

**SENATE CS FOR CS FOR HOUSE BILL NO. 49(FIN) am S**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 5/13/19

Offered: 5/13/19

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

**A BILL**

**FOR AN ACT ENTITLED**

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

1 **sexual assault examination kits; relating to reports of involuntary commitment;**  
 2 **amending Rules 6(r)(6), 38.2, and 45(d), Alaska Rules of Criminal Procedure; and**  
 3 **providing for an effective date."**

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

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

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

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

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

20 (d) The legislature finds that the legislature did not intend, by enacting ch. 90, SLA  
 21 2003, and the legislature does not now intend by enacting this Act, to place a limitation on  
 22 which previous convictions may be considered when imposing a sentence under  
 23 AS 12.55.125(i), as amended by sec. 75 of this Act.

24 (e) It is the intent of the legislature that AS 12.55.145(a), as amended by sec. 79 of  
 25 this Act, overturn the decision of the Alaska Court of Appeals in *Williams v. State*, 418 P.3d  
 26 870 (Alaska Ct. App. 2018) to the extent that the decision held that, when imposing a  
 27 sentence under AS 12.55.125(i), as amended by sec. 75 of this Act, a prior felony conviction  
 28 should not be considered if 10 or more years has elapsed between the date of the defendant's  
 29 unconditional discharge on the immediately preceding offense and the date the defendant  
 30 committed the present offense unless the prior conviction was for an unclassified or class A

1 felony.

2 (f) It is the intent of the legislature that all prior felony convictions be considered  
3 when imposing a sentence under AS 12.55.125(i), as amended by sec. 75 of this Act,  
4 regardless of the amount of time that has passed since each conviction.

5 (g) The legislature finds that

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

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

11 (3) the Alaska Supreme Court's narrow interpretation of the state's sex  
12 offender registration requirements in its decision in State, Department of Public Safety v.  
13 Doe, 425 P.3d 115 (Alaska 2018) hinders the state's ability to protect the public from sex  
14 offenders who may come to this state in that it requires a person to register as a sex offender  
15 in this state only if that person has been convicted of an offense that is similar to a sex offense  
16 as defined in AS 12.63.100, as amended by sec. 87 of this Act.

17 (h) It is the intent of the legislature to overturn State, Department of Public Safety v.  
18 Doe, 425 P.3d 115 (Alaska 2018) to the extent that the decision held that a sex offender  
19 required to register in another jurisdiction is not required to register in the state unless the  
20 person's underlying conviction is similar to a sex offense as defined in AS 12.63.100, as  
21 amended by sec. 87 of this Act. Additionally, it is the intent of the legislature to give  
22 reciprocity to other jurisdictions and require a sex offender who is physically present in the  
23 state and is required to register as a sex offender in another jurisdiction to register as a sex  
24 offender in the state regardless of whether the person's underlying conviction is similar to a  
25 sex offense as defined in AS 12.63.100, as amended by sec. 87 of this Act.

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

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

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

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

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

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

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

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

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

22 (A) a felony violation of AS 11.41;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (i) by authority of law; or

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

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

31 (A) mentally incapable;

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

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

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

11 (1) engages in sexual contact with a person who [THE OFFENDER  
 12 KNOWS] is

- 13 (A) mentally incapable;  
 14 (B) incapacitated; or  
 15 (C) unaware that a sexual act is being committed;

16 (2) while employed in a state correctional facility or other placement  
 17 designated by the commissioner of corrections for the custody and care of prisoners,  
 18 engages in sexual penetration with a person who the offender knows is committed to  
 19 the custody of the Department of Corrections to serve a term of imprisonment or  
 20 period of temporary commitment;

21 (3) engages in sexual penetration with a person 18 or 19 years of age  
 22 who the offender knows is committed to the custody of the Department of Health and  
 23 Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of  
 24 the person;

25 (4) while employed in the state by a law enforcement agency as a  
 26 peace officer, or while acting as a peace officer in the state, engages in sexual  
 27 penetration with a person with reckless disregard that the person is in the custody or  
 28 the apparent custody of the offender, or is committed to the custody of a law  
 29 enforcement agency;

30 (5) while employed by the state or a municipality of the state as a  
 31 probation officer or parole officer, or while acting as a probation officer or parole

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

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

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

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

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

12 (c) It is an affirmative defense to a crime charged under AS 11.41.425(a)(5) or  
13 11.41.427(a)(4) that

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

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

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

21 (d) It is a defense to a crime charged under AS 11.41.425(a)(2) - (6) or  
22 11.41.427 that the offender is married to the person, neither party has filed with the  
23 court for separation, divorce, or dissolution of the marriage, and the person consented  
24 to the act for which the offender was charged.

