

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY SENATORS COGHILL, Ellis, McGuire, Costello, Bishop, Micciche

Introduced: 2/3/16

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal law and procedure; relating to controlled substances;**
2 **relating to probation; relating to sentencing; establishing a pretrial services program**
3 **with pretrial services officers in the Department of Corrections; relating to permanent**
4 **fund dividends; relating to electronic monitoring; relating to penalties for violations of**
5 **municipal ordinances; relating to parole; relating to correctional restitution centers;**
6 **relating to community work service; relating to revocation, termination, suspension,**
7 **cancellation, or restoration of a driver's license; relating to the disqualification of**
8 **persons convicted of certain felony drug offenses from participation in the food stamp**
9 **and temporary assistance programs; relating to the duties of the commissioner of**
10 **corrections; amending Rules 6, 32, 32.1, 38, 41, and 43, Alaska Rules of Criminal**
11 **Procedure, and repealing Rules 41(d) and (e), Alaska Rules of Criminal Procedure; and**
12 **providing for an effective date."**

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

2 * **Section 1.** AS 11.46.130(a) is amended to read:

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

5 (1) the value of the property or services is **\$2,000, adjusted annually**
6 **for inflation as provided in AS 11.46.982**, [\$750] or more but less than \$25,000;

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

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

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

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

13 (6) the value of the property is \$250 or more but less than **\$2,000,**
14 **adjusted annually for inflation as provided in AS 11.46.982**, [\$750] and, within the
15 preceding five years, the person has been convicted and sentenced on two or more
16 separate occasions in this or another jurisdiction of

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

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

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

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

25 (7) the property is an access device.

26 * **Sec. 2.** AS 11.46.140(a) is amended to read:

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

29 (1) the value of the property or services is \$250 or more but less than
30 **\$2,000, adjusted annually for inflation as provided in AS 11.46.982** [\$750]; or

31 (2) [REPEALED]

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

5 * **Sec. 3.** AS 11.46.220(c) is amended to read:

6 (c) Concealment of merchandise is

7 (1) a class C felony if

8 (A) the merchandise is a firearm;

9 (B) the value of the merchandise is **\$2,000, adjusted annually**
 10 **for inflation as provided in AS 11.46.982**, [\$750] or more; or

11 (C) the value of the merchandise is \$250 or more but less than
 12 **\$2,000, adjusted annually for inflation as provided in AS 11.46.982**, [\$750]
 13 and, within the preceding five years, the person has been convicted and
 14 sentenced on two or more separate occasions in this or another jurisdiction of

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

18 (ii) an offense under AS 11.46.120, 11.46.130, or
 19 11.46.140(a)(1), or an offense under another law or ordinance with
 20 similar elements;

21 (2) a class A misdemeanor if

22 (A) the value of the merchandise is \$250 or more but less than
 23 **\$2,000, adjusted annually for inflation as provided in AS 11.46.982** [\$750];
 24 or

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

30 (3) a class B misdemeanor if the value of the merchandise is less than
 31 \$250.

1 * **Sec. 4.** AS 11.46.260(b) is amended to read:

2 (b) Removal of identification marks 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, adjusted annually for inflation as**
5 **provided in AS 11.46.982,** [\$750] or more;

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

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

11 * **Sec. 5.** AS 11.46.270(b) is amended to read:

12 (b) Unlawful possession is

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

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

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

21 * **Sec. 6.** AS 11.46.280(d) is amended to read:

22 (d) Issuing a bad check is

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

24 (2) a class C felony if the face amount of the check is **\$2,000, adjusted**
25 **annually for inflation as provided in AS 11.46.982,** [\$750] or more but less than
26 \$25,000;

27 (3) a class A misdemeanor if the face amount of the check is \$250 or
28 more but less than **\$2,000, adjusted annually for inflation as provided in**
29 **AS 11.46.982** [\$750];

30 (4) a class B misdemeanor if the face amount of the check is less than
31 \$250.

1 * **Sec. 7.** AS 11.46.285(b) is amended to read:

2 (b) Fraudulent use of an access device is

3 (1) a class B felony if the value of the property or services obtained is
4 \$25,000 or more;

5 (2) a class C felony if the value of the property or services obtained is
6 **\$2,000, adjusted annually for inflation as provided in AS 11.46.982,** [\$750] or
7 more but less than \$25,000;

8 (3) a class A misdemeanor if the value of the property or services
9 obtained is less than **\$2,000, adjusted annually for inflation as provided in**
10 **AS 11.46.982** [\$750].

11 * **Sec. 8.** AS 11.46.330 is amended to read:

12 **Sec. 11.46.330. Criminal trespass in the second degree.** (a) A person
13 commits the **offense** [CRIME] of criminal trespass in the second degree if the person
14 enters or remains unlawfully

15 (1) in or **on** [UPON] premises; or

16 (2) in a propelled vehicle.

17 (b) Criminal trespass in the second degree is a **violation and is punishable by**
18 **a definite term of imprisonment of not more than 24 hours** [CLASS B
19 MISDEMEANOR].

20 * **Sec. 9.** AS 11.46.360(a) is amended to read:

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

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

26 (2) the propelled vehicle of another and

27 (A) the vehicle or any other property of another is damaged in a
28 total amount of **\$2,000, adjusted annually for inflation as provided in**
29 **AS 11.46.982,** [\$750] or more;

30 (B) the owner incurs reasonable expenses as a result of the loss
31 of use of the vehicle, in a total amount of **\$2,000, adjusted annually for**

1 **inflation as provided in AS 11.46.982**, [\$750] or more; or

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

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

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

8 (A) this section or AS 11.46.365;

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

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

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

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

16 * **Sec. 10.** AS 11.46.460 is amended to read:

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

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

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

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

26 * **Sec. 11.** AS 11.46.482(a) is amended to read:

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

30 (1) with intent to damage property of another, the person damages
31 property of another in an amount of **\$2,000, adjusted annually for inflation as**

1 **provided in AS 11.46.982**, [\$750] or more;

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

4 (3) the person knowingly

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

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

12 * **Sec. 12.** AS 11.46.484(a) is amended to read:

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

16 (1) with intent to damage property of another, the person damages
17 property of another in an amount of \$250 or more but less than **\$2,000, adjusted**
18 **annually for inflation as provided in AS 11.46.982** [\$750];

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

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

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

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

30 * **Sec. 13.** AS 11.46.486 is amended to read:

31 **Sec. 11.46.486. Criminal mischief in the fifth degree.** (a) A person commits

1 the **offense** [CRIME] of criminal mischief in the fifth degree if, having no right to do
2 so or any reasonable ground to believe the person has such a right,

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

6 (2) with intent to damage property of another, the person damages
7 property of another in an amount less than \$250; or

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

10 (b) Criminal mischief in the fifth degree is a **violation and is punishable by a**
11 **definite term of imprisonment of not more than 24 hours** [CLASS B
12 MISDEMEANOR].

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

14 (b) Criminal simulation is

15 (1) a class C felony if the value of what the object purports to represent
16 is **\$2,000, adjusted annually for inflation as provided in AS 11.46.982,** [\$750] or
17 more;

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

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

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

24 (d) Misapplication of property is

25 (1) a class C felony if the value of the property misapplied is **\$2,000,**
26 **adjusted annually for inflation as provided in AS 11.46.982,** [\$750] or more;

27 (2) a class A misdemeanor if the value of the property misapplied is
28 less than **\$2,000, adjusted annually for inflation as provided in AS 11.46.982**
29 **[\$750].**

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

31 (c) Defrauding creditors is a class A misdemeanor unless that secured party,

1 judgment creditor, or creditor incurs a pecuniary loss of **\$2,000, adjusted annually**
 2 **for inflation as provided in AS 11.46.982,** [\$750] or more as a result **of** [TO] the
 3 defendant's conduct, in which case defrauding secured creditors is

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

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

7 * **Sec. 17.** AS 11.46 is amended by adding a new section to read:

8 **Sec. 11.46.982. Annual adjustment for inflation increasing the value of**
 9 **property or services as an element of an offense.** (a) The Alaska Judicial Council
 10 shall publish a report each year on February 1, calculating the increase in value, if any,
 11 of property or services as an element of an offense in this chapter from a base value of
 12 \$2,000, to reflect the change in the Consumer Price Index for all urban consumers for
 13 the Anchorage metropolitan area compiled by the Bureau of Labor Statistics, United
 14 States Department of Labor, from the second half of 2016; the council shall round the
 15 adjustment to the nearest whole dollar amount.

16 (b) The Alaska Judicial Council shall publish the report provided in this
 17 section by electronically providing copies of the report

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

19 (2) the Public Defender Agency;

20 (3) the office of public advocacy;

21 (4) the attorney general;

22 (5) the court system;

23 (6) on the judicial council's Internet website; and

24 (7) to the senate secretary and the chief clerk of the house of
 25 representatives.

26 * **Sec. 18.** AS 11.56.730(a) is amended to read:

27 (a) A person commits the **offense** [CRIME] of failure to appear if the person

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

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

31 (3) with criminal negligence does not appear before the court or

1 judicial officer at the time and place of the scheduled hearing.

2 * **Sec. 19.** AS 11.56.730(c) is amended to read:

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

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

9 (2) CLASS A MISDEMEANOR IF THE PERSON WAS RELEASED
10 IN CONNECTION WITH A

11 (A) CHARGE OF A MISDEMEANOR, OR WHILE
12 AWAITING SENTENCE OR APPEAL AFTER CONVICTION OF A
13 MISDEMEANOR; OR

14 (B) REQUIREMENT TO APPEAR AS A MATERIAL
15 WITNESS IN A CRIMINAL PROCEEDING].

16 * **Sec. 20.** AS 11.56.730 is amended by adding new subsections to read:

17 (d) Failure to appear is a

18 (1) class A misdemeanor if the person

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

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

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

25 (e) In a prosecution for failure to appear under (a) of this section, it is not a
26 defense that the defendant was not provided or did not receive a notice or reminder
27 notification from a court or judicial officer under Rule 38(d), Alaska Rules of
28 Criminal Procedure.

29 * **Sec. 21.** AS 11.56.757(a) is amended to read:

30 (a) A person commits the offense [CRIME] of violation of condition of
31 release if the person

- 1 (1) has been charged with a crime or convicted of a crime;
 2 (2) has been released under AS 12.30; and
 3 (3) violates a condition of release imposed by a judicial officer under
 4 AS 12.30, other than the requirement to appear as ordered by a judicial officer.

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

- 6 (b) Violation of condition of release is **a violation punishable by a fine of up**
 7 **to \$1,000** [(1) A CLASS A MISDEMEANOR IF THE PERSON IS RELEASED
 8 FROM A CHARGE OR CONVICTION OF A FELONY;
 9 (2) A CLASS B MISDEMEANOR IF THE PERSON IS RELEASED
 10 FROM A CHARGE OR CONVICTION OF A MISDEMEANOR].

11 * **Sec. 23.** AS 11.56.759(a) is amended to read:

- 12 (a) A person commits the crime of violation by sex offender of condition of
 13 probation if the person
 14 (1) is on probation for conviction of a sex offense;
 15 (2) has served the entire term of incarceration imposed for conviction
 16 of the sex offense; and
 17 (3) violates a condition of probation imposed under
 18 **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),
 19 or any other condition imposed by the court that the court finds to be specifically
 20 related to the defendant's offense.

21 * **Sec. 24.** AS 11.61.110(a) is amended to read:

- 22 (a) A person commits the **offense** [CRIME] of disorderly conduct if,
 23 (1) with intent to disturb the peace and privacy of another not
 24 physically on the same premises or with reckless disregard that the conduct is having
 25 that effect after being informed that it is having that effect, the person makes
 26 unreasonably loud noise;
 27 (2) in a public place or in a private place of another without consent,
 28 and with intent to disturb the peace and privacy of another or with reckless disregard
 29 that the conduct is having that effect after being informed that it is having that effect,
 30 the person makes unreasonably loud noise;
 31 (3) in a public place, when a crime has occurred, the person refuses to

1 comply with a lawful order of a peace officer to disperse;

2 (4) in a private place, the person refuses to comply with an order of a
3 peace officer to leave premises in which the person has neither a right of possession
4 nor the express invitation to remain of a person having a right of possession;

5 (5) in a public or private place, the person challenges another to fight
6 or engages in fighting other than in self-defense;

7 (6) the person recklessly creates a hazardous condition for others by an
8 act which has no legal justification or excuse; or

9 (7) the offender intentionally exposes the offender's buttock or anus to
10 another with reckless disregard for the offensive or insulting effect the act may have
11 on that person.

12 * **Sec. 25.** AS 11.61.110(c) is amended to read:

13 (c) Disorderly conduct is a **violation** [CLASS B MISDEMEANOR] and is
14 punishable **by a definite term** [AS AUTHORIZED IN AS 12.55 EXCEPT THAT A
15 SENTENCE] of imprisonment [, IF IMPOSED, SHALL BE FOR A DEFINITE
16 TERM] of not more than **24 hours** [10 DAYS].

17 * **Sec. 26.** AS 11.61.120 is amended to read:

18 **Sec. 11.61.120. Harassment in the second degree.** (a) A person commits the
19 **offense** [CRIME] of harassment in the second degree if, with intent to harass or annoy
20 another person, that person

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

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

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

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

29 (5) subjects another person to offensive physical contact;

30 (6) except as provided in AS 11.61.116, publishes or distributes
31 electronic or printed photographs, pictures, or films that show the genitals, anus, or

1 female breast of the other person or show that person engaged in a sexual act; or

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

5 (b) Harassment in the second degree is a **violation and is punishable by a**
6 **definite term of imprisonment of not more than 24 hours** [CLASS B
7 MISDEMEANOR].

