (d) **Hearing Notice.** The court shall provide a notice to a defendant of the  
3 date, time, and place of a scheduled hearing at which the defendant is required to  
4 appear in a form and manner established by the court.

5 (e) **Hearing Reminder.** In addition to the notice required under (d) of this  
6 rule, the court shall provide a reminder notification to a defendant who is not in  
7 custody and to the Department of Corrections at least 48 hours prior to a scheduled  
8 hearing at which the defendant is required to appear regarding the date, time, and  
9 place of the scheduled hearing and the potential consequences of failure to appear, in a  
10 form and manner established by the court.

11 \* **Sec. 157.** The uncodified law of the State of Alaska is amended by adding a new section  
12 to read:

13 DIRECT COURT RULE AMENDMENT. Rule 41, Alaska Rules of Criminal  
14 Procedure, is amended by adding a new subsection to read:

15 (j) **Misdemeanor and Felony Bail Schedules.** No bail schedule shall be  
16 established for misdemeanors or felonies.

17 \* **Sec. 158.** The uncodified law of the State of Alaska is amended by adding a new section  
18 to read:

19 REPEAL OF COURT RULES. Rules 41(d) and (e), Alaska Rules of Criminal  
20 Procedure, are repealed.

21 \* **Sec. 159.** AS 11.46.140(a)(3), 11.46.220(c)(2)(B); AS 11.71.020, 11.71.040(a)(3),  
22 11.71.050(a)(2), 11.71.060(a)(2)(A); AS 12.30.016(d); AS 12.55.125(o), 12.55.135(j); and  
23 AS 33.16.100(e) are repealed.

24 \* **Sec. 160.** The uncodified law of the State of Alaska is amended by adding a new section  
25 to read:

26 INDIRECT COURT RULE AMENDMENT. (a) AS 12.30.006(h), enacted by sec. 44  
27 of this Act, has the effect of changing Rule 6, Alaska Rules of Criminal Procedure, by  
28 directing the court to arraign a person within 24 hours after arrest, and in no instance later  
29 than 48 hours after the person's arrest.

30 (b) AS 12.30.011, as amended by sec. 45 of this Act, and AS 12.30.011(e) - (i),  
31 enacted by sec. 46 of this Act, have the effect of changing Rule 41, Alaska Rules of Criminal

1 Procedure, by changing and establishing release conditions for certain defendants, providing  
 2 for recommendations by pretrial services officers of release conditions based on a pretrial risk  
 3 assessment score, providing that a court shall order the release of a person under certain  
 4 circumstances upon execution of an appearance or performance bond, and providing new  
 5 procedures for use of appearance, surety, and performance bonds.

6 (c) AS 12.55.055(g), enacted by sec. 60 of this Act, has the effect of changing Rule  
 7 32, Alaska Rules of Criminal Procedure, by directing the court to include a provision in the  
 8 judgment that community work hours that are not completed shall be converted to a fine as  
 9 provided in AS 12.55.055(h), added by sec. 60 of this Act.

10 (d) AS 12.55.078, enacted by sec. 61 of this Act, has the effect of changing Rule 43,  
 11 Alaska Rules of Criminal Procedure, by creating an alternate procedure for when the court  
 12 may dismiss charges.

13 (e) AS 12.55.135(p), enacted by sec. 77 of this Act, has the effect of changing Rule  
 14 32.1, Alaska Rules of Criminal Procedure, by changing the procedure for notice of  
 15 aggravating factors.

16 (f) AS 33.07, enacted by sec. 96 of this Act, has the effect of changing Rule 41,  
 17 Alaska Rules of Criminal Procedure, by establishing pretrial services officers and procedures  
 18 and duties for pretrial services officers as officers of the superior and district courts, for the  
 19 purposes of performing risk assessments and making pretrial recommendations to the court  
 20 regarding a person's pretrial release and bail conditions.

21 \* **Sec. 161.** The uncodified law of the State of Alaska is amended by adding a new section  
 22 to read:

23 COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. The Council  
 24 on Domestic Violence and Sexual Assault established in AS 18.66.010 shall create or expand  
 25 community-based violence prevention programming and services for victims of a crime  
 26 involving domestic violence or sexual assault in the fiscal year ending June 30, 2017. In this  
 27 section "domestic violence" and "sexual assault" have the meanings given to those terms in  
 28 AS 18.66.990.

29 \* **Sec. 162.** The uncodified law of the State of Alaska is amended by adding a new section  
 30 to read:

31 REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING

1 BARRIER OFFENSES. The Alaska Criminal Justice Commission shall provide in the  
 2 commission's 2017 annual report required under AS 44.19.647 an evaluation of the  
 3 relationship between offenses on a person's criminal justice record that may be a barrier to  
 4 entry into certain occupations and the successful re-entry of a person with barrier offenses on  
 5 the person's criminal justice record into the community and an evaluation of the relationship  
 6 between legal expungement or pardons and successful re-entry.