25 (e) It is an affirmative defense for a crime charged under AS 11.41.410(a)(3),  
26 11.41.420(a)(2), 11.41.420(a)(3)(A), or 11.41.425(a)(1)(A) that the offender is  
27 married to the person, neither party has filed with the court for separation, divorce, or  
28 dissolution of the marriage, and the person consented to the act for which the offender  
29 is charged while capable of understanding the nature or consequences of the offender's  
30 conduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

8 (2) the offender has been previously convicted under

9 (A) this section;

10 (B) AS 11.41.460(a); or

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

13 (b) Indecent exposure in the first degree

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

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

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

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

20 (1) the value of the property or services [, ADJUSTED FOR  
21 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than  
22 \$25,000;

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

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

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

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

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

1 separate occasions in this or another jurisdiction of

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

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

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

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

10 (7) the property is an access device or identification document.

11 \* **Sec. 17.** AS 11.46.140(a) is amended to read:

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

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

17 (2) [REPEALED]

18 (3) [REPEALED]

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

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

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

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

28 (c) Concealment of merchandise is

29 (1) a class C felony if

30 (A) the merchandise is a firearm;

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

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

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

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

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

12 (2) a class A misdemeanor if

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

16 (B) [REPEALED]

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

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

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

25 (b) Removal of identification marks is

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

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

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

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

5 (b) Unlawful possession is

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

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

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

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

16 (d) Issuing a bad check is

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

18 (2) a class C felony if the face amount of the check [, ADJUSTED  
 19 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than  
 20 \$25,000;

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

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

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

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

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

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

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

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

7 (1) a class B felony if the value of the property or services obtained is  
8 \$25,000 or more;

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

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

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

16 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior  
17 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or  
18 11.46.140(a)(4) or in prosecuting the crime of concealment of merchandise under  
19 AS 11.46.220(c),

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

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

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

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

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

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

3 (2) the propelled vehicle of another and

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

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

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

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

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

16 (A) this section or AS 11.46.365;

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

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

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

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

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

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

29 (b) In this section,

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

1 was originally manufactured;

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

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

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

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

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

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

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

18 (3) the person knowingly

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) Criminal simulation is

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

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



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

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

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

7 (d) Misapplication of property is

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

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

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

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

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

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

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

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

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

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

28 (1) removes oneself from

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

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

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

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

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

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

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

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

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

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

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

21 (3) **while under official detention for a misdemeanor,**

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

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

28 (4) **while on release under AS 12.30,**

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

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

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

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

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

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

- 10 (d) Failure to appear is a  
 11 (1) class C felony if the person was released in connection with a  
 12 charge of a felony or while awaiting sentence or appeal after conviction of a felony  
 13 [AND THE PERSON

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

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

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

21 a

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

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

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

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

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

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

3 (b) Violation of condition of release is a

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

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

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

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

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

14 (A) **place** a person [IS PLACED] in reasonable fear of **serious**  
 15 physical injury to any person;

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

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

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

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

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

1 (c) Disorderly conduct is a class B misdemeanor **and is punishable as**  
 2 **authorized in AS 12.55 except that a sentence of imprisonment, if imposed, shall**  
 3 **be for a definite term of not more than 10 days.**

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

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

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

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

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

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

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

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

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

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

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

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

29 **(1) views, or views** [PRODUCES] a picture of, the private exposure of  
 30 the genitals, anus, or female breast of another person; **or**

31 **(2) produces a picture of the private exposure of the genitals, anus,**

1 **or female breast of another person** [AND THE VIEW OR PRODUCTION IS  
2 WITHOUT THE KNOWLEDGE OR CONSENT OF

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

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

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

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

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

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

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

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

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

23 **(2)** [(1)] class C felony if the person

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

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

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

29 **(B) violates (a)(2) of this section and the person shown in a**  
30 **picture was, at the time of the production of the picture, an adult;**

31 **(3)** [(2)] class A misdemeanor if the person **violates (a)(1) of this**

1 **section and the person** viewed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (b) In a prosecution under (a) of this section, it is not a defense that the person  
31 solicited or shown in the picture was not actually a child under 16 years of age and at

1 least four years younger than the offender.