8 * **Sec. 27.** AS 11.61.145(d) is amended to read:

9 (d) Promoting an exhibition of fighting animals

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

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

12 **(A)** a violation

13 **(i)** for the first offense;

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

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

16 **(B)** a class A misdemeanor for the third and each subsequent

17 offense.

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

19 (a) A person commits the **offense** [CRIME] of obstruction of highways if the
20 person knowingly

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

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

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

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

28 * **Sec. 30.** AS 11.66.200(c) is amended to read:

29 (c) Gambling is a violation

30 **(1)** for the first offense;

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

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

2 * **Sec. 31.** AS 11.71.020(a) is amended to read:

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

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

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

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

11 or

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

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

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

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

21 or

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

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

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

28 (A) an immediate precursor of methamphetamine, or the salts,
29 isomers, or salts of isomers of the immediate precursor of methamphetamine,
30 to another person with reckless disregard that the precursor will be used to
31 manufacture any material, compound, mixture, or preparation that contains

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

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

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

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

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

11 **(7) delivers any amount of a schedule IA, IIA, or IIIA controlled**
12 **substance to a person under 19 years of age who is at least three years younger**
13 **than the person delivering the substance; or**

14 **(8) manufactures methamphetamine, and**

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

19 **(B) in the course of manufacturing or in preparation for**
20 **manufacturing, the defendant obtained the assistance of one or more**
21 **children under 18 years of age or one or more children were present.**

22 * **Sec. 32.** AS 11.71.030(a) is amended to read:

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

25 (1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER
26 AS 11.71.020(a)(2) - (6),] manufactures or delivers **2.5 grams or more** [ANY
27 AMOUNT] of a schedule **IA, IIA,** or IIIA controlled substance or possesses **2.5**
28 **grams or more** [ANY AMOUNT] of a schedule **IA, IIA,** or IIIA controlled substance
29 with intent to manufacture or deliver;

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

1 the person delivering the substance; or

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

3 (A) with reckless disregard that the possession occurs

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

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

6 or

7 (B) on a school bus.

8 * **Sec. 33.** AS 11.71.040(a) is amended to read:

9 (a) Except as authorized in AS 17.30, a person commits the crime of
10 misconduct involving a controlled substance in the fourth degree if the person

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

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

18 (3) possesses

19 (A) any amount of a

20 (i) schedule IA controlled substance; or

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

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

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

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

30 (ii) 12 grams or more containing a schedule IIIA
31 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been

1 sprayed on or otherwise applied to tobacco, an herb, or another organic
2 material; or

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

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

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

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

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

14 (4) possesses a schedule IA, IIA, IIIA, IVA, VA, or VIA controlled
15 substance

16 (A) with reckless disregard that the possession occurs

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

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

19 or

20 (B) on a school bus;

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

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

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

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

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

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

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

11 * **Sec. 34.** AS 11.71.050(a) is amended to read:

12 (a) Except as authorized in AS 17.30, a person commits the crime of
13 misconduct involving a controlled substance in the fifth degree if the person

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

18 (2) possesses

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

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

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

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

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

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

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

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

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

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

14 * **Sec. 35.** AS 11.71.210 is amended to read:

15 **Sec. 11.71.210. Purchase or receipt of restricted amounts of certain**
16 **[LISTED] chemicals.** (a) A person commits the crime of purchase or receipt of
17 restricted amounts of certain [LISTED] chemicals if the person purchases or receives
18 more than six grams of the following [LISTED] chemical, its salts, isomers, or salts of
19 isomers within any 30-day period:

20 (1) ephedrine [UNDER AS 11.71.200(4)];

21 (2) pseudoephedrine [UNDER AS 11.71.200(13)];

22 (3) phenylpropanolamine [UNDER AS 11.71.200(11)].

23 (b) This section does not apply to a person who lawfully purchases or receives

24 (1) more than six grams of a [LISTED] chemical identified in (a) of
25 this section

26 (A) that was dispensed to the person under a valid prescription;

27 or

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

30 (i) retailer or as a wholesaler;

31 (ii) wholesale drug distributor licensed by the Board of

1 Pharmacy;

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

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

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

6 (2) more than six but less than 24 grams of a [LISTED] chemical
7 identified in (a) of this section in the ordinary course of a legitimate business or
8 nonprofit organization, or as an employee of a legitimate business or nonprofit
9 organization, operating a camp, lodge, school, day care center, treatment center, or
10 other organized group activity, and the location or nature of the activity, or the age of
11 the participants, makes it impractical for the participants in the activity to obtain
12 medicinal products.

13 (c) Purchase or receipt of restricted amounts of certain [LISTED] chemicals is
14 a class C felony.

15 * **Sec. 36.** AS 11.71.311(a) is amended to read:

16 (a) A person may not be prosecuted for a violation of **AS 11.71.040(a)(4),**
17 **11.71.050(a)(4),** [AS 11.71.030(a)(3), 11.71.040(a)(3) OR (4), 11.71.050(a)(2),] or
18 11.71.060(a)(1) or (2) if that person

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

22 (A) the evidence supporting the prosecution for an offense
23 under **AS 11.71.040(a)(4), 11.71.050(a)(4),** [AS 11.71.030(a)(3),
24 11.71.040(a)(3) OR (4), 11.71.050(a)(2),] or 11.71.060(a)(1) or (2) was
25 obtained or discovered as a result of the person seeking medical or law
26 enforcement assistance;

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

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

31 (2) was experiencing a drug overdose and sought medical assistance,

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

5 * **Sec. 37.** AS 12.25.180 is amended to read:

6 **Sec. 12.25.180. When peace officer may issue citation or take person**
 7 **before the court.** (a) When a peace officer stops or contacts a person for the
 8 commission of a **class C felony offense that is not a crime against a person under**
 9 **AS 11.41, arson in the third degree under AS 11.46.420, a** misdemeanor, or the
 10 violation of a municipal ordinance, the officer **shall** [MAY, IN THE OFFICER'S
 11 DISCRETION,] issue a citation to the person instead of taking the person before a
 12 judge or magistrate under AS 12.25.150, unless

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

14 (2) the contacting officer reasonably believes the person is a
 15 **significant** danger to [SELF OR] others;

16 (3) the crime for which the person is contacted is one involving
 17 violence or harm to another person [OR TO PROPERTY];

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

20 (5)] the peace officer has probable cause to believe the person
 21 committed **a crime against a person under AS 11.41 or** a crime involving domestic
 22 violence; in this paragraph, "crime involving domestic violence" has the meaning
 23 given in AS 18.66.990;

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

25 **(6) the contacting officer reasonably believes there is a significant**
 26 **risk the defendant will fail to appear in court; or**

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

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

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

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

3 **(3) the violation is criminal trespass under AS 11.46.330, in which**
 4 **case the peace officer may make an arrest, but the person may be held for not**
 5 **more than 24 hours after arrest;**

6 **(4) the violation is criminal mischief under AS 11.46.486, in which**
 7 **case the peace officer may make an arrest, but the person may be held for not**
 8 **more than 24 hours after arrest;**

9 **(5) the peace officer has probable cause to believe the person has**
 10 **committed a violation of conditions of release under AS 11.56.757;**

11 **(6) the violation is disorderly conduct under AS 11.61.110, in**
 12 **which case the peace officer may make an arrest, but the person may be held for**
 13 **not more than 24 hours after arrest; or**

14 **(7) the violation is harassment under AS 11.61.120, in which case**
 15 **the peace officer may make an arrest, but the person may be held for not more**
 16 **than 24 hours after arrest.**

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

18 (b) The time specified in the notice to appear shall be at least **two** [FIVE]
 19 working days after the issuance of the citation.

20 * **Sec. 39.** AS 12.30.006(c) is amended to read:

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

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

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

1 * **Sec. 40.** AS 12.30.006(d) is amended to read:

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

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

14 (2) the prosecuting authority and any surety, if applicable, have at least
15 48 hours' written notice before the time set for the review requested under this
16 subsection; the defendant shall notify the surety; and

17 (3) at least seven days have elapsed between the previous review and
18 the time set for the requested review.

19 * **Sec. 41.** AS 12.30.006(f) is amended to read:

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

26 * **Sec. 42.** AS 12.30.006 is amended by adding a new subsection to read:

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

30 * **Sec. 43.** AS 12.30.011 is amended to read:

31 **Sec. 12.30.011. Release before trial.** (a) **A** [EXCEPT AS OTHERWISE

1 PROVIDED IN THIS CHAPTER, A] judicial officer shall order a person charged
 2 with an offense to be released on the person's personal recognizance, [OR] upon
 3 execution of an unsecured appearance bond, **or upon execution of an unsecured**
 4 **performance bond if** [ON THE CONDITION THAT THE PERSON]

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

9 (2) **the person has not been charged with an offense under**

10 (A) **AS 11.41;**

11 (B) **AS 11.56.730;**

12 (C) **AS 11.56.757;**

13 (D) **AS 18.66.990 that involves domestic violence;**

14 (E) **AS 28.35.030; or**

15 (F) **AS 28.35.032** [OBEY ALL COURT ORDERS AND ALL

16 FEDERAL, STATE, AND LOCAL LAWS; (2) APPEAR IN COURT WHEN
 17 ORDERED;

18 (3) IF REPRESENTED, MAINTAIN CONTACT WITH THE
 19 PERSON'S LAWYER; AND

20 (4) NOTIFY THE PERSON'S LAWYER, WHO SHALL NOTIFY
 21 THE PROSECUTING AUTHORITY AND THE COURT, NOT MORE THAN 24
 22 HOURS AFTER THE PERSON CHANGES RESIDENCE].

23 (b) [IF A JUDICIAL OFFICER DETERMINES THAT THE RELEASE
 24 UNDER (a) OF THIS SECTION WILL NOT REASONABLY ASSURE THE
 25 APPEARANCE OF THE PERSON OR WILL POSE A DANGER TO THE VICTIM,
 26 OTHER PERSONS, OR THE COMMUNITY, THE OFFICER SHALL IMPOSE
 27 THE LEAST RESTRICTIVE CONDITION OR CONDITIONS THAT WILL
 28 REASONABLY ASSURE THE PERSON'S APPEARANCE AND PROTECT THE
 29 VICTIM, OTHER PERSONS, AND THE COMMUNITY]. In addition to **other**
 30 conditions under [(a) OF] this section, the judicial officer may, singly or in
 31 combination,

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

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

7 (3) REQUIRE THE EXECUTION OF A PERFORMANCE BOND IN
8 A SPECIFIED AMOUNT OF CASH TO BE DEPOSITED IN THE REGISTRY OF
9 THE COURT; (4)] place restrictions on the person's travel, association, or residence;

10 (2) [(5)] order the person to refrain from possessing a deadly weapon
11 on the person or in the person's vehicle or residence;

12 (3) [(6)] require the person to maintain employment or, if unemployed,
13 actively seek employment;

14 (4) [(7)] require the person to notify the person's lawyer and the
15 prosecuting authority within two business days after any change in employment;

16 (5) [(8)] require the person to avoid all contact with a victim, a
17 potential witness, or a codefendant;

18 (6) [(9)] require the person to refrain from the consumption and
19 possession of alcoholic beverages;

20 (7) [(10)] require the person to refrain from the use of a controlled
21 substance as defined by AS 11.71, unless prescribed by a licensed health care provider
22 with prescriptive authority;

23 (8) [(11)] require the person to be physically inside the person's
24 residence, or in the residence of the person's third-party custodian, at time periods set
25 by the court, subject to AS 12.30.021;

26 (9) [(12)] require the person to keep regular contact with a **pretrial**
27 **services officer or** law enforcement officer or agency;

28 (10) [(13)] order the person to refrain from entering or remaining in
29 premises licensed under AS 04;

30 (11) [(14)] place the person in the custody of an individual who agrees
31 to serve as a third-party custodian of the person as provided in AS 12.30.021;

1 **(12)** [(15)] if the person is under the treatment of a licensed health care
2 provider, order the person to follow the provider's treatment recommendations;

3 **(13)** [(16)] order the person to take medication that has been prescribed
4 for the person by a licensed health care provider with prescriptive authority;

5 **(14)** [(17)] order the person to comply with any other condition that is
6 reasonably necessary to assure the appearance of the person and to assure the safety of
7 the victim, other persons, and the community;

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

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

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

28 **(12) the conditions of release recommended by the pretrial services**
29 **officer;**

30 **(13) the person's pretrial risk assessment score.**

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

1 [(1) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER,] the burden of
2 proof is on the prosecuting authority that a person charged with an offense should be
3 detained or released with conditions described in [(b) OF] this section or AS 12.30.016
4 [;

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

9 (A) CHARGED WITH AN UNCLASSIFIED FELONY, A
10 CLASS A FELONY, A SEXUAL FELONY, OR A FELONY UNDER
11 AS 28.35.030 OR 28.35.032;

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

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

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

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

1 * **Sec. 44.** AS 12.30.011 is amended by adding new subsections to read:

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

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

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

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

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

15 (1) has been assessed by a pretrial services officer under AS 33.07 as a

16 (A) low risk defendant, unless the defendant is required to be
17 released as provided in (a) and (b) of this section;

18 (B) high risk defendant, and the defendant has been charged
19 with a misdemeanor that does not include an offense under

20 (i) AS 11.41;

21 (ii) AS 11.56.730;

22 (iii) AS 11.56.757;

23 (iv) AS 18.66.990 that involves domestic violence;

24 (v) AS 28.35.030; or

25 (vi) AS 28.35.032;

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

28 (i) AS 11.41;

29 (ii) AS 11.56.730;

30 (iii) AS 11.56.757;

31 (iv) AS 18.66.990 that involves domestic violence;

1 (v) AS 28.35.030; or

2 (vi) AS 28.35.032;

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

5 (i) AS 11.56.730; or

6 (ii) AS 11.56.757; or

7 (2) has been charged with an offense under AS 28.35.030 or
8 28.35.032.