7 \* **Sec. 163.** The uncodified law of the State of Alaska is amended by adding a new section  
 8 to read:

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

- 11 (1) AS 11.46.130(a), as amended by sec. 3 of this Act;
- 12 (2) AS 11.46.140(a), as amended by sec. 4 of this Act;
- 13 (3) AS 11.46.220(c), as amended by sec. 5 of this Act;
- 14 (4) AS 11.46.260(b), as amended by sec. 6 of this Act;
- 15 (5) AS 11.46.270(b), as amended by sec. 7 of this Act;
- 16 (6) AS 11.46.280(d), as amended by sec. 8 of this Act;
- 17 (7) AS 11.46.285(b), as amended by sec. 9 of this Act;
- 18 (8) AS 11.46.295, as amended by sec. 10 of this Act;
- 19 (9) AS 11.46.482(a), as amended by sec. 12 of this Act;
- 20 (10) AS 11.46.484(a), as amended by sec. 13 of this Act;
- 21 (11) AS 11.46.530(b), as amended by sec. 14 of this Act;
- 22 (12) AS 11.46.620(d), as amended by sec. 15 of this Act;
- 23 (13) AS 11.46.730(c), as amended by sec. 16 of this Act;
- 24 (14) AS 11.61.110(c), as amended by sec. 21 of this Act;
- 25 (15) AS 11.61.145(d), as amended by sec. 22 of this Act;
- 26 (16) AS 11.66.200(c), as amended by sec. 26 of this Act;
- 27 (17) AS 11.71.030(a), as amended by sec. 27 of this Act;
- 28 (18) AS 11.71.040(a), as amended by sec. 30 of this Act;
- 29 (19) AS 11.71.050, as amended by sec. 32 of this Act;
- 30 (20) AS 11.71.311(a), as amended by sec. 34 of this Act;
- 31 (21) AS 12.55.027(g), enacted by sec. 56 of this Act;

- 1 (22) AS 12.55.125(a), as amended by sec. 70 of this Act;  
 2 (23) AS 12.55.125(b), as amended by sec. 71 of this Act;  
 3 (24) AS 28.15.291(a), as repealed and reenacted by sec. 83 of this Act;  
 4 (25) AS 28.15.291(b), as repealed and reenacted by sec. 84 of this Act;  
 5 (26) AS 29.10.200(21), as amended by sec. 90 of this Act;  
 6 (27) AS 29.25.070(a), as amended by sec. 91 of this Act;  
 7 (28) AS 29.25.070(g), enacted by sec. 92 of this Act; and  
 8 (29) AS 47.27.015(i), enacted by sec. 148 of this Act.

9 (b) The following sections apply to offenses committed before, on, or after the  
 10 effective date of those sections:

- 11 (1) AS 11.46.460, as amended by sec. 11 of this Act;  
 12 (2) AS 11.56.757(b), as amended by sec. 19 of this Act; and  
 13 (3) AS 11.61.150(c), as amended by sec. 24 of this Act.

14 (c) The following sections apply to offenses committed before, on, or after the  
 15 effective date of those sections for contacts with peace officers occurring on or after the  
 16 effective date of those sections:

- 17 (1) AS 12.25.150(a), as amended by sec. 35 of this Act;  
 18 (2) AS 12.25.180, as amended by sec. 36 of this Act; and  
 19 (3) AS 12.25.190(b), as amended by sec. 38 of this Act.

20 (d) The following sections apply to sentences imposed on or after the effective date of  
 21 those sections for conduct occurring before, on, or after the effective date of those sections:

- 22 (1) AS 12.55.027(d), as amended by sec. 55 of this Act;  
 23 (2) AS 12.55.027(f), enacted by sec. 56 of this Act;  
 24 (3) AS 12.55.125(c), as amended by sec. 72 of this Act;  
 25 (4) AS 12.55.125(d), as amended by sec. 73 of this Act;  
 26 (5) AS 12.55.125(e), as amended by sec. 74 of this Act;  
 27 (6) AS 12.55.135(a), as amended by sec. 75 of this Act;  
 28 (7) AS 12.55.135(b), as amended by sec. 76 of this Act;  
 29 (8) AS 12.55.135(l) - (p), enacted by sec. 77 of this Act;  
 30 (9) AS 33.20.010(a), as amended by sec. 132 of this Act; and  
 31 (10) AS 33.20.010(c), as amended by sec. 133 of this Act.