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

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

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

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

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

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

12 (1) class C felony if an offender

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

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

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

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

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

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

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

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

28 or

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

31 (3) possesses an immediate precursor of methamphetamine, or the



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

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

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

7 or

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

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

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

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

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

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

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

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

28 (b) In a prosecution under (a) of this section, possession of more than six  
29 grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or  
30 the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that  
31 the person intended to use the listed chemicals to manufacture, to aid or abet another

1 person to manufacture, or to deliver to another person who intends to manufacture  
 2 methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers  
 3 of methamphetamine or its immediate precursors. The prima facie evidence described  
 4 in this subsection does not apply to a person who possesses

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

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

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

11 (i) retailer or as a wholesaler;

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

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

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

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

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

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

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

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

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

1 person

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

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

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

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

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

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

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

18 (A) with reckless disregard that the possession occurs

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

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

21 or

22 (B) on a school bus;

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

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

26 or

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

29 (5) possesses an immediate precursor of methamphetamine, or the  
30 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,  
31 with the intent to manufacture any material, compound, mixture, or preparation that

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

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

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

5 or

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

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

10 (8) under circumstances not proscribed under AS 11.71.010(a)(2),  
11 delivers

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

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

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

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

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

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

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

31 (d) Misconduct involving a controlled substance in the **third** [SECOND]

1 degree is a class B felony.

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

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

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

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

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

15 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled 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 a drug, drug  
28 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;

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, or possesses with the intent to  
9 manufacture or deliver,

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

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

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

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

20 **(12) violates AS 11.71.050(a)(4) and has been previously convicted**  
21 **of a crime under AS 11.71.050(a)(4).**

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

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

25 \* **Sec. 53.** AS 11.71.050 is amended to read:

26 **Sec. 11.71.050. Misconduct involving a controlled substance in the fifth**  
27 **[FOURTH] degree.** (a) Except as authorized in AS 17.30 **and AS 17.38**, a person  
28 commits the crime of misconduct involving a controlled substance in the **fifth**  
29 **[FOURTH] degree** if the person

30 (1) manufactures or delivers, or possesses with the intent to  
31 manufacture or deliver, one or more preparations, compounds, mixtures, or substances

1 of an aggregate weight of less than one ounce containing a schedule VIA controlled  
2 substance;

3 (2) [REPEALED]

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

6 (4) under circumstances not proscribed under AS 11.71.030(a)(3),  
7 11.71.040(a)(3), or 11.71.040(a)(4) [, OR 11.71.060(a)(2),] possesses any amount of a  
8 schedule IA, IIA, IIIA, IVA, or VA [, OR VIA] controlled substance; or

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

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

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

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

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

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

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

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

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

31 (b) Misconduct involving a controlled substance in the **sixth** [FIFTH] degree

1 is a class B misdemeanor.

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

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

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

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

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

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

18 (2) was experiencing a drug overdose and sought medical assistance,  
 19 and the evidence supporting a prosecution for an offense under **AS 11.71.040(a)(3),**  
 20 **(4), or (12), 11.71.050(a)(4), or 11.71.060(a)(1), (2), or (4)** [AS 11.71.030(a)(3),  
 21 11.71.040(a)(3) OR (4), 11.71.050(a)(4), OR 11.71.060(a)(1) OR (2)] was obtained as  
 22 a result of the overdose and the need for medical assistance.

23 \* **Sec. 56.** AS 12.25.150(a) is amended to read:

24 (a) A person arrested shall be taken before a judge or magistrate without  
 25 unnecessary delay and in any event within 24 hours after arrest, absent compelling  
 26 circumstances, including Sundays and holidays. The unavailability of a report  
 27 prepared by the **probation officer acting as a** pretrial services officer under **AS 33.05**  
 28 [AS 33.07] or a delay in the transmittal of that report to the parties or to the court may  
 29 not be considered a sufficient compelling circumstance to justify delaying a hearing  
 30 beyond 24 hours. The hearing before the judge or magistrate may not take place more  
 31 than 48 hours after arrest. This requirement applies to municipal police officers to the



1 same extent as it does to state troopers.