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

11 (1) obey all court orders;

12 (2) obey all laws;

13 (3) make all court appearances;

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

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

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

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

24 (1) an appearance bond with a 10 percent posting of the specified
25 amount of the bond with the condition that the deposit be returned upon the
26 performance of the conditions of release set by the court;

27 (2) a bail bond with a 10 percent posting of sufficient solvent sureties
28 or the deposit of cash; or

29 (3) a performance bond in an amount specified by the court with the
30 condition that the deposit be returned upon the performance of the conditions of
31 release set by the court.

1 (i) In addition to other conditions under this section, a judicial officer may
2 impose additional conditions of release and may require supervision of those
3 conditions of release by a pretrial services officer to ensure compliance with the
4 conditions of release if the conditions are the least restrictive conditions that will
5 reasonably ensure the appearance of the person in court and the safety of the victim
6 and the community.

7 * **Sec. 45.** AS 12.30.016(b) is amended to read:

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

10 (1) to refrain from

11 (A) consuming alcoholic beverages; or

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

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

20 (3) to submit to a breath test when requested by a law enforcement
21 officer;

22 (4) to provide a sample for a urinalysis or blood test when requested by
23 a law enforcement officer;

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

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

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

29 * **Sec. 46.** AS 12.30.016(c) is amended to read:

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

- 1 (1) to refrain from
- 2 (A) consuming a controlled substance; or
- 3 (B) possessing on the person, in the person's residence, or in
- 4 any vehicle or other property over which the person has control, a controlled
- 5 substance or drug paraphernalia;
- 6 (2) to submit to a search without a warrant of the person, the person's
- 7 personal property, the person's residence, or any vehicle or other property over which
- 8 the person has control, for the presence of a controlled substance or drug paraphernalia
- 9 by a peace officer **or pretrial services officer** who has reasonable suspicion that the
- 10 person is violating the terms of the person's release by possessing controlled
- 11 substances or drug paraphernalia;
- 12 (3) to enroll in a random drug testing program, at the person's expense,
- 13 **with testing to occur not less than once a week, or to submit to random drug**
- 14 **testing by the pretrial services office in the Department of Corrections** to detect
- 15 the presence of a controlled substance, [WITH TESTING TO OCCUR NOT LESS
- 16 THAN ONCE A WEEK, AND] with the results being submitted to the court and the
- 17 prosecuting authority;
- 18 (4) to refrain from entering or remaining in a place where a controlled
- 19 substance is being used, manufactured, grown, or distributed;
- 20 (5) to refrain from being physically present at, within a two-block area
- 21 of, or within a designated area near, the location where the alleged offense occurred or
- 22 at other designated places, unless the person actually resides within that area;
- 23 (6) to refrain from the use or possession of an inhalant; or
- 24 (7) to comply with a program established under AS 47.38.020.

25 * **Sec. 47.** AS 12.30.021(a) is amended to read:

26 (a) In addition to other conditions imposed under AS 12.30.011 or 12.30.016,

27 a judicial officer may appoint a third-party custodian if the officer finds, **on the**

28 **record,** that

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

30 **person's location;**

31 **(2) no secured appearance or performance bonds have been**

1 **ordered; and**

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

6 * **Sec. 48.** AS 12.30.021(c) is amended to read:

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

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

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

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

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

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

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

22 * **Sec. 49.** AS 12.30.055 is amended by adding a new subsection to read:

23 (b) A person who is in custody in connection with a petition to revoke
 24 probation for a technical violation of probation under AS 12.55.110 shall be released
 25 without bail after the person has served the maximum number of days that the court
 26 could impose on the person for a technical violation of probation under AS 12.55.110.

27 * **Sec. 50.** AS 12.55.015(a) is amended to read:

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

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

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

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

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

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

8 (6) order the defendant to carry out a continuous or periodic program
9 of community work **for an offense and** under **conditions specified in** AS 12.55.055;

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

12 (8) suspend imposition of sentence under AS 12.55.085;

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

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

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

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

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

30 * **Sec. 51.** AS 12.55.025(a) is amended to read:

31 (a) When imposing a sentence for conviction of a felony offense or a sentence

1 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a
 2 regulation adopted under AS 04, or an ordinance adopted in conformity with
 3 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that
 4 includes the following:

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

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

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

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

15 (B) if applicable, the approximate minimum term of
 16 imprisonment the defendant must serve before becoming eligible for release on
 17 discretionary or administrative parole;

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

20 (5) in the case of a conviction for a felony offense, information
 21 assessing

22 (A) the financial, emotional, and medical effects of the offense
 23 on the victim;

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

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

26 * **Sec. 52.** AS 12.55.025(c) is amended to read:

27 (c) Except as provided in (d) of this section, when a defendant is sentenced to
 28 imprisonment, the term of confinement commences on the date of imposition of
 29 sentence unless the court specifically provides that the defendant must report to serve
 30 the sentence on another date. If the court provides another date to begin the term of
 31 confinement, the court shall provide the defendant with written notice of the date,

1 time, and location of the correctional facility to which the defendant must report. A
 2 defendant shall receive credit for time spent in custody pending trial, sentencing, or
 3 appeal, if the detention was in connection with the offense for which sentence was
 4 imposed **including a technical violation of probation as provided in AS 12.55.110.**
 5 A defendant may not receive credit for more than the actual time spent in custody
 6 pending trial, sentencing, or appeal. The time during which a defendant is voluntarily
 7 absent from official detention after the defendant has been sentenced may not be
 8 credited toward service of the sentence.

9 * **Sec. 53.** AS 12.55.027(d) is amended to read:

10 (d) A court may grant credit **of not more than 120 days** against **the total**
 11 **term** [A SENTENCE] of imprisonment **imposed for a crime** for time spent under
 12 electronic monitoring **that complies with AS 33.30.011(10),** if the person has not
 13 committed a criminal offense while under electronic monitoring and the court imposes
 14 restrictions on the person's freedom of movement and behavior while under the
 15 electronic monitoring program, including requiring the person to be confined to a
 16 residence except for a

17 (1) court appearance;

18 (2) meeting with counsel; or

19 (3) period during which the person is at a location ordered by the court
 20 for the purposes of employment, attending educational or vocational training,
 21 performing community volunteer work, or attending a rehabilitative activity or
 22 medical appointment.

23 * **Sec. 54.** AS 12.55.051(a) is amended to read:

24 (a) If the defendant defaults in the payment of a fine or any installment or of
 25 restitution or any installment, the court may order the defendant to show cause why
 26 the defendant should not be sentenced to imprisonment for nonpayment and, if the
 27 payment was made a condition of the defendant's probation, may revoke the probation
 28 of the defendant **subject to the limits set out in AS 12.55.110.** In a contempt or
 29 probation revocation proceeding brought as a result of failure to pay a fine or
 30 restitution, it is an affirmative defense that the defendant was unable to pay despite
 31 having made continuing good faith efforts to pay the fine or restitution. If the court

1 finds that the defendant was unable to pay despite having made continuing good faith
 2 efforts, the defendant may not be imprisoned solely because of the inability to pay. If
 3 the court does not find that the default was attributable to the defendant's inability to
 4 pay despite having made continuing good faith efforts to pay the fine or restitution, the
 5 court may order the defendant imprisoned **subject to the limits set out in**
 6 **AS 12.55.110** [UNTIL THE ORDER OF THE COURT IS SATISFIED]. A term of
 7 imprisonment imposed under this section may not exceed one day for each \$50 of the
 8 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall
 9 be given toward satisfaction of the order of the court for every day a person is
 10 incarcerated for nonpayment of a fine or restitution.

11 * **Sec. 55.** AS 12.55.051 is amended by adding a new subsection to read:

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

15 * **Sec. 56.** AS 12.55.055(a) is amended to read:

16 (a) The court may order a defendant convicted of an offense **under AS 04,**
 17 **AS 28, or AS 47.12.030, that specifically provides for community work as**
 18 **authorized punishment** to perform community work as a condition of probation, [A
 19 SUSPENDED SENTENCE,] or **may order community work in a** suspended
 20 imposition of sentence, [OR] in addition to any fine or restitution ordered. [IF THE
 21 DEFENDANT IS SENTENCED TO IMPRISONMENT, THE COURT MAY
 22 RECOMMEND TO THE DEPARTMENT OF CORRECTIONS THAT THE
 23 DEFENDANT PERFORM COMMUNITY WORK.]

24 * **Sec. 57.** AS 12.55.055(c) is amended to read:

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

30 * **Sec. 58.** AS 12.55.055 is amended by adding new subsections to read:

31 (g) The court may not

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

4 (2) convert uncompleted community work hours into a sentence of
 5 imprisonment.

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

13 * **Sec. 59.** AS 12.55 is amended by adding a new section to read:

14 **Sec. 12.55.078. Suspending entry of judgment.** (a) Except as provided in (g)
 15 of this section, if a person is found guilty or pleads guilty to a crime, the court may,
 16 with the consent of the defendant and the prosecution and without imposing or
 17 entering a judgment of guilt, defer further proceedings and place the person on
 18 probation.

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

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

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

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

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

25 (c) At any time during the probationary term of the person released on
 26 probation, a probation officer may, without warrant or other process, rearrest the
 27 person so placed in the officer's care and bring the person before the court, or the court
 28 may, in its discretion, issue a warrant for the rearrest of the person. The court may
 29 revoke and terminate the probation if the court finds that the person placed upon
 30 probation is

31 (1) violating the conditions of probation;

1 (2) engaging in criminal practices; or

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

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

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

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

14 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260
15 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,
16 AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.135;

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

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

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

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

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

1 (C) the charge or conviction was dismissed or set aside under
2 an equivalent provision of the laws of another jurisdiction.

3 * **Sec. 60.** AS 12.55.090(b) is amended to read:

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

7 * **Sec. 61.** AS 12.55.090(c) is amended to read:

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

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

11 (2) **three** [10] years for **a felony** [ANY OTHER] offense **not listed in**
12 **(1) of this subsection;**

13 **(3) two years for a misdemeanor offense**

14 **(A) involving domestic violence;**

15 **(B) under AS 28.35.030 or 28.35.032, if the person has**
16 **previously been convicted of an offense under AS 28.35.030 or 28.35.032,**
17 **or a similar law or ordinance of this or another jurisdiction; or**

18 **(4) one year for an offense not listed in (1) - (3) of this subsection.**

19 * **Sec. 62.** AS 12.55.090(f) is amended to read:

20 (f) Unless the defendant and the prosecuting authority agree at the probation
21 revocation proceeding or other proceeding **related to a probation violation, the**
22 **person qualifies for a reduction under AS 33.05.025 or a probation officer**
23 **recommends to the court that probation be terminated and the defendant be**
24 **discharged from probation under (g) of this section or AS 33.05.040,** the court may
25 not reduce the specific period of probation [,] or the specific term of suspended
26 incarceration except by the amount of incarceration imposed for a probation violation,
27 if

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

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

1 * **Sec. 63.** AS 12.55.090 is amended by adding new subsections to read:

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

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

5 (2) has completed all treatment programs required as a condition of
6 probation; and

7 (3) is currently in compliance with all conditions of probation.

8 (h) Before a court may reduce the period of probation or terminate probation
9 and discharge the defendant before the period of probation for the offense has been
10 completed, the court shall allow victims to comment in writing to the court or allow a
11 victim to give sworn testimony or make an unsworn oral presentation at a hearing held
12 to determine whether to reduce the period of probation or terminate probation and
13 discharge the defendant. If there are numerous victims, the court may limit the number
14 of victims who may give sworn testimony or make an unsworn oral presentation at the
15 hearing.

16 (i) If a probation officer recommends to the court that probation be terminated
17 and a defendant be discharged from probation under (g) of this section, the court shall,
18 if feasible, send a copy of the motion to the Department of Corrections sufficiently in
19 advance of any scheduled hearing to enable the Department of Corrections to notify
20 the victim of that crime. If the victim has earlier requested to be notified, the
21 Department of Corrections shall send the victim notice of the recommendation under
22 (g) of this section and inform the victim of the victim's rights under this section, the
23 deadline for receipt of written comments, the hearing date, and the court's address.

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

26 (k) In deciding whether to reduce a period of probation or terminate probation
27 and discharge the defendant from probation, the court shall consider the victim's
28 comments, testimony, or unsworn oral presentation, when relevant, and any response
29 by the prosecuting attorney and defendant.

30 (l) If a victim desires notice under this section, the victim shall maintain a
31 current, valid mailing address on file with the commissioner of corrections. The

1 commissioner shall send the notice to the victim's last known address. The victim's
2 address may not be disclosed to the defendant or the defendant's attorney.