1 (e) The following sections apply to sentences imposed on or after the effective date of  
2 those sections for conduct occurring before, on, or after the effective date of those sections:

- 3 (1) AS 12.55.025(a), as amended by sec. 53 of this Act;
- 4 (2) AS 12.55.025(c), as amended by sec. 54 of this Act;
- 5 (3) AS 12.55.115, as amended by sec. 69 of this Act;
- 6 (4) AS 28.35.030(k), as amended by sec. 86 of this Act;
- 7 (5) AS 28.35.032(o), as amended by sec. 89 of this Act;
- 8 (6) AS 33.16.010(f), enacted by sec. 99 of this Act;
- 9 (7) AS 33.16.089, enacted by sec. 101 of this Act;
- 10 (8) AS 33.16.090(b), as amended by sec. 103 of this Act; and
- 11 (9) AS 33.20.010(d), enacted by sec. 134 of this Act.

12 (f) AS 12.30.055(b), enacted by sec. 51 of this Act, applies to persons in custody for a  
13 probation violation on or after the effective date of sec. 51 for a probation violation that  
14 occurred before, on, or after the effective date of sec. 51 of this Act.

15 (g) The following sections apply to community work service imposed on or after the  
16 effective date of those sections for offenses committed on or after the effective date of those  
17 sections:

- 18 (1) AS 12.55.055(c), as amended by sec. 59 of this Act; and
- 19 (2) AS 12.55.055(g) and (h), enacted by sec. 60 of this Act.

20 (h) AS 12.55.078, enacted by sec. 61 of this Act, applies to prosecutions occurring on  
21 or after the effective date of those sections for offenses committed before, on, or after the  
22 effective date of sec. 61 of this Act.

23 (i) The following sections apply to probation ordered on or after the effective date of  
24 those sections for offenses committed before, on, or after the effective date of those sections:

- 25 (1) AS 12.55.051(a), as amended by sec. 57 of this Act;
- 26 (2) AS 12.55.090(c), as amended by sec. 63 of this Act.

27 (j) The following sections apply to probation ordered on or after the effective date of  
28 those sections for offenses committed before, on, or after the effective date of those sections:

- 29 (1) AS 12.55.090(b), as amended by sec. 62 of this Act;
- 30 (2) AS 12.55.090(f), as amended by sec. 64 of this Act;
- 31 (3) AS 12.55.090(g) - (m), enacted by sec. 65 of this Act;

- 1 (4) AS 12.55.100(a), as amended by sec. 66 of this Act;  
 2 (5) AS 12.55.110(c) - (g), enacted by sec. 68 of this Act; and  
 3 (6) AS 33.05.040, as amended by sec. 94 of this Act.

4 (k) The following sections apply to a revocation of a driver's license, privilege to  
 5 drive, or privilege to obtain a license occurring on or after the effective date of those sections  
 6 for conduct occurring before, on, or after the effective date of those sections:

- 7 (1) AS 28.15.165(e), enacted by sec. 80 of this Act;  
 8 (2) AS 28.15.181(f), as amended by sec. 81 of this Act;  
 9 (3) AS 28.15.201(g) and (h), enacted by sec. 82 of this Act; and  
 10 (4) AS 28.35.030(o), as amended by sec. 88 of this Act.

11 (l) The following sections apply to parole granted on or after the effective date of  
 12 those sections for conduct occurring before, on, or after the effective date of those sections:

- 13 (1) AS 33.16.010(c), as amended by sec. 97 of this Act;  
 14 (2) AS 33.16.010(d), as amended by sec. 98 of this Act;  
 15 (3) AS 33.16.060(a), as amended by sec. 100 of this Act;  
 16 (4) AS 33.16.090(a), as amended by sec. 102 of this Act;  
 17 (5) AS 33.16.100(a), as amended by sec. 104 of this Act;  
 18 (6) AS 33.16.100(b), as amended by sec. 105 of this Act;  
 19 (7) AS 33.16.100(f) and (g), enacted by sec. 106 of this Act;  
 20 (8) AS 33.16.130, as repealed and reenacted by sec. 112 of this Act;  
 21 (9) AS 33.16.140, as amended by sec. 113 of this Act;  
 22 (10) AS 33.16.150(a), as amended by sec. 114 of this Act;  
 23 (11) AS 33.16.150(b), as amended by sec. 115 of this Act;  
 24 (12) AS 33.16.150(e), as amended by sec. 116 of this Act;  
 25 (13) AS 33.16.150(f), as amended by sec. 117 of this Act;  
 26 (14) AS 33.16.150(g), as amended by sec. 118 of this Act;  
 27 (15) AS 33.16.150(h), enacted by sec. 119 of this Act;  
 28 (16) AS 33.16.180, as amended by sec. 120 of this Act;  
 29 (17) AS 33.16.200, as amended by sec. 121 of this Act;  
 30 (18) AS 33.16.210, as amended by sec. 122 of this Act;  
 31 (19) AS 33.16.210(c), enacted by sec. 123 of this Act;