2 \* **Sec. 57.** AS 12.30.006(b) is amended to read:

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

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

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

12 \* **Sec. 58.** AS 12.30.006(c) is amended to read:

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

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

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

26 \* **Sec. 59.** AS 12.30.006(d) is amended to read:

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

1 review hearing under this subsection unless

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

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

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

15 \* **Sec. 60.** AS 12.30.006(f) is amended to read:

16 (f) The judicial officer shall issue written or oral findings that explain the  
 17 reasons the officer imposed the particular conditions of release or modifications or  
 18 additions to conditions previously imposed. The judicial officer shall inform the  
 19 person that a law enforcement officer or a pretrial services officer under  
 20 **AS 33.05.040(a)(11)** [AS 33.07] may arrest the person without a warrant for violation  
 21 of the court's order establishing conditions of release.

22 \* **Sec. 61.** AS 12.30.011 is repealed and reenacted to read:

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

27 (1) obey all court orders and all federal, state, and local laws;

28 (2) appear in court when ordered;

29 (3) if represented, maintain contact with the person's lawyer; and

30 (4) notify the person's lawyer, who shall notify the prosecuting  
 31 authority and the court, not more than 24 hours after the person changes residence.

1 (b) If a judicial officer determines that the release under (a) of this section will  
2 not reasonably ensure the appearance of the person or will pose a danger to the victim,  
3 other persons, or the community, the officer shall impose the least restrictive condition  
4 or conditions that will reasonably ensure the person's appearance and protect the  
5 victim, other persons, and the community. In addition to conditions under (a) of this  
6 section, the judicial officer may, singly or in combination,

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

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

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

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

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

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

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

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

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

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

28 (11) require the person to be physically inside the person's residence,  
29 or in the residence of the person's third-party custodian, at time periods set by the  
30 court;

31 (12) require the person to keep regular contact with a pretrial service

1 officer or law enforcement officer or agency;

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

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

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

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

10 (17) order the person to submit to electronic monitoring;

11 (18) order the person to submit to supervision by the pretrial services  
12 officer in the Department of Corrections under AS 33.05, which may include the use  
13 of electronic monitoring;

14 (19) order the person to comply with any other condition that is  
15 reasonably necessary to ensure the appearance of the person and to ensure the safety  
16 of the victim, other persons, and the community; and

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

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

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

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

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

26 (4) the person's employment status and history;

27 (5) the length and character of the person's past and present residence;

28 (6) the person's record of convictions;

29 (7) the person's record of appearance at court proceedings;

30 (8) assets available to the person to meet monetary conditions of  
31 release;

1 (9) the person's reputation, character, and mental condition;  
2 (10) the effect of the offense on the victim, any threats made to the  
3 victim, and the danger that the person poses to the victim; and

4 (11) any other facts that are relevant to the person's appearance or the  
5 person's danger to the victim, other persons, or the community.

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

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

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

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

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

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

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

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

29 (e) If the supreme court establishes a schedule of bail amounts or conditions of  
30 release for misdemeanor offenses, the schedule must include a condition providing  
31 that a correctional facility shall, at the time of release, conduct a chemical test of the

1 breath of a person who has been arrested and who is intoxicated and shall detain the  
 2 person until the test result indicates that the person's breath has less than 0.08 grams of  
 3 alcohol for each 210 liters of breath or, with the consent of the person, release the  
 4 person to another person who is willing and able to provide care for the person.

5 (f) In determining the conditions of release under this chapter, the court may  
 6 consider the pretrial risk assessment.

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

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

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

14 (2) NO SECURED APPEARANCE OR PERFORMANCE BONDS  
 15 HAVE BEEN ORDERED; AND

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

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

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

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

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

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

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

30 (5) [THERE IS A REASONABLE PROBABILITY THAT THE  
 31 STATE WILL CALL] the proposed custodian **may be called** as a witness in the

1 prosecution of the person;

2 (6) the proposed custodian resides out of state; however, a nonresident  
3 may serve as a custodian if the nonresident resides in the state while serving as  
4 custodian.

5 \* **Sec. 64.** AS 12.55.015 is amended by adding a new subsection to read:

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

12 \* **Sec. 65.** AS 12.55.025(c) is amended to read:

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

26 \* **Sec. 66.** AS 12.55.025 is amended by adding a new subsection to read:

27 (m) When imposing a sentence for conviction of a felony offense or a  
28 sentence of imprisonment exceeding 90 days or, upon a conviction of a violation of  
29 AS 04, a regulation adopted under AS 04, or an ordinance adopted in conformity with  
30 AS 04.21.010, the court shall orally state on the record the terms of the sentence of  
31 imprisonment imposed and the approximate minimum sentence that must be served

1 before the defendant may be eligible for mandatory parole and that the period of active  
2 incarceration may be reduced under other provisions of law.