3 * **Sec. 64.** AS 12.55.100(a) is amended to read:

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

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

7 **(2)** may be required

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

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

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

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

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

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

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

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

* **Sec. 65.** AS 12.55.100(c) is amended to read:

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

* **Sec. 66.** AS 12.55.110 is amended by adding new subsections to read:

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

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

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

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

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

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

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

(f) If the defendant is ordered to complete treatment under

1 AS 12.55.100(a)(2)(E) and does not comply with the court's order, the court may order
 2 the defendant to show cause why the defendant should not be sentenced to
 3 imprisonment for noncompletion of treatment and may revoke the suspended sentence
 4 subject to the limits established in this section. In a contempt or probation revocation
 5 proceeding brought as a result of failure to complete treatment, it is an affirmative
 6 defense that the defendant was unable to afford the cost of treatment or secure a place
 7 in a free treatment program, despite having made continuing good faith efforts. If the
 8 court finds that the defendant was unable to complete treatment despite having made
 9 continuing good faith efforts, the defendant may not be imprisoned solely because of
 10 an inability to pay. If the court does not find that the noncompletion of treatment was
 11 attributable to the defendant's inability to pay, the court may order the defendant
 12 imprisoned subject to the limits established in this section.

13 (g) In this section,

14 (1) "absconding" means failing to report within five working days after
 15 release from custody under AS 33.20.030 or failing to report to a probation officer
 16 within 30 days after release from custody as directed by the court or probation officer;

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

19 (A) an arrest for a new criminal offense; or

20 (B) failing to complete sex offender treatment.

21 * **Sec. 67.** AS 12.55.115 is amended to read:

22 **Sec. 12.55.115. Fixing eligibility for discretionary or administrative parole**
 23 **at sentencing.** The court may, as part of a sentence of imprisonment, further restrict
 24 the eligibility of a prisoner for discretionary or administrative parole for a term
 25 greater than that required under AS 33.16.089, 33.16.090, [AS 33.16.090] and
 26 33.16.100.

27 * **Sec. 68.** AS 12.55.125(c) is amended to read:

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

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

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

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

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

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

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

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

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

24 * **Sec. 69.** AS 12.55.125(d) is amended to read:

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

29 (1) if the offense is a first felony conviction and does not involve
30 circumstances described in (2) of this subsection, zero [ONE] to two [THREE] years;
31 a defendant sentenced under this paragraph may, if the court finds it appropriate, be

1 granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of
 2 probation under AS 12.55.086, the defendant is required to serve an active term of
 3 imprisonment within the range specified in this paragraph, unless the court finds that a
 4 mitigation factor under AS 12.55.155 applies;

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

6 (A) the defendant violated AS 11.41.130, and the victim was a
 7 child under 16 years of age, one [TWO] to three [FOUR] years;

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

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

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

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

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

22 * **Sec. 70.** AS 12.55.125(e) is amended to read:

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

27 (1) if the offense is a first felony conviction and does not involve
 28 circumstances described in (4) of this subsection, **probation, with a suspended term**
 29 **of imprisonment of** zero to **18 months** [TWO YEARS; A DEFENDANT
 30 SENTENCED UNDER THIS PARAGRAPH MAY, IF THE COURT FINDS IT
 31 APPROPRIATE, BE GRANTED A SUSPENDED IMPOSITION OF SENTENCE

1 UNDER AS 12.55.085, AND THE COURT MAY, AS A CONDITION OF
 2 PROBATION UNDER AS 12.55.086, REQUIRE THE DEFENDANT TO SERVE
 3 AN ACTIVE TERM OF IMPRISONMENT WITHIN THE RANGE SPECIFIED IN
 4 THIS PARAGRAPH];

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

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

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

9 * **Sec. 71.** AS 12.55.135(a) is amended to read:

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

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

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

15 **(B) trier of fact finds the aggravating factor that**

16 **(i) the conduct constituting the offense was among**
 17 **the most serious conduct included in the definition of the offense;**

18 **(ii) for an assault in the fourth degree that is a crime**
 19 **involving domestic violence, the defendant has a criminal history of**
 20 **repeated instances of conduct violative of criminal laws, punishable**
 21 **as felonies or misdemeanors, similar in nature to the offense for**
 22 **which the defendant is being sentenced; or**

23 **(iii) the defendant has past criminal convictions for**
 24 **conduct violative of criminal laws, punishable as felonies or**
 25 **misdemeanors, similar in nature to the offense for which the**
 26 **defendant is being sentenced; or**

27 **(2) 30 days.**

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

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

1 * **Sec. 73.** AS 12.55.135 is amended by adding new subsections to read:

2 (l) A court may not impose a sentence of imprisonment or suspended
3 imprisonment for a person convicted of theft under AS 11.46.150 if the person has not
4 been previously convicted more than once for a violation of AS 11.46.120 - 11.46.150
5 or of a law or ordinance of this or another jurisdiction with elements substantially
6 similar to those of an offense described in AS 11.46.120 - 11.46.150.

7 (m) A court may not impose a sentence of imprisonment or suspended
8 imprisonment for a person convicted of concealment of merchandise under
9 AS 11.46.220 if the person has not been previously convicted more than once for a
10 violation of AS 11.46.220 or of a law or ordinance of this or another jurisdiction with
11 elements substantially similar to those of an offense described in AS 11.46.220.

12 (n) A court may not impose a sentence of imprisonment or suspended
13 imprisonment for a person convicted of removal of identification marks under
14 AS 11.46.260 if the person has not been previously convicted more than once for a
15 violation of AS 11.46.260 or of a law or ordinance of this or another jurisdiction with
16 elements substantially similar to those of an offense described in AS 11.46.260.

17 (o) A court may not impose a sentence of imprisonment or suspended
18 imprisonment for a person convicted of unlawful possession under AS 11.46.270 if the
19 person has not been previously convicted more than once for a violation of
20 AS 11.46.270 or of a law or ordinance of this or another jurisdiction with elements
21 substantially similar to those of an offense described in AS 11.46.270.

22 (p) A court may not impose a sentence of imprisonment or suspended
23 imprisonment for a person convicted of issuing a bad check under AS 11.46.280 if the
24 person has not been previously convicted more than once for a violation of
25 AS 11.46.280 or of a law or ordinance of this or another jurisdiction with elements
26 substantially similar to those of an offense described in AS 11.46.280.

27 (q) A court may not impose a sentence of imprisonment or suspended
28 imprisonment for a person convicted of criminal simulation under AS 11.46.530 if the
29 person has not been previously convicted more than once for a violation of
30 AS 11.46.530 or of a law or ordinance of this or another jurisdiction with elements
31 substantially similar to those of an offense described in AS 11.46.530.

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

3 (s) If the state seeks to establish an aggravating factor at sentencing

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

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

16 (A) 20 days before trial or at a time specified by the court;

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

20 (C) five days before entering a plea that results in a finding of
21 guilt or at a time specified by the court.

22 * **Sec. 74.** AS 28.15.165 is amended by adding a new subsection to read:

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

31 (1) the person has been acquitted of driving while under the influence

1 under AS 28.35.030, refusal to submit to a chemical test under AS 28.35.032, or a
2 similar municipal ordinance for the incident on which the revocation was based; or

3 (2) all criminal charges against the person for driving while under the
4 influence under AS 28.35.030 or a similar municipal ordinance and refusing to submit
5 to a chemical test under AS 28.35.032 or a similar municipal ordinance in relation to
6 the incident on which the revocation is based have been dismissed with prejudice.

7 * **Sec. 75.** AS 28.15.181(f) is amended to read:

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

10 (1) **either**

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

14 **(B) the person**

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

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

20 **(iii) has been granted limited license privileges under**
21 **AS 28.15.201(g) and has successfully driven for three years under**
22 **that limited license without having the limited license privileges**
23 **revoked;** and

24 (2) the person complies with the provisions of AS 28.15.211(d) and

25 (e).

26 * **Sec. 76.** AS 28.15.201 is amended by adding new subsections to read:

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

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

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

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

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

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

12 (B) the person signs an affidavit acknowledging that

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

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

18 (iii) the person is required to maintain the ignition
19 interlock device throughout the period of the limited license, to keep
20 up-to-date records in each vehicle showing that any required service
21 and calibration is current, and to produce those records immediately on
22 request;

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

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

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

31 (h) The court or the department may immediately revoke a limited license

1 granted under (g) of this section if the person is convicted of a violation of
 2 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction
 3 or if the person is not in compliance with a court-ordered treatment program under
 4 AS 28.35.028.

5 * **Sec. 77.** AS 28.15.291(a) is repealed and reenacted to read:

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

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

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

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

18 * **Sec. 78.** AS 28.15.291(b) is repealed and reenacted to read:

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

21 (1) a class A misdemeanor if the person violates (a)(1) of this section;
 22 upon conviction the court shall impose a minimum sentence of imprisonment of not
 23 less than 10 days if the person has been previously convicted under (a)(1) of this
 24 section or a similar law in another jurisdiction;

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

26 * **Sec. 79.** AS 28.35.028(b) is amended to read:

27 (b) Once the court elects to proceed under this section, the defendant shall
 28 enter a no contest or guilty plea to the offense or shall admit to a probation violation,
 29 as appropriate. The state and the defendant may enter into a plea agreement to
 30 determine the offense or offenses to which the defendant is required to plead. If the
 31 court accepts the agreement, the court shall enforce the terms of the agreement. The

1 court shall enter a judgment of conviction for the offense or offenses for which the
 2 defendant has pleaded or an order finding that the defendant has violated probation, as
 3 appropriate. A judgment of conviction or an order finding a probation violation must
 4 set a schedule for payment of restitution owed by the defendant. In a judgment of
 5 conviction and on probation conditions that the court considers appropriate, the court
 6 may withhold pronouncement of a period of imprisonment or a fine to provide an
 7 incentive for the defendant to complete recommended treatment successfully.
 8 Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any
 9 mandatory minimum or other sentencing provision applicable to the offense.
 10 However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any
 11 other provision of law, the court, at any time after the period when a reduction of
 12 sentence is normally available, may consider and reduce the defendant's sentence,
 13 **including imprisonment, fine, or license revocation,** based on the defendant's
 14 compliance with the treatment plan; when reducing a sentence, the court (1) may not
 15 reduce the sentence below the mandatory minimum sentence for the offense unless the
 16 court finds that the defendant has successfully complied with and completed the
 17 treatment plan and that the treatment plan approximated the severity of the minimum
 18 period of imprisonment, and (2) may consider the defendant's compliance with the
 19 treatment plan as a mitigating factor allowing a reduction of a sentence under
 20 AS 12.55.155(a). A court entering an order finding the defendant has violated
 21 probation may withhold pronouncement of disposition to provide an incentive for the
 22 defendant to complete the recommended treatment successfully.

23 * **Sec. 80.** AS 28.35.030(k) is amended to read:

24 (k) Imprisonment required under (b)(1)(A) of this section shall be served [AT
 25 A COMMUNITY RESIDENTIAL CENTER OR] by electronic monitoring at a
 26 private residence **under AS 33.30.065.** If [A COMMUNITY RESIDENTIAL
 27 CENTER OR] electronic monitoring [AT A PRIVATE RESIDENCE] is not available,
 28 imprisonment required under (b)(1)(A) of this section **shall** [MAY] be served at **a**
 29 **private residence by other means determined by the commissioner of corrections**
 30 [ANOTHER APPROPRIATE PLACE DETERMINED BY THE COMMISSIONER
 31 OF CORRECTIONS]. Imprisonment required under (b)(1)(B) - (F) of this section

1 may be served at a community residential center or at a private residence if approved
 2 by the commissioner of corrections. Imprisonment served at a private residence must
 3 include electronic monitoring **under AS 33.30.065 or, if electronic monitoring is not**
 4 **available, by other means as determined by the commissioner of corrections.** The
 5 cost of imprisonment resulting from the sentence imposed under (b)(1) of this section
 6 shall be paid to the state by the person being sentenced. **The** [PROVIDED,
 7 HOWEVER, THAT THE] cost of imprisonment required to be paid under this
 8 subsection may not exceed \$2,000. Upon the person's conviction, the court shall
 9 include the costs of imprisonment as a part of the judgment of conviction. Except for
 10 reimbursement from a permanent fund dividend as provided in this subsection,
 11 payment of the cost of imprisonment is not required if the court determines the person
 12 is indigent. For costs of imprisonment that are not paid by the person as required by
 13 this subsection, the state shall seek reimbursement from the person's permanent fund
 14 dividend as provided under AS 43.23.065. **A** [WHILE AT THE COMMUNITY
 15 RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A] person
 16 sentenced under (b)(1)(A) of this section shall perform at least 24 hours of community
 17 service work. A person sentenced under (b)(1)(B) of this section shall perform at least
 18 160 hours of community service work, as required by the director of the community
 19 residential center or other appropriate place, or as required by the commissioner of
 20 corrections if the sentence is being served at a private residence. In this subsection,
 21 "appropriate place" means a facility with 24-hour on-site staff supervision that is
 22 specifically adapted to provide a residence, and includes a correctional center,
 23 residential treatment facility, hospital, halfway house, group home, work farm, work
 24 camp, or other place that provides varying levels of restriction.

25 * **Sec. 81.** AS 28.35.030(*l*) is amended to read:

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

31 * **Sec. 82.** AS 28.35.030(*o*) is amended to read:

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

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

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

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

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

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

10 **(A) the person has been granted limited license privileges**
11 **under AS 28.15.201(g) and has successfully driven under that limited**
12 **license for three years without having the limited license privileges**
13 **revoked;**

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

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

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

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

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

24 * **Sec. 83.** AS 28.35.032(o) is amended to read:

25 (o) Imprisonment required under (g)(1)(A) of this section shall be served **at a**
26 **private residence by electronic monitoring under AS 33.30.065. If electronic**
27 **monitoring** [AT A COMMUNITY RESIDENTIAL CENTER, OR IF A
28 COMMUNITY RESIDENTIAL CENTER] is not available, **imprisonment under**
29 **(g)(1)(A) of this section shall be served at a private residence by other means as**
30 **determined by the commissioner of corrections** [AT ANOTHER APPROPRIATE
31 PLACE DETERMINED BY THE COMMISSIONER OF CORRECTIONS].