- 1 (20) AS 33.16.215, enacted by sec. 124 of this Act;  
 2 (21) AS 33.16.220(b), as amended by sec. 125 of this Act;  
 3 (22) AS 33.16.220(f), as amended by sec. 126 of this Act;  
 4 (23) AS 33.16.220(i), as amended by sec. 127 of this Act;  
 5 (24) AS 33.16.220(j), enacted by sec. 128 of this Act;  
 6 (25) AS 33.16.240(h) and (i), enacted by sec. 129 of this Act; and  
 7 (26) AS 33.16.270, enacted by sec. 130 of this Act.

8 (m) AS 11.56.730(d), enacted by sec. 17 of this Act, and secs. 156 - 158 of this Act  
 9 apply to offenses committed on or after the effective date of secs. 17 and 156 - 158 of this  
 10 Act.

11 (n) The following sections apply to an offense committed on or after the effective date  
 12 of those sections:

- 13 (1) AS 12.30.006(b), as amended by sec. 40 of this Act;  
 14 (2) AS 12.30.006(c), as amended by sec. 41 of this Act;  
 15 (3) AS 12.30.006(d), as amended by sec. 42 of this Act;  
 16 (4) AS 12.30.006(f), as amended by sec. 43 of this Act;  
 17 (5) AS 12.30.006(h), enacted by sec. 44 of this Act;  
 18 (6) AS 12.30.011, as amended by sec. 45 of this Act;  
 19 (7) AS 12.30.011(e) - (i), enacted by sec. 46 of this Act;  
 20 (8) AS 12.30.016(b), as amended by sec. 47 of this Act;  
 21 (9) AS 12.30.016(c), as amended by sec. 48 of this Act;  
 22 (10) AS 12.30.021(a), as amended by sec. 49 of this Act;  
 23 (11) AS 12.30.021(c), as amended by sec. 50 of this Act;  
 24 (12) AS 12.55.051(k), enacted by sec. 58 of this Act;  
 25 (13) AS 33.07, enacted by sec. 96 of this Act; and  
 26 (14) AS 43.23.065(b), as amended by sec. 141 of this Act.

27 \* **Sec. 164.** The uncodified law of the State of Alaska is amended by adding a new section  
 28 to read:

29 **CONDITIONAL EFFECT.** (a) AS 11.56.730(d), enacted by sec. 17 of this Act, takes  
 30 effect only if sec. 146 of this Act receives the two-thirds majority vote of each house required  
 31 by art. IV, sec. 15, Constitution of the State of Alaska.

1 (b) AS 12.30.006(h), added by sec. 44 of this Act, takes effect only if sec. 160(a) of  
2 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
3 Constitution of the State of Alaska.

4 (c) AS 12.30.011, as amended by sec. 45 of this Act, takes effect only if sec. 160(b)  
5 of this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
6 Constitution of the State of Alaska.

7 (d) AS 12.30.011(e) - (i), added by sec. 46 of this Act, take effect only if sec. 160(b)  
8 of this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
9 Constitution of the State of Alaska.

10 (e) AS 12.55.055(g), enacted by sec. 60 of this Act, takes effect only if sec. 160(c) of  
11 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
12 Constitution of the State of Alaska.

13 (f) AS 12.55.078, enacted by sec. 61 of this Act, takes effect only if sec. 160(d) of this  
14 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
15 Constitution of the State of Alaska.

16 (g) AS 12.55.135(p), enacted by sec. 77 of this Act, takes effect only if sec. 160(e) of  
17 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
18 Constitution of the State of Alaska.

19 (h) AS 33.07, added by sec. 96 of this Act, takes effect only if sec. 160(f) of this Act  
20 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution  
21 of the State of Alaska.

22 \* **Sec. 165.** Sections 1 - 16, 21 - 34, 55, 57, 59, 61, 63, 67, 72 - 85, 88, 90, 92, 132, 133, 142  
23 - 151, and 159 of this Act take effect July 1, 2016.

24 \* **Sec. 166.** Section 79 of this Act takes effect October 1, 2016.

25 \* **Sec. 167.** Sections 51, 53, 54, 60, 62, 64 - 66, 68, 69, 86, 87, 89, 93 - 95, 97 - 131, and 134  
26 - 139 of this Act take effect July 1, 2017.

27 \* **Sec. 168.** If AS 11.56.730(d), enacted by sec. 17 of this Act, and sec. 156 of this Act take  
28 effect, they take effect January 1, 2018.

29 \* **Sec. 169.** Sections 18 - 20, 35 - 50, 58, 96, 141, 156 - 158, and 160(f) of this Act take  
30 effect January 1, 2018.