3 \* **Sec. 67.** AS 12.55.027(f) is amended to read:

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

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

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

7 (3) require notification to the **prosecuting authority**, pretrial services  
8 **officer**, [OFFICE] or probation officer if the person is discharged from the program  
9 for noncompliance.

10 \* **Sec. 68.** AS 12.55.027 is amended by adding a new subsection to read:

11 (i) A court granting credit against a sentence of imprisonment under (a) of this  
12 section may grant credit of not more than 180 days against the total term of  
13 imprisonment imposed.

14 \* **Sec. 69.** AS 12.55.051(a) is amended to read:

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



1 incarcerated for nonpayment of a fine or restitution.

2 \* **Sec. 70.** AS 12.55.090(c) is amended to read:

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

4 (1) **25** [15] years for a felony sex offense; **or**

5 (2) 10 years for **any other offense** [AN UNCLASSIFIED FELONY  
6 UNDER AS 11 NOT LISTED IN (1) OF THIS SUBSECTION];

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

9 (4) THREE YEARS FOR A MISDEMEANOR OFFENSE

10 (A) UNDER AS 11.41;

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

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

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

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

21 \* **Sec. 71.** AS 12.55.090(g) is amended to read:

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

25 (1) has completed at least

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

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

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

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

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

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

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

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

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

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

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

(2) if the offense is a first felony conviction

~~(A)~~ and the defendant

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

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

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

**(i) the manufacturing occurred in a building with**

1 reckless disregard that the building was used as a permanent or  
 2 temporary home or place of lodging for one or more children  
 3 under 18 years of age or the building was a place frequented by  
 4 children; or

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

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

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

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

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

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

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

26 (A) the defendant violated AS 11.41.130, and the victim was  
 27 [(A)] a child under 16 years of age, two to four years; [OR]

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

31 (i) the attempted manufacturing occurred, or the

1 solicited or conspired offense was to have occurred, in a building  
 2 with reckless disregard that the building was used as a permanent  
 3 or temporary home or place of lodging for one or more children  
 4 under 18 years of age or the building was a place frequented by  
 5 children; or

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

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

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

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

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

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

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

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

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

30 \* **Sec. 75.** AS 12.55.125(i) is amended to read:

31 (i) A defendant convicted of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (D) if the offense is a second felony conviction and the  
 12 defendant has a prior conviction for a sexual felony, 30 to 40 years;

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

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

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

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

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

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

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

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

5 (4) sexual assault in the third degree, **sexual abuse of a minor in the**  
6 **third degree under AS 11.41.438(c)**, incest, indecent exposure in the first degree  
7 **under AS 11.41.458(b)(1), indecent viewing or production of a picture under**  
8 **AS 11.61.123(f)(1) or (2)**, possession of child pornography, distribution of child  
9 pornography under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to  
10 commit sexual assault in the second degree, sexual abuse of a minor in the second  
11 degree, unlawful exploitation of a minor, or distribution of child pornography, may be  
12 sentenced to a definite term of imprisonment of not more than 99 years and shall be  
13 sentenced to a definite term within the following presumptive ranges, subject to  
14 adjustment as provided in AS 12.55.155 - 12.55.175:

15 (A) if the offense is a first felony conviction **and does not**  
16 **involve the circumstances described in (B) or (C) of this paragraph**, two to  
17 12 years;

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

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

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

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

31 (F) [(D)] if the offense is a third felony conviction and does not

1 involve circumstances described in **(G)** [(E)] of this paragraph, 15 to 25 years;  
 2 **(G)** [(E)] if the offense is a third felony conviction and the  
 3 defendant has two prior convictions for sexual felonies, 99 years.