1 Imprisonment required under (g)(1)(B) - (F) of this section may be served at a
 2 community residential center or at a private residence if approved by the
 3 commissioner of corrections. Imprisonment served at a private residence must include
 4 electronic monitoring under AS 33.30.065 or, if electronic monitoring is not
 5 available, shall be served by other means as determined by the commissioner of
 6 corrections. The cost of imprisonment resulting from the sentence imposed under
 7 (g)(1) of this section shall be paid to the state by the person being sentenced. The
 8 [PROVIDED, HOWEVER, THAT THE] cost of imprisonment required to be paid
 9 under this subsection may not exceed \$2,000. Upon the person's conviction, the court
 10 shall include the costs of imprisonment as a part of the judgment of conviction. Except
 11 for reimbursement from a permanent fund dividend as provided in this subsection,
 12 payment of the cost of imprisonment is not required if the court determines the person
 13 is indigent. For costs of imprisonment that are not paid by the person as required by
 14 this subsection, the state shall seek reimbursement from the person's permanent fund
 15 dividend as provided under AS 43.23.065. A [WHILE AT THE COMMUNITY
 16 RESIDENTIAL CENTER OR OTHER APPROPRIATE PLACE, A] person
 17 sentenced under (g)(1)(A) of this section shall perform at least 24 hours of community
 18 service work. A person sentenced under (g)(1)(B) of this section shall perform at least
 19 160 hours of community service work, as required by the director of the community
 20 residential center or other appropriate place, or as required by the commissioner of
 21 corrections if the sentence is being served at a private residence. In this subsection,
 22 "appropriate place" means a facility with 24-hour on-site staff supervision that is
 23 specifically adapted to provide a residence, and includes a correctional center,
 24 residential treatment facility, hospital, halfway house, group home, work farm, work
 25 camp, or other place that provides varying levels of restriction.

26 * **Sec. 84.** AS 29.10.200(21) is amended to read:

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

29 * **Sec. 85.** AS 29.25.070(a) is amended to read:

30 (a) For the violation of an ordinance, a municipality may by ordinance
 31 prescribe a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days,

1 **except as limited by (g) of this section.** For a violation that cannot result in
2 incarceration or the loss of a valuable license, a municipality may allow disposition of
3 the violation without court appearance and establish a schedule of fine amounts for
4 each offense.

5 * **Sec. 86.** AS 29.25.070 is amended by adding a new subsection to read:

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

12 * **Sec. 87.** AS 33.05.020 is amended by adding a new subsection to read:

13 (g) The commissioner shall establish an administrative sanction and incentive
14 program to facilitate a prompt and effective response to a probationer's compliance
15 with or violation of the conditions of probation. The commissioner shall adopt
16 regulations to implement the program. At a minimum, the regulations must include

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

22 (2) policies and procedures that ensure

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

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

27 (C) that appropriate due process protections are included in the
28 process, including notice of negative behavior, an opportunity to dispute the
29 accusation and the sanction, and an opportunity to request a review of the
30 accusation and the sanction.

31 * **Sec. 88.** AS 33.05 is amended by adding a new section to read:

1 **Sec. 33.05.025. Probation incentive reduction; time computation.** (a) A
 2 probation officer shall recommend to the sentencing court a probation incentive
 3 reduction for good conduct by a person on probation.

4 (b) If a recommendation is made under (a) of this section, the probation officer
 5 shall provide to the court a time computation for the reduction of the period of
 6 probation of one day for each day of probation that a defendant successfully complies
 7 with all of the conditions of probation for one or more days immediately preceding the
 8 reduction computation.

9 * **Sec. 89.** AS 33.05.040 is amended to read:

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

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

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

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

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

26 (5) **recommend to the court a probation reduction for a**
 27 **probationer who is eligible for the reduction under AS 33.05.025; a probation**
 28 **officer shall make the recommendation to the court at least 30 days before the**
 29 **earliest date a probationer could be discharged from further supervision because**
 30 **of the reduction under AS 33.05.025;**

31 (6) perform **the** [SUCH] duties with respect to persons on parole as the

1 commissioner shall request [,] and, in that [SUCH] service, shall be termed a parole
2 officer;

3 (7) use sanctions and incentives developed under AS 33.05.020(g)
4 to respond to a probationer's negative and positive behavior, including responses
5 to technical violations of conditions of probation, in a way that is intended to
6 interrupt negative behavior in a swift, certain, and proportional manner and
7 support progress with a recognition of positive behavior; and

8 (8) upon determining that a probationer under the supervision of
9 the officer meets the requirements of AS 12.55.090(g), recommend to the court as
10 soon as practicable that probation be terminated and the probationer be
11 discharged from probation.

12 * **Sec. 90.** AS 33.05.080 is amended by adding a new paragraph to read:

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

16 * **Sec. 91.** AS 33 is amended by adding a new chapter to read:

17 **Chapter 07. Pretrial Services Program.**

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

23 **Sec. 33.07.020. Duties of commissioner; pretrial services.** The commissioner
24 shall

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

27 (2) fix pretrial services officers' salaries;

28 (3) assign pretrial services officers to the various judicial districts;

29 (4) provide for the necessary training, expenses, including clerical
30 services, and travel of pretrial services officers;

31 (5) approve a risk assessment instrument that is objective,

1 standardized, developed based on analysis of empirical data and risk factors relevant
2 to pretrial failure, that evaluates the likelihood of failure to appear in court and the
3 likelihood of rearrest during the pretrial period, and that is validated on the state's
4 pretrial population; and

5 (6) adopt regulations in consultation with the Department of Law, the
6 public defender, the Department of Public Safety, and the Alaska Court System,
7 consistent with this chapter and as necessary to implement the program; the
8 regulations must include pretrial release decision-making process guidelines for
9 pretrial services officers in making a recommendation to the court concerning a
10 pretrial release decision, including guidelines for pretrial diversion recommendations.

11 **Sec. 33.07.030. Duties of pretrial services officers.** (a) Pretrial services
12 officers shall, in advance of a first appearance before a judicial officer under
13 AS 12.30, conduct a pretrial risk assessment on the defendant using an instrument
14 approved by the commissioner for the purpose of making a recommendation to the
15 court concerning an appropriate pretrial release decision and conditions of release. In
16 conducting a pretrial risk assessment and making a recommendation to the court, the
17 department shall follow the decision-making process established by regulation under
18 this chapter. The pretrial risk assessment shall be completed and presented to the court
19 in a pretrial release report that contains a risk assessment rating of low, moderate, or
20 high and a recommendation regarding release and release conditions before the
21 defendant's first appearance before a judicial officer.

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

28 (1) the level of risk of a defendant;

29 (2) the appropriateness for release on the defendant's own
30 recognizance or on the execution of an unsecured appearance bond, unsecured
31 performance bond, or both; and

1 (3) nonmonetary release conditions permitted under AS 12.30.011,
2 12.30.016, 12.30.021, and 12.30.027 for defendants who are recommended for release.

3 (c) A pretrial services officer shall recommend for release on personal
4 recognizance, upon execution of an unsecured appearance bond, upon execution of an
5 unsecured performance bond, or to a pretrial diversion program, with nonmonetary
6 conditions as appropriate, a defendant charged with

7 (1) a misdemeanor, unless that misdemeanor is

8 (A) a crime involving domestic violence, as defined in
9 AS 18.66.990;

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

11 (C) an offense under AS 11.56.730;

12 (2) a class C felony unless that felony is

13 (A) a crime involving domestic violence, as defined in
14 AS 18.66.990;

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

16 (C) an offense under AS 11.56.730;

17 (3) an offense under AS 28.35.030 or 28.35.032, if the defendant has
18 been assessed as being low or moderate risk on the pretrial risk assessment;

19 (4) an offense for which no finding has been made under (d) of this
20 section that is

21 (A) an offense under AS 28.35.030 or 28.35.032, and the
22 defendant has been assessed as being high risk on the pretrial risk assessment;

23 (B) an offense under AS 11.56.730 or 11.56.757, and the
24 defendant has been assessed as being low to moderate risk on the pretrial risk
25 assessment;

26 (C) any other offense, and the defendant has been assessed as
27 being low risk on the pretrial risk assessment.

28 (d) For an offense under (c)(4) of this section, if the pretrial services officer
29 finds substantial evidence that no nonmonetary conditions of release in combination
30 with a personal recognizance release or unsecured bond can reasonably ensure the
31 appearance of the person in court and the safety of the victim, other persons, and the

1 community, the pretrial services officer may recommend to the court more restrictive
2 release conditions than otherwise provided for under (c) of this section.

3 (e) Pretrial services officers shall supervise defendants released during the
4 pretrial period and prioritize supervision of defendants accused of serious charges or
5 who are assessed as moderate or high risk on the pretrial risk assessment. Pretrial
6 services officers shall impose the least restrictive level of supervision that will
7 reasonably ensure the appearance of the person in court and the safety of the victim
8 and the community.

9 (f) A pretrial services officer may

10 (1) recommend pretrial diversion to the court before adjudication;

11 (2) arrest a defendant who has been released pretrial without a warrant
12 if the officer has reason to believe the defendant has committed an offense under
13 AS 11.56.730 or 11.56.757 or has violated the defendant's release conditions;

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

16 (4) coordinate with community-based organizations and tribal courts
17 and councils to develop and expand pretrial diversion options.

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

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

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

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

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

28 * **Sec. 92.** AS 33.16.010(c) is amended to read:

29 (c) A prisoner who is not eligible for **special medical, administrative, or**
30 **discretionary parole**, or who is not released on **special medical, administrative, or**
31 **discretionary parole**, shall be released on mandatory parole for the term of good time

1 deductions credited under AS 33.20, if the term or terms of imprisonment are two
2 years or more.

3 * **Sec. 93.** AS 33.16.010(d) is amended to read:

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

7 * **Sec. 94.** AS 33.16.010 is amended by adding a new subsection to read:

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

10 * **Sec. 95.** AS 33.16.060(a) is amended to read:

11 (a) The board shall

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

13 (2) upon receipt of an application, consider the suitability for parole of
14 a prisoner who is eligible for special medical or discretionary parole;

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

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

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

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

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

25 (8) upon request of the governor, review and recommend applicants
26 for executive clemency; [AND]

27 (9) execute other responsibilities prescribed by law; **and**

28 **(10) evaluate the eligibility and notify a prisoner of the prisoner's**
29 **eligibility for administrative and discretionary parole at least 90 days before the**
30 **prisoner's first date of eligibility.**

31 * **Sec. 96.** AS 33.16 is amended by adding a new section to read:

1 **Sec. 33.16.089. Eligibility for administrative parole.** (a) A prisoner
 2 convicted of a misdemeanor or a class B or C felony who has not been previously
 3 convicted of a felony in this or another jurisdiction and who has been sentenced to an
 4 active term of imprisonment of at least 181 days shall be released on administrative
 5 parole by the board without a hearing if

6 (1) the prisoner has served the greater of

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

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

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

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

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

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

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

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

21 (c) If a victim makes a timely request for a hearing under AS 33.16.120, the
 22 board shall conduct the hearing not later than 30 days before the prisoner's earliest
 23 parole eligibility date.

24 * **Sec. 97.** AS 33.16.090(a) is amended to read:

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

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

31 **(A)** [(1)] a prisoner sentenced to one or more mandatory 99-

1 year terms under AS 12.55.125(a) or one or more definite terms under
2 AS 12.55.125(l) is not eligible for consideration for discretionary parole;

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

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

8 **(2) is at least 55 years of age and has served at least 10 years of a**
9 **sentence for one or more crimes in a single judgment.**

10 * **Sec. 98.** AS 33.16.090(b) is amended to read:

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

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

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

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

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

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

31 (i) the prisoner has successfully completed all

1 rehabilitation programs ordered by the three-judge panel that were
2 made available to the prisoner; and

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

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

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

11 (B) any term set under AS 12.55.115;

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

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

18 (A) any mandatory minimum sentence or sentences imposed
19 under any provision of law;

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

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

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

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

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

29 (C) the amount of time that is required to be served under (1) -
30 (5) of this subsection for the sentence imposed for the primary crime, had that
31 been the only sentence imposed, plus one-quarter of the composite total of the

1 active term of imprisonment imposed as consecutive or partially consecutive
2 sentences imposed for all crimes other than the primary crime.

3 * **Sec. 99.** AS 33.16.100(a) is amended to read:

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

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

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

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

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

15 * **Sec. 100.** AS 33.16.100(b) is amended to read:

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

22 * **Sec. 101.** AS 33.16.100 is amended by adding a new subsection to read:

23 (f) The board may authorize the release of a prisoner who has been convicted
24 of more than one felony, other than an unclassified felony, in this or another
25 jurisdiction, if the prisoner is eligible for discretionary parole under AS 12.55.115 and
26 AS 33.16.090, has met the requirements of a case plan created under AS 33.30.011(8),
27 and has agreed to the conditions of supervision, unless the board finds by clear and
28 convincing evidence on the record that the prisoner poses a threat of harm to the
29 public if released. If the board finds that failure to complete the requirements of a case
30 plan was not caused by the prisoner, the board may waive the incomplete
31 requirements.

1 * **Sec. 102.** AS 33.16.110(a) is amended to read:

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

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

5 (2) the recommendations made by the sentencing court, by the
6 prosecuting attorney, and by the defense attorney, and any statements made by the
7 victim or the prisoner at sentencing;

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

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

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

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

14 (7) information submitted by the prisoner, the sentencing court, the
15 victim of the crime, the prosecutor, or other persons having knowledge of the prisoner
16 or the crime;

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

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

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

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

24 * **Sec. 103.** AS 33.16.120(a) is amended to read:

25 (a) If the victim of a crime against a person or arson in the first degree
26 requests notice of a scheduled hearing to review or consider discretionary parole for a
27 prisoner convicted of that crime, the board shall send notice of the hearing to the
28 victim at least 30 days before the hearing. The notice must be accompanied by a copy
29 of the prisoner's **preparole reports listed in AS 33.16.110** [APPLICATION FOR
30 PAROLE SUBMITTED UNDER AS 33.16.130(a)]. However, the copy of the
31 **preparole reports** [APPLICATION] sent to the victim may not include the prisoner's

1 **confidential health information, information protected under AS 33.16.170,**
2 proposed residence, **or** [AND] employment addresses.

3 * **Sec. 104.** AS 33.16.120(f) is amended to read:

4 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c),
5 **33.16.089, or 33.16.090,** the board shall make every reasonable effort to notify the
6 victim before the prisoner's release date. Notification under this subsection must
7 include the expected date of the prisoner's release, the geographic area in which the
8 prisoner is required to reside, and other pertinent information concerning the prisoner's
9 conditions of parole that may affect the victim.

10 * **Sec. 105.** AS 33.16.120(g) is amended to read:

11 (g) A victim of a crime involving domestic violence shall be informed by the
12 board at least 30 days in advance of a scheduled hearing to review or consider
13 [DISCRETIONARY] parole for a prisoner. The board shall inform the victim of any
14 decision to grant or deny [DISCRETIONARY] parole or to release the prisoner under
15 AS 33.16.010(c). If the prisoner is to be released, the victim shall be notified of the
16 expected date of the release, the geographic area in which the prisoner will reside, and
17 any other information concerning conditions of parole that may affect the victim. The
18 victim shall also be informed of any changes in the conditions of parole that may
19 affect the victim. The board shall send the notice required to the last known address of
20 the victim. A person may not bring a civil action for damages for a failure to comply
21 with the provisions of this subsection.

22 * **Sec. 106.** AS 33.16.120 is amended by adding a new subsection to read:

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

27 * **Sec. 107.** AS 33.16.130 is repealed and reenacted to read:

28 **Sec. 33.16.130. Parole procedures.** (a) The parole board shall hold a hearing
29 for all prisoners who are eligible for parole before granting an eligible prisoner special
30 medical or discretionary parole. The board shall also hold a hearing if requested by a
31 victim under procedures established for the request for a prisoner eligible for

1 administrative parole. A hearing shall be conducted within the following time frames:

2 (1) for prisoners eligible under AS 33.16.100(a), not less than 90 days
3 before the first parole eligibility date;

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

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

12 (c) If the board denies parole, the board shall state the reasons for the denial,
13 identify all of the factors considered relevant to the denial, and provide a written plan
14 for addressing all of the factors relevant to the denial. The board may schedule a
15 subsequent parole hearing at the time of the denial or at a later date as follows:

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

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

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

22 * **Sec. 108.** AS 33.16.140 is amended to read:

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

27 * **Sec. 109.** AS 33.16.150(a) is amended to read:

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

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

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

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

6 (4) shall report

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

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

10 (5) shall reside at a stated place and not change that residence without
11 notifying, and receiving permission from, the parole officer assigned to the parolee;

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

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

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

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

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

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

28 (12) shall provide a blood sample, an oral sample, or both, when
29 requested by a health care professional acting on behalf of the state to provide the
30 sample or samples, or an oral sample when requested by a juvenile or adult
31 correctional, probation, or parole officer, or a peace officer, if the prisoner is being

1 released after a conviction of an offense requiring the state to collect the sample or
2 samples for the deoxyribonucleic acid identification system under AS 44.41.035;

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

6 * **Sec. 110.** AS 33.16.150(b) is amended to read:

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

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

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

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

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

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

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

27 (7) refrain from opening, maintaining, or using a checking account or
28 charge account;

29 (8) refrain from entering into a contract other than a prenuptial contract
30 or a marriage contract;

31 (9) refrain from operating a motor vehicle;

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

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

10 * **Sec. 111.** AS 33.16.150(e) is amended to read:

11 (e) The board may designate a member of the board to act on behalf of the
12 board in imposing conditions of administrative or mandatory parole under (a) and (b)
13 of this section, in delegating imposition of conditions of administrative or mandatory
14 parole under (c) of this section, and in setting the period of compliance with the
15 conditions of administrative or mandatory parole under (d) of this section. The
16 decision of a member of the board under this section is the decision of the board. A
17 prisoner or parolee aggrieved by a decision of a member of the board acting for the
18 board under this subsection may apply to the board under AS 33.16.160 for a change
19 in the conditions of administrative or mandatory parole.

20 * **Sec. 112.** AS 33.16.150(f) is amended to read:

21 (f) In addition to other conditions of parole imposed under this section, the
22 board may impose as a condition of special medical, administrative, discretionary, or
23 mandatory parole for a prisoner serving a term for a crime involving domestic
24 violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) - (7); (2) a
25 requirement that, at the prisoner's expense, the prisoner participate in and complete, to
26 the satisfaction of the board, a program for the rehabilitation of perpetrators of
27 domestic violence that meets the standards set by, and that is approved by, the
28 department under AS 44.28.020(b); and (3) any other condition necessary to
29 rehabilitate the prisoner. The board shall establish procedures for the exchange of
30 information concerning the parolee with the victim and for responding to reports of
31 nonattendance or noncompliance by the parolee with conditions imposed under this

1 subsection. The board may not under this subsection require a prisoner to participate
 2 in and complete a program for the rehabilitation of perpetrators of domestic violence
 3 unless the program meets the standards set by, and is approved by, the department
 4 under AS 44.28.020(b).

5 * **Sec. 113.** AS 33.16.150(g) is amended to read:

6 (g) In addition to other conditions of parole imposed under this section for a
 7 prisoner serving a sentence for an offense where the aggravating factor provided in
 8 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a
 9 condition of special medical, **administrative**, discretionary, and mandatory parole a
 10 requirement that the prisoner submit to electronic monitoring. Electronic monitoring
 11 under this subsection must provide for monitoring of the prisoner's location and
 12 movements by Global Positioning System technology. The board shall require a
 13 prisoner serving a period of probation with electronic monitoring as provided under
 14 this subsection to pay all or a portion of the costs of the electronic monitoring, but
 15 only if the prisoner has sufficient financial resources to pay the costs or a portion of
 16 the costs. A prisoner subject to electronic monitoring under this subsection is not
 17 entitled to a credit for time served in a correctional facility while the defendant is on
 18 parole. In this subsection, "correctional facility" has the meaning given in
 19 AS 33.30.901.

20 * **Sec. 114.** AS 33.16.180 is amended to read:

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

22 (1) conduct investigations of prisoners eligible for **administrative or**
 23 discretionary parole, as requested by the board **and as provided in this section;**

24 (2) supervise the conduct of parolees;

25 (3) appoint and assign parole officers and personnel;

26 (4) provide the board, within 30 days after sentencing, information on
 27 a sentenced prisoner who may be eligible for **administrative parole under**
 28 **AS 33.16.089 or** discretionary parole under AS 33.16.090;

29 (5) notify the board and provide information on a prisoner 120 days
 30 before the prisoner's mandatory release date, if the prisoner is to be released **on** [TO]
 31 mandatory parole; [AND]

- 1 (6) maintain records, files, and accounts as requested by the board;
- 2 (7) prepare preparole reports under AS 33.16.110(a);
- 3 (8) notify the board in writing of a prisoner's compliance or
- 4 noncompliance with the prisoner's case plan created under AS 33.30.011(8) not
- 5 less than 30 days before the prisoner's next parole eligibility date or the
- 6 prisoner's parole hearing date, whichever is earlier;
- 7 (9) establish an administrative sanction and incentive program to
- 8 facilitate a swift and certain response to a parolee's compliance with or violation
- 9 of the conditions of parole and shall adopt regulations to implement the program;
- 10 at a minimum, the regulations must include
- 11 (A) a decision-making process to guide parole officers in
- 12 determining the suitable response to positive and negative offender
- 13 behavior that includes a list of sanctions for the most common types of
- 14 negative behavior, including technical violations of conditions of parole,
- 15 and a list of incentives for compliance with conditions and positive
- 16 behavior that exceeds those conditions;
- 17 (B) policies and procedures that ensure
- 18 (i) a process for responding to negative behavior
- 19 that includes a review of previous violations and sanctions;
- 20 (ii) that enhanced sanctions for certain negative
- 21 conduct are approved by the commissioner or the commissioner's
- 22 designee; and
- 23 (iii) that appropriate due process protections are
- 24 included in the process, including notice of negative behavior, an
- 25 opportunity to dispute the accusation and the sanction, and an
- 26 opportunity to request a review of the accusation and the sanction;
- 27 (10) calculate and keep records of the parole reduction for a
- 28 parolee who is eligible for the reduction under AS 33.16.210(d); and
- 29 (11) notify the board at least 30 days before the earliest date a
- 30 parolee's parole will be discharged under AS 33.16.210(d).

31 * Sec. 115. AS 33.16.200 is amended to read:

1 **Sec. 33.16.200. Custody of parolee.** Except as provided in AS 33.16.210, the
 2 board retains custody of special medical, **administrative**, discretionary, and
 3 mandatory parolees until the expiration of the maximum term or terms of
 4 imprisonment to which the parolee is sentenced.

5 * **Sec. 116.** AS 33.16.210 is amended to read:

6 **Sec. 33.16.210. Discharge of parolee.** (a) The board may unconditionally
 7 discharge a parolee from the jurisdiction and custody of the board after the parolee has
 8 completed **one year** [TWO YEARS] of parole. A discretionary parolee with a residual
 9 period of probation may, after **one year** [TWO YEARS] of parole, be discharged by
 10 the board to immediately begin serving the residual period of probation.

11 (b) Notwithstanding (a) of this section, the board may unconditionally
 12 discharge a mandatory parolee before the parolee has completed **one year** [TWO
 13 YEARS] of parole if the parolee is serving a concurrent period of residual probation
 14 under AS 33.20.040(c), and the period of residual probation and the period of
 15 suspended imprisonment each equal or exceed the period of mandatory parole.

16 * **Sec. 117.** AS 33.16.210 is amended by adding new subsections to read:

17 (c) Notwithstanding (a) of this section, the board shall unconditionally
 18 discharge a parolee if the parolee

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

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

22 (3) is currently in compliance with all conditions of parole.

23 (d) The board shall grant a parole incentive reduction for good conduct by a
 24 person on parole of one day for each day of parole that a parolee successfully complies
 25 with all of the conditions of parole for one or more days immediately preceding the
 26 reduction computation.

27 * **Sec. 118.** AS 33.16 is amended by adding a new section to read:

28 **Sec. 33.16.215. Sanctions for a technical violation of parole.** (a) If a
 29 defendant is serving a period of parole for an offense, the board may find that the
 30 defendant has committed a technical violation of parole. If the board finds that a
 31 defendant has committed a technical violation of parole that does not include

1 absconding, the board may impose a sentence of imprisonment of not more than

2 (1) three days for the first petition to revoke parole filed with the
3 board;

4 (2) five days for the second petition to revoke parole filed with the
5 board;

6 (3) 10 days for the third petition to revoke parole filed with the board;
7 and

8 (4) up to the remainder of the suspended portion of the sentence for a
9 fourth or subsequent petition to revoke parole.

10 (b) If the board revokes a defendant's parole for absconding, the board may
11 impose a period of imprisonment not to exceed 30 days.

12 (c) The limits on length of imprisonment the board may impose under this
13 section if the board revokes a defendant's parole do not apply if the defendant is
14 enrolled in the program established under AS 33.16.060(c).

15 (d) If the defendant is ordered to complete treatment under
16 AS 12.55.100(a)(2)(E) and does not comply with the court's order, the court may order
17 the defendant to show cause why the defendant should not be sentenced to
18 imprisonment for noncompletion of treatment and may revoke the suspended sentence
19 subject to the limits established in this section. In a contempt or probation revocation
20 proceeding brought as a result of failure to complete treatment, it is an affirmative
21 defense that the defendant was unable to afford the cost of treatment or secure a place
22 in a free treatment program, despite having made continuing good faith efforts. If the
23 court finds that the defendant was unable to complete treatment despite having made
24 continuing good faith efforts, the defendant may not be imprisoned solely because of
25 an inability to pay. If the court does not find that the noncompletion of treatment was
26 attributable to the defendant's inability to pay, the court may order the defendant
27 imprisoned 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 to a parole officer within
31 30 days after release from custody;

1 (2) "technical violation" means a violation of the conditions of parole
2 that does not result from

3 (A) an arrest for a new criminal offense; or

4 (B) failing to complete sex offender treatment.