4 \* **Sec. 76.** AS 12.55.125(q) is amended to read:

5 (q) Other than for convictions subject to a mandatory 99-year sentence, the  
 6 court shall impose, in addition to an active term of imprisonment imposed under (i) of  
 7 this section, a minimum period of (1) suspended imprisonment of five years and a  
 8 minimum period of probation supervision of 15 years for conviction of an unclassified  
 9 felony, (2) suspended imprisonment of three years and a minimum period of probation  
 10 supervision of 10 years for conviction of a class A or class B felony, or (3) suspended  
 11 imprisonment of two years and a minimum period of probation supervision of five  
 12 years for conviction of a class C felony. The period of probation is in addition to any  
 13 sentence received under (i) of this section **and may not be suspended or reduced.**  
 14 **Upon a defendant's release from confinement in a correctional facility, the**  
 15 **defendant is subject to the probation requirement under this subsection and shall**  
 16 **submit and comply with the terms and requirements of the probation.**

17 \* **Sec. 77.** AS 12.55.135(a) is amended to read:

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

20 [(1)] one year [, IF THE

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

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

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



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

3 (E) CONVICTION IS FOR A VIOLATION OF

4 (i) AS 11.41.427;

5 (ii) AS 11.41.440;

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

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

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

10 (2) 30 DAYS].

11 \* **Sec. 78.** AS 12.55.135(b) is amended to read:

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

14 [(1) 10] days unless otherwise specified in the provision of law  
15 defining the offense [OR IN THIS SECTION;

16 (2) 90 DAYS IF THE CONVICTION IS FOR A VIOLATION OF

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

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

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

23 \* **Sec. 79.** AS 12.55.145(a) is amended to read:

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

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

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

30 (B) a conviction in this or another jurisdiction of an offense  
31 having elements similar to those of a felony defined as such under Alaska law

1 at the time the offense was committed is considered a prior felony conviction;

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

9 (2) AS 12.55.125(I),

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

13 (B) commission of and conviction for offenses relied on as  
14 prior most serious felony offenses must occur in the following order:  
15 conviction for the first offense must occur before commission of the second  
16 offense, and conviction for the second offense must occur before commission  
17 of the offense for which the defendant is being sentenced;

18 (3) AS 12.55.135(g),

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

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

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

1 objective;

2 (4) AS 12.55.125(i),

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

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

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

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

21 [(5) AS 12.55.135(a),

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

28 (B) A CONVICTION IN THIS OR ANOTHER  
29 JURISDICTION OF AN OFFENSE HAVING ELEMENTS SIMILAR TO  
30 THOSE OF A FELONY OR MISDEMEANOR DEFINED AS SUCH  
31 UNDER ALASKA LAW AT THE TIME THE OFFENSE WAS

1 COMMITTED IS CONSIDERED A PRIOR CONVICTION;

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

11 \* **Sec. 80.** AS 12.55.185(10) is amended to read:

12 (10) "most serious felony" means

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

17 (B) an attempt, or conspiracy to commit, or criminal  
18 solicitation under AS 11.31.110 of, an unclassified felony prescribed under  
19 AS 11.41;

20 \* **Sec. 81.** AS 12.55.185(16) is amended to read:

21 (16) "sexual felony" means sexual assault in the first degree, sexual  
22 abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in  
23 the second degree, sexual abuse of a minor in the second degree, **sexual abuse of a**  
24 **minor in the third degree under AS 11.41.438(c)**, unlawful exploitation of a minor,  
25 **indecent viewing or production of a picture under AS 11.61.123(f)(1) or (2)**,  
26 distribution of child pornography, sexual assault in the third degree, incest, indecent  
27 exposure in the first degree, possession of child pornography, [ONLINE] enticement  
28 of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes;

29 \* **Sec. 82.** AS 12.61.015 is amended by adding a new subsection to read:

30 (d) The prosecuting attorney shall notify a victim of a sex offense as defined  
31 in AS 12.63.100 or crime involving domestic violence as defined in AS 18.66.990 if,

1 before trial, the offender of the victim is discharged from a treatment program for  
2 noncompliance.

3 \* **Sec. 83.** AS 12.61.050 is amended by adding a new subsection to read:

4 (c) Through the automated victim notification system established in (a) of this  
5 section, the Department of Corrections shall notify a victim of a sex offense as defined  
6 in AS 12.63.100 or a crime involving domestic violence as defined in AS 18.66.990 of  
7 the option to request a protective order under AS 18.65.850 or AS 18.66.100 and  
8 provide contact information for state victim resources, including the Council on  
9 Domestic Violence and Sexual Assault, the Alaska Network on Domestic Violence  
10 and Sexual Assault, the Office of Victims' Rights, and the Violent Crimes  
11 Compensation Board. This notification must occur when the offender of the victim is  
12 released from incarceration or when the order under AS 12.55.015(l) expires,  
13 whichever is later.

14 \* **Sec. 84.** AS 12.63.010(d) is amended to read:

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

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

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

28 \* **Sec. 85.** AS 12.63.020 is amended to read:

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

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

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

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

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

11                   **(B)** [(2)] ends 15 years following the sex offender's or child  
 12 kidnapper's unconditional discharge from a conviction for a single sex offense  
 13 that is not an aggravated sex offense or for a single child kidnapping if the sex  
 14 offender or child kidnapper has supplied proof that is acceptable to the  
 15 department of the unconditional discharge; the registration period under this  
 16 **subparagraph**

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

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

29                               **(iii)** [(C)] continues for a sex offender or child  
 30 kidnapper who has not supplied proof acceptable to the department of  
 31 the offender's or kidnapper's unconditional discharge for the sex

1 offense or child kidnapping requiring registration;

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

5 (b) The department shall adopt, by regulation,

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

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

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

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

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

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

24 \* **Sec. 86.** AS 12.63.100(6) is amended to read:

25 (6) "sex offender or child kidnapper" means

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

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

1 \* **Sec. 87.** AS 12.63.100(7) is amended to read:

2 (7) "sex offense" means

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

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

11 (i) sexual assault in the first degree;

12 (ii) sexual assault in the second degree;

13 (iii) sexual abuse of a minor in the first degree; or

14 (iv) sexual abuse of a minor in the second degree;

15 (C) a crime, or an attempt, solicitation, or conspiracy to commit  
16 a crime, under the following statutes or a similar law of another jurisdiction:

17 (i) AS 11.41.410 - 11.41.438;

18 (ii) AS 11.41.440(a)(2);

19 (iii) AS 11.41.450 - 11.41.458;

20 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent  
21 exposure is before a person under 16 years of age and the offender has  
22 previously been convicted under AS 11.41.460 or AS 26.05.900(c);

23 (v) AS 11.61.125 - 11.61.128;

24 (vi) AS 11.66.110, 11.66.130(a)(2)(B), or  
25 AS 26.05.900(b) if the person who was induced or caused to engage in  
26 prostitution was under 20 years of age at the time of the offense;

27 (vii) former AS 11.15.120, former 11.15.134, or assault  
28 with the intent to commit rape under former AS 11.15.160, former  
29 AS 11.40.110, or former 11.40.200;

30 (viii) AS 11.61.118(a)(2) if the offender has a previous  
31 conviction for that offense;



1 (ix) AS 11.66.100(a)(2) if the offender is subject to  
2 punishment under AS 11.66.100(e);

3 (x) AS 26.05.890 if the person engaged in sexual  
4 penetration or sexual contact with the victim;

5 (xi) AS 26.05.890 if, at the time of the offense, the  
6 victim is under a duty to obey the lawful orders of the offender,  
7 regardless of whether the offender is in the direct chain of command  
8 over the victim;

9 (xii) AS 26.05.893 if the person engaged in sexual  
10 penetration or sexual contact with the victim;

11 (xiii) AS 26.05.900(a)(1) - (4) if the victim is under 18  
12 years of age at the time of the offense; [OR]

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

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

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

24 (i) child pornography; or

25 (ii) pandering and prostitution if the person who is  
26 induced, enticed, caused, or procured to engage in a sexual act is under  
27 20 years of age at the time of the offense; **or**

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

30 \* **Sec. 88.** AS 12.70.130 is amended to read:

31 **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also be

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

11 \* **Sec. 89.** AS 18.65.670(a) is amended to read:

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

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

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

21 \* **Sec. 90.** AS 18.65.670(b) is amended to read:

22 (b) With funds appropriated for that purpose, the commissioner of public  
 23 safety shall provide grants to nonprofit regional corporations and Alaska Native  
 24 organizations for village public safety officers. If a nonprofit regional corporation for  
 25 a rural area or Alaska Native organization declines a grant under this subsection, the  
 26 commissioner may provide the grant to a municipality with a population of less than  
 27 10,000 willing to administer the grant for the rural area. Before awarding a grant to a  
 28 municipality, the commissioner shall consult with the nonprofit regional corporation  
 29 or Alaska Native organization that declined the grant. The commissioner of public  
 30 safety shall coordinate with the commissioner of corrections when providing grants  
 31 under this section, and the commissioners shall jointly execute an agreement with the

1 nonprofit regional corporations, Alaska Native organizations, or municipalities, as  
2 appropriate.