5 * **Sec. 119.** AS 33.16.220(b) is amended to read:

6 (b) **If a parolee has been arrested for the commission of a new criminal**
7 **offense or for failing to complete a sex offender treatment program, except**
8 [EXCEPT] as provided in (e) of this section, **the board or its designee shall hold a**
9 **preliminary hearing** within 15 working days after the arrest and incarceration of a
10 parolee for violation of a condition of parole [, THE BOARD OR ITS DESIGNEE
11 SHALL HOLD A PRELIMINARY HEARING]. At the preliminary hearing, the board
12 or its designee shall determine if there is probable cause to believe that the parolee
13 violated the conditions of parole and, when probable cause exists, whether the parolee
14 should be released pending a final revocation hearing. A finding of probable cause at a
15 preliminary hearing in a criminal case is conclusive proof of probable cause that a
16 parole violation occurred.

17 * **Sec. 120.** AS 33.16.220(f) is amended to read:

18 (f) **If a parolee has had a preliminary hearing under (b) of this section, the**
19 [THE] board shall hold a final revocation hearing **not** [NO] later than 120 days after a
20 parolee's arrest, subject to restrictions arising under AS 33.36.110 and (g) of this
21 section.

22 * **Sec. 121.** AS 33.16.220(i) is amended to read:

23 (i) If, after the final revocation hearing, the board finds that the parolee has
24 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or
25 ordinance, the board may revoke all or a portion of the parole **subject to the limits set**
26 **out in AS 33.16.215**, or change any condition of parole. **The board cannot extend**
27 **the period of parole beyond the maximum sentence imposed by the sentencing**
28 **court.**

29 * **Sec. 122.** AS 33.16.220 is amended by adding a new subsection to read:

30 (j) If a parolee has been arrested for a technical violation of conditions of
31 parole, the board or its designee shall hold a final hearing within 15 working days.

1 * **Sec. 123.** AS 33.16.240(e) is amended to read:

2 (e) A parolee **charged with a new crime or failure to comply with a sex**
3 **offender treatment program** [ARRESTED FOR VIOLATION OF PAROLE] is not
4 entitled to bail.

5 * **Sec. 124.** AS 33.16.240 is amended by adding new subsections to read:

6 (h) A parolee arrested under this section for a technical violation shall be
7 released without bail once the parolee has served the maximum number of days that
8 could be served for a technical violation under AS 33.16.215. Nothing in this
9 subsection prohibits the board or its designee from releasing a parolee sooner.

10 (i) The board or its designee may impose additional conditions necessary to
11 ensure the parolee's appearance at a hearing held under AS 33.16.220(h).

12 * **Sec. 125.** AS 33.16.900 is amended by adding a new paragraph to read:

13 (14) "administrative sanctions and incentives" means responses by a
14 parole officer to a parolee's compliance with or violation of the conditions of parole
15 under AS 33.16.180.

16 * **Sec. 126.** AS 33.20.010(c) is amended to read:

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

21 * **Sec. 127.** AS 33.20.010 is amended by adding a new subsection to read:

22 (d) Notwithstanding (a) and (c) of this section, the commissioner of
23 corrections shall award to a prisoner convicted of a sexual offense that is ineligible for
24 a deduction under (a)(3)(A) or (B) of this section and sentenced to a term of
25 imprisonment that exceeds three days a deduction of one-third of the term of
26 imprisonment rounded off to the nearest day for periods during which the prisoner
27 follows the rules of the correctional facility in which the prisoner is confined. The
28 commissioner may not award the deduction under this subsection until the prisoner
29 successfully completes the treatment requirements in the prisoner's case plan.

30 * **Sec. 128.** AS 33.30.011 is amended to read:

31 **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

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

6 (2) classify prisoners;

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

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

11 (B) maintain health;

12 (C) create or improve occupational skills;

13 (D) enhance educational qualifications;

14 (E) support court-ordered restitution; and

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

17 (4) provide necessary

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

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

24 (i) a prisoner exhibits symptoms of a serious disease or
25 injury that is curable or may be substantially alleviated; and

26 (ii) the potential for harm to the prisoner by reason of
27 delay or denial of care is substantial; and

28 (C) assessment or screening of the risks and needs of offenders
29 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal
30 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based
31 disorder;

1 (5) establish minimum standards for sex offender treatment programs
2 offered to persons who are committed to the custody of the commissioner;

3 (6) provide for fingerprinting in correctional facilities in accordance
4 with AS 12.80.060; [AND]

5 (7) establish a program to conduct assessments of the risks and needs
6 of offenders sentenced to serve a term of incarceration of 30 days or more and provide
7 to the legislature, by electronic means, by January 15, 2017, and thereafter by
8 January 15, preceding the first regular session of each legislature, a report
9 summarizing the findings and results of the program; **the program must include a**
10 **requirement for an assessment before release and within 24 hours after initial**
11 **arrest and detention;**

12 (8) **establish a procedure that provides for each prisoner required**
13 **to serve an active term of imprisonment of 30 days or more a written case plan**
14 **that is**

15 (A) **provided to the prisoner within 90 days after**
16 **sentencing;**

17 (B) **based on the results of the assessment of the prisoner's**
18 **risks and needs under (7) of this section;**

19 (C) **to the extent feasible, incorporated into institutional**
20 **conduct of the prisoner and the correctional facility staff;**

21 (D) **modified when necessary for changes in classification,**
22 **housing status, medical or mental health, and resource availability;**

23 (9) **establish a program for reentry planning for each prisoner**
24 **serving an active term of imprisonment of 181 days or more that provides a**
25 **written plan to the prisoner not less than 90 days before release to furlough,**
26 **probation, or parole; the reentry plan must include**

27 (A) **information on the prisoner's proposed**

28 (i) **residence;**

29 (ii) **employment or alternative means of support;**

30 (iii) **treatment options;**

31 (iv) **counseling services;**

1 (v) education or job training services;

2 (B) any other requirements for successful transition back to
 3 the community, including electronic monitoring or furlough for the period
 4 between a scheduled parole hearing and parole eligibility; and

5 (10) establish minimum standards for electronic monitoring for
 6 offenders and procedures for approving electronic monitoring programs
 7 provided by private contractors.

8 * **Sec. 129.** AS 33.30.013(a) is amended to read:

9 (a) The commissioner shall notify the victim if

10 (1) the offender escapes from custody;

11 (2) is eligible for or receives a parole reduction under

12 AS 33.16.210(d); or

13 (3) is released to the community on a furlough, on an early release
 14 program, or for any other reason.

15 * **Sec. 130.** AS 33.30 is amended by adding a new section to read:

16 **Sec. 33.30.095. Duties of commissioner before release of prisoner.** (a) The
 17 commissioner shall establish a program to prepare a prisoner who is serving a sentence
 18 of imprisonment exceeding one year for the prisoner's discharge, release on parole or
 19 probation, or prerelease furlough under AS 33.30.111 that begins 90 days before the
 20 date of the prisoner's discharge, release, or furlough.

21 (b) The program established under (a) of this section must include

22 (1) instruction on

23 (A) obtaining state identification;

24 (B) community resources available for housing, employment,
 25 and treatment;

26 (2) an individualized reentry plan for the prisoner; and

27 (3) probation and parole orientation, if appropriate.

28 * **Sec. 131.** AS 33.30.151 is amended to read:

29 **Sec. 33.30.151. Correctional restitution centers.** (a) The commissioner shall
 30 establish correctional restitution centers in the state. The purpose of the centers is to
 31 provide certain offenders with rehabilitation through comprehensive treatment for

1 **substance abuse, cognitive behavioral disorders, and other criminal risk factors,**
 2 **including aftercare support,** community service, and employment, while protecting
 3 the community through partial incarceration of the offender, and to create a means to
 4 provide restitution to victims of crimes.

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

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

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

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

13 (4) standards for classifying prisoners to centers;

14 (5) standards for mandatory employment and participation in
 15 community service programs in each center; [AND]

16 (6) standards for periodic review of the performance of prisoners
 17 confined to the centers **and quality assurance measures to ensure centers are**
 18 **meeting state standards and contractual obligations;**

19 **(7) standards for the provision of treatment, including substance**
 20 **abuse treatment, cognitive behavioral therapy, and aftercare designed to address**
 21 **an offender's individual criminogenic needs; and**

22 **(8) standards and a process to assess an offender's risk of**
 23 **recidivating and the criminal risk factors and needs that reduce the risk of**
 24 **recidivating and ensure that**

25 **(A) high risk offenders with moderate to high needs are a**
 26 **priority for acceptance into a correctional restitution center; and**

27 **(B) centers establish internal procedures to limit the mixing**
 28 **of low and high risk prisoners.**

29 * **Sec. 132.** AS 43.23.065(b) is amended to read:

30 (b) An exemption is not available under this section for permanent fund
 31 dividends taken to satisfy

1 (1) child support obligations required by court order or decision of the
2 child support services agency under AS 25.27.140 - 25.27.220;

3 (2) court ordered restitution under AS 12.55.045 - 12.55.051,
4 12.55.100, or AS 47.12.120(b)(4);

5 (3) claims on defaulted education loans under AS 43.23.067;

6 (4) court ordered fines;

7 (5) writs of execution under AS 09.35 of a judgment that is entered

8 (A) against a minor in a civil action to recover damages and
9 court costs;

10 (B) under AS 09.65.255 against the parent, parents, or legal
11 guardian of an unemancipated minor;

12 (6) a debt owed by an eligible individual to an agency of the state,
13 including the University of Alaska, unless the debt is contested and an appeal is
14 pending, or the time limit for filing an appeal has not expired;

15 (7) a debt owed to a person for a program for the rehabilitation of
16 perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15),
17 AS 25.20.061(3), or AS 33.16.150(f)(2);

18 (8) a judgment for unpaid rent or damage owed to a landlord by an
19 eligible individual that was a tenant of the landlord; in this paragraph, "tenant" has the
20 meaning given in AS 34.03.360;

21 **(9) court-ordered forfeiture of an appearance or performance**
22 **bond under AS 12.30.075.**

23 * **Sec. 133.** AS 47.27.015 is amended by adding a new subsection to read:

24 (i) A person convicted after August 22, 1996, of an offense that is classified as
25 a felony under AS 11.71.010 - 11.71.040 or by the law of another jurisdiction that has
26 as an element the possession, use, or distribution of a controlled substance, as defined
27 in AS 11.71.900, is disqualified from receiving temporary assistance under this
28 chapter or food stamps under AS 47.25 unless the person demonstrates, to the
29 satisfaction of the department, that the person

30 (1) is satisfactorily serving, or has successfully completed, a period of
31 probation or parole;

1 (2) is in the process of serving, or has successfully completed,
2 mandatory participation in a drug or alcohol treatment program; or

3 (3) has taken action toward rehabilitation, including participation in a
4 drug or alcohol treatment program.

5 * **Sec. 134.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 DIRECT COURT RULE AMENDMENT. Rule 38, Alaska Rules of Criminal
8 Procedure, is amended by adding new subsections to read:

9 (d) **Hearing Notice.** The court shall provide a notice to a defendant of the
10 date, time, and place of a scheduled hearing at which the defendant is required to
11 appear in a form and manner established by the court.

12 (e) **Hearing Reminder.** In addition to the notice required under (d) of this
13 rule, the court shall provide a reminder notification to a defendant who is not in
14 custody and to the Department of Corrections at least 48 hours prior to a scheduled
15 hearing at which the defendant is required to appear regarding the date, time, and
16 place of the scheduled hearing and the potential consequences of failure to appear, in a
17 form and manner established by the court.

18 * **Sec. 135.** The uncodified law of the State of Alaska is amended by adding a new section
19 to read:

20 DIRECT COURT RULE AMENDMENT. Rule 41, Alaska Rules of Criminal
21 Procedure, is amended by adding a new subsection to read:

22 (j) **Misdemeanor and Felony Bail Schedules.** No bail schedule shall be
23 established for misdemeanors or felonies.

24 * **Sec. 136.** The uncodified law of the State of Alaska is amended by adding a new section
25 to read:

26 REPEAL OF COURT RULES. Rules 41(d) and (e), Alaska Rules of Criminal
27 Procedure, are repealed.

28 * **Sec. 137.** AS 11.71.010(a)(1), 11.71.010(a)(2), 11.71.020(a)(1), 11.71.020(a)(2),
29 11.71.020(a)(3), 11.71.020(a)(4), 11.71.020(a)(5), 11.71.020(a)(6), 11.71.020(b),
30 11.71.020(c), 11.71.030(a)(3), 11.71.030(b), 11.71.040(a)(3), 11.71.050(a)(2), 11.71.200;
31 AS 12.30.016(d); AS 12.55.125(c)(2)(B), and 12.55.125(d)(2)(B) are repealed.

1 * **Sec. 138.** The uncodified law of the State of Alaska is amended by adding a new section
2 to read:

3 INDIRECT COURT RULE AMENDMENT. (a) AS 12.30.006(h), enacted by sec. 42
4 of this Act, has the effect of changing Rule 6, Alaska Rules of Criminal Procedure, by
5 directing the court to arraign a person within 24 hours after arrest, and in no instance later
6 than 48 hours after the person's arrest.

7 (b) AS 12.30.011, as amended by sec. 43 of this Act, and AS 12.30.011(e) - (i),
8 enacted by sec. 44 of this Act, have the effect of changing Rule 41, Alaska Rules of Criminal
9 Procedure, by changing and establishing release conditions for certain defendants, providing
10 for recommendations by pretrial services officers of release conditions based on a pretrial risk
11 assessment score, providing that a court shall order the release of a person under certain
12 circumstances upon execution of an appearance or performance bond, and providing new
13 procedures for use of appearance, surety, and performance bonds.

14 (c) AS 12.55.055(g), enacted by sec. 58 of this Act, has the effect of changing Rule
15 32, Alaska Rules of Criminal Procedure, by directing the court to include a provision in the
16 judgment that community work hours that are not completed shall be converted to a fine as
17 provided in AS 12.55.055(h), added by sec. 58 of this Act.

18 (d) AS 12.55.078, enacted by sec. 59 of this Act, has the effect of changing Rule 43,
19 Alaska Rules of Criminal Procedure, by creating an alternate procedure for when the court
20 may dismiss charges.

21 (e) AS 12.55.135(s), enacted by sec. 73 of this Act, has the effect of changing Rule
22 32.1, Alaska Rules of Criminal Procedure, by changing the procedure for notice of
23 aggravating factors.

24 (f) AS 33.07, enacted by sec. 91 of this Act, has the effect of changing Rule 41,
25 Alaska Rules of Criminal Procedure, by establishing pretrial services officers and procedures
26 and duties for pretrial services officers as officers of the superior and district courts, for the
27 purposes of performing risk assessments and making pretrial recommendations to the court
28 regarding a person's pretrial release and bail conditions.

29 * **Sec. 139.** The uncodified law of the State of Alaska is amended by adding a new section
30 to read:

31 APPLICABILITY. (a) The following sections apply to offenses committed on or after

1 the effective date of those sections:

- 2 (1) AS 11.46.130(a), as amended by sec. 1 of this Act;
- 3 (2) AS 11.46.140(a), as amended by sec. 2 of this Act;
- 4 (3) AS 11.46.220(c), as amended by sec. 3 of this Act;
- 5 (4) AS 11.46.260(b), as amended by sec. 4 of this Act;
- 6 (5) AS 11.46.270(b), as amended by sec. 5 of this Act;
- 7 (6) AS 11.46.280(d), as amended by sec. 6 of this Act;
- 8 (7) AS 11.46.285(b), as amended by sec. 7 of this Act;
- 9 (8) AS 11.46.330, as amended by sec. 8 of this Act;
- 10 (9) AS 11.46.360(a), as amended by sec. 9 of this Act;
- 11 (10) AS 11.46.482(a), as amended by sec. 11 of this Act;
- 12 (11) AS 11.46.484(a), as amended by sec. 12 of this Act;
- 13 (12) AS 11.46.486, as amended by sec. 13 of this Act;
- 14 (13) AS 11.46.530(b), as amended by sec. 14 of this Act;
- 15 (14) AS 11.46.620(d), as amended by sec. 15 of this Act;
- 16 (15) AS 11.46.730(c), as amended by sec. 16 of this Act;
- 17 (16) AS 11.56.730(c), as amended by sec. 19 of this Act;
- 18 (17) AS 11.61.110(c), as amended by sec. 25 of this Act;
- 19 (18) AS 11.61.120, as amended by sec. 26 of this Act;
- 20 (19) AS 11.61.145(d), as amended by sec. 27 of this Act;
- 21 (20) AS 11.66.200(c), as amended by sec. 30 of this Act;
- 22 (21) AS 11.71.020(a), as amended by sec. 31 of this Act;
- 23 (22) AS 11.71.030(a), as amended by sec. 32 of this Act;
- 24 (23) AS 11.71.040(a), as amended by sec. 33 of this Act;
- 25 (24) AS 11.71.050(a), as amended by sec. 34 of this Act;
- 26 (25) AS 11.71.311(a), as amended by sec. 36 of this Act;
- 27 (26) AS 28.15.291(a), as repealed and reenacted by sec. 77 of this Act;
- 28 (27) AS 28.15.291(b), as repealed and reenacted by sec. 78 of this Act;
- 29 (28) AS 29.10.200(21), as amended by sec. 84 of this Act;
- 30 (29) AS 29.25.070(a), as amended by sec. 85 of this Act;
- 31 (30) AS 29.25.070(g), enacted by sec. 86 of this Act; and

1 (31) AS 47.27.015(i), enacted by sec. 133 of this Act.

2 (b) The following sections apply to offenses committed before, on, or after the
3 effective date of those sections:

4 (1) AS 11.46.460, as amended by sec. 10 of this Act;

5 (2) AS 11.56.757(b), as amended by sec. 22 of this Act; and

6 (3) AS 11.61.150(c), as amended by sec. 29 of this Act.

7 (c) The following sections apply to offenses committed before, on, or after the
8 effective date of those sections for contacts with peace officers occurring on or after the
9 effective date of those sections:

10 (1) AS 12.25.180, as amended by sec. 37 of this Act; and

11 (2) AS 12.25.190(b), as amended by sec. 38 of this Act.

12 (d) The following sections apply to sentences imposed on or after the effective date of
13 this Act for conduct occurring before, on, or after the effective date of those sections:

14 (1) AS 12.55.015(a), as amended by sec. 50 of this Act;

15 (2) AS 12.55.025(a), as amended by sec. 51 of this Act;

16 (3) AS 12.55.025(c), as amended by sec. 52 of this Act;

17 (4) AS 12.55.027(d), as amended by sec. 53 of this Act;

18 (5) AS 12.55.115, as amended by sec. 67 of this Act;

19 (6) AS 12.55.125(c), as amended by sec. 68 of this Act;

20 (7) AS 12.55.125(d), as amended by sec. 69 of this Act;

21 (8) AS 12.55.125(e), as amended by sec. 70 of this Act;

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

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

24 (11) AS 12.55.135(l) - (s), enacted by sec. 73 of this Act;

25 (12) AS 28.35.030(k), as amended by sec. 80 of this Act;

26 (13) AS 28.35.032(o), as amended by sec. 83 of this Act;

27 (14) AS 33.20.010(c), as amended by sec. 126 of this Act; and

28 (15) AS 33.20.010(d), enacted by sec. 127 of this Act.

29 (e) AS 12.30.055(b), enacted by sec. 49 of this Act, applies to persons in custody for a
30 probation violation on or after the effective date of this Act for a probation violation that
31 occurred before, on, or after the effective date of this Act.

1 (f) The following sections apply to community work service imposed on or after the
 2 effective date of those sections for offenses committed on or after the effective date of those
 3 sections:

- 4 (1) AS 12.55.055(a), as amended by sec. 56 of this Act;
- 5 (2) AS 12.55.055(c), as amended by sec. 57 of this Act; and
- 6 (3) AS 12.55.055(g) and (h), enacted by sec. 58 of this Act.

7 (g) AS 12.55.078, enacted by sec. 59 of this Act, applies to prosecutions occurring on
 8 or after the effective date of this Act for offenses committed before, on, or after the effective
 9 date of this Act.

10 (h) The following sections apply to probation ordered on or after the effective date of
 11 this Act for offenses committed before, on, or after the effective date of those sections:

- 12 (1) AS 12.55.051(a), as amended by sec. 54 of this Act;
- 13 (2) AS 12.55.090(b), as amended by sec. 60 of this Act;
- 14 (3) AS 12.55.090(c), as amended by sec. 61 of this Act;
- 15 (4) AS 12.55.090(f), as amended by sec. 62 of this Act;
- 16 (5) AS 12.55.090(g) - (l), enacted by sec. 63 of this Act;
- 17 (6) AS 12.55.100(a), as amended by sec. 64 of this Act;
- 18 (7) AS 12.55.110(c) - (g), enacted by sec. 66 of this Act;
- 19 (8) AS 33.05.025, enacted by sec. 88 of this Act; and
- 20 (9) AS 33.05.040, as amended by sec. 89 of this Act.

21 (i) The following sections apply to a revocation of a driver's license, privilege to
 22 drive, or privilege to obtain a license occurring on or after the effective date of those sections
 23 for conduct occurring before, on, or after the effective date of those sections:

- 24 (1) AS 28.15.165(e), enacted by sec. 74 of this Act;
- 25 (2) AS 28.15.181(f), as amended by sec. 75 of this Act;
- 26 (3) AS 28.15.201(g) and (h), enacted by sec. 76 of this Act; and
- 27 (4) AS 28.35.030(o), as amended by sec. 82 of this Act.

28 (j) The following sections apply to parole granted on or after the effective date of
 29 those sections for conduct occurring before, on, or after the effective date of those sections:

- 30 (1) AS 33.16.010(c), as amended by sec. 92 of this Act;
- 31 (2) AS 33.16.010(d), as amended by sec. 93 of this Act;

- 1 (3) AS 33.16.010(f), enacted by sec. 94 of this Act;
- 2 (4) AS 33.16.060(a), as amended by sec. 95 of this Act;
- 3 (5) AS 33.16.089, enacted by sec. 96 of this Act;
- 4 (6) AS 33.16.090(a), as amended by sec. 97 of this Act;
- 5 (7) AS 33.16.100(a), as amended by sec. 99 of this Act;
- 6 (8) AS 33.16.100(b), as amended by sec. 100 of this Act;
- 7 (9) AS 33.16.100(f), enacted by sec. 101 of this Act;
- 8 (10) AS 33.16.130, as repealed and reenacted by sec. 107 of this Act;
- 9 (11) AS 33.16.140, as amended by sec. 108 of this Act;
- 10 (12) AS 33.16.150(a), as amended by sec. 109 of this Act;
- 11 (13) AS 33.16.150(b), as amended by sec. 110 of this Act;
- 12 (14) AS 33.16.150(e), as amended by sec. 111 of this Act;
- 13 (15) AS 33.16.150(f), as amended by sec. 112 of this Act;
- 14 (16) AS 33.16.150(g), as amended by sec. 113 of this Act;
- 15 (17) AS 33.16.180, as amended by sec. 114 of this Act;
- 16 (18) AS 33.16.200, as amended by sec. 115 of this Act;
- 17 (19) AS 33.16.210, as amended by sec. 116 of this Act;
- 18 (20) AS 33.16.210(c) and (d), enacted by sec. 117 of this Act;
- 19 (21) AS 33.16.215, enacted by sec. 118 of this Act;
- 20 (22) AS 33.16.220(b), as amended by sec. 119 of this Act;
- 21 (23) AS 33.16.220(f), as amended by sec. 120 of this Act;
- 22 (24) AS 33.16.220(i), as amended by sec. 121 of this Act;
- 23 (25) AS 33.16.220(j), enacted by sec. 122 of this Act;
- 24 (26) AS 33.16.240(e), as amended by sec. 123 of this Act; and
- 25 (27) AS 33.16.240(h) and (i), enacted by sec. 124 of this Act.
- 26 (k) AS 11.56.730(d) and (e), enacted by sec. 20 of this Act, and secs. 134 - 136 of this
- 27 Act apply to offenses committed on or after the effective date of secs. 20 and 134 - 136 of this
- 28 Act.
- 29 (l) The following sections apply to an offense committed on or after the effective date
- 30 of those sections:
- 31 (1) AS 12.55.006(c), as amended by sec. 39 of this Act;

- 1 (2) AS 12.30.006(d), as amended by sec. 40 of this Act;
 2 (3) AS 12.30.006(f), as amended by sec. 41 of this Act;
 3 (4) AS 12.30.006(h), enacted by sec. 42 of this Act;
 4 (5) AS 12.30.011, as amended by sec. 43 of this Act;
 5 (6) AS 12.30.011(e) - (i), enacted by sec. 44 of this Act;
 6 (7) AS 12.30.016(b), as amended by sec. 45 of this Act;
 7 (8) AS 12.30.016(c), as amended by sec. 46 of this Act;
 8 (9) AS 12.30.021(a), as amended by sec. 47 of this Act;
 9 (10) AS 12.30.021(c), as amended by sec. 48 of this Act;
 10 (11) AS 12.55.051(k), enacted by sec. 55 of this Act;
 11 (12) AS 33.07, enacted by sec. 91 of this Act; and
 12 (13) AS 43.23.065(b), as amended by sec. 132 of this Act.

13 * **Sec. 140.** The uncodified law of the State of Alaska is amended by adding a new section
 14 to read:

15 **CONDITIONAL EFFECT.** (a) AS 11.56.730(e), enacted by sec. 20 of this Act, takes
 16 effect only if sec. 134 of this Act receives the two-thirds majority vote of each house required
 17 by art. IV, sec. 15, Constitution of the State of Alaska.

18 (b) AS 12.30.006(h), added by sec. 42 of this Act, takes effect only if sec. 138(a) of
 19 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
 20 Constitution of the State of Alaska.

21 (c) AS 12.30.011, as amended by sec. 43 of this Act, takes effect only if sec. 138(b) of
 22 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
 23 Constitution of the State of Alaska.

24 (d) AS 12.30.011(e) - (i), added by sec. 44 of this Act, take effect only if sec. 138(b)
 25 of this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
 26 Constitution of the State of Alaska.

27 (e) AS 12.55.055(g), enacted by sec. 58 of this Act, takes effect only if sec. 138(c) of
 28 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
 29 Constitution of the State of Alaska.

30 (f) AS 12.55.078, enacted by sec. 59 of this Act, takes effect only if sec. 138(d) of this
 31 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,

1 Constitution of the State of Alaska.

2 (g) AS 12.55.135(s), enacted by sec. 73 of this Act, takes effect only if sec. 138(e) of
3 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
4 Constitution of the State of Alaska.

5 (h) AS 33.07, added by sec. 91 of this Act, takes effect only if sec. 138(f) of this Act
6 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
7 of the State of Alaska.

8 * **Sec. 141.** Sections 39 - 48, 55, 91, and 132 of this Act take effect July 1, 2017.

9 * **Sec. 142.** If AS 11.56.730(e), enacted by sec. 20 of this Act, and sec. 134 of this Act take
10 effect, they take effect January 1, 2018.

11 * **Sec. 143.** Sections 135 and 136 of this Act take effect January 1, 2018.