3 \* **Sec. 91.** AS 18.65.670(c) is amended to read:

4 (c) The commissioner of public safety may adopt regulations related to village  
5 public safety officers, including minimum standards and training, criteria for  
6 **participation by a** community, **a** municipality, **an Alaska Native organization**, or **a**  
7 corporation [PARTICIPATION], and the interaction between the Department of  
8 Public Safety and village public safety officers. Regulations adopted by the  
9 commissioner of public safety under this subsection may not prohibit village public  
10 safety officers who otherwise meet minimum standards and training from carrying  
11 firearms. If the commissioner of public safety adopts regulations regarding training for  
12 village public safety officers, at a minimum, that training must include disability  
13 training that provides training in the subjects set out in AS 18.65.220(3). The  
14 commissioner of corrections may adopt regulations related to the functions of village  
15 public safety officers providing probation and parole supervision.

16 \* **Sec. 92.** AS 18.65.670(e) is amended to read:

17 (e) In this section,

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

20 **(2)** "rural area" means a community with a population of less than  
21 1,000 within

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

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

25 \* **Sec. 93.** AS 28.15.161(a) is amended to read:

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

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

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

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

1 (4) the license was obtained fraudulently;

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

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

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

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

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

14 \* **Sec. 94.** AS 28.15.291(a) is amended to read:

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

17 (1) a motor vehicle on a highway or vehicular way or area at a time  
18 when that person's driver's license, privilege to drive, or privilege to obtain a license  
19 has been canceled, suspended, or revoked in this or [UNDER CIRCUMSTANCES  
20 DESCRIBED IN AS 28.15.181(c) OR A SIMILAR LAW IN] another jurisdiction;

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

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

27 \* **Sec. 95.** AS 28.15.291(b) is amended to read:

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

30 [(1)] a class A misdemeanor [IF THE PERSON VIOLATES (a)(1) OF  
31 THIS SECTION]; upon conviction, the court shall impose a minimum sentence of

1 imprisonment of not less than 10 days

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

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

6 (2) AN INFRACTION IF THE PERSON VIOLATES (a)(2) OR (3)  
7 OF THIS SECTION].

8 \* **Sec. 96.** AS 28.35.030(k) is amended to read:

9 (k) Imprisonment required under (b)(1)(A) of this section shall be served **at a**  
10 **community residential center or** by electronic monitoring at a private residence  
11 under AS 33.30.065. If **a community residential center or** electronic monitoring **at a**  
12 **private residence** is not available, imprisonment required under (b)(1)(A) of this  
13 section **may** [SHALL] be served at **another appropriate place** [A PRIVATE  
14 RESIDENCE BY OTHER MEANS] determined by the commissioner of corrections.  
15 [A PERSON WHO IS SERVING A SENTENCE OF IMPRISONMENT REQUIRED  
16 UNDER (b)(1)(A) OF THIS SECTION BY ELECTRONIC MONITORING AT A  
17 PRIVATE RESIDENCE MAY NOT BE SUBJECT TO A SEARCH OF THE  
18 PERSON'S DWELLING BY A PEACE OFFICER OR A PERSON REQUIRED TO  
19 ADMINISTER THE ELECTRONIC MONITORING UNDER AS 33.30.065(a),  
20 EXCEPT UPON PROBABLE CAUSE.] Imprisonment required under (b)(1)(B) - (F)  
21 of this section may be served at a community residential center or at a private  
22 residence if approved by the commissioner of corrections. Imprisonment served at a  
23 private residence must include electronic monitoring under AS 33.30.065 [OR, IF  
24 ELECTRONIC MONITORING IS NOT AVAILABLE, BY OTHER MEANS AS  
25 DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. The cost of  
26 imprisonment resulting from the sentence imposed under (b)(1) of this section shall be  
27 paid to the state by the person being sentenced. The cost of imprisonment required to  
28 be paid under this subsection may not exceed \$2,000. Upon the person's conviction,  
29 the court shall include the costs of imprisonment as a part of the judgment of  
30 conviction. Except for reimbursement from a permanent fund dividend as provided in  
31 this subsection, payment of the cost of imprisonment is not required if the court

1 determines the person is indigent. For costs of imprisonment that are not paid by the  
 2 person as required by this subsection, the state shall seek reimbursement from the  
 3 person's permanent fund dividend as provided under AS 43.23.140. A person  
 4 sentenced under (b)(1)(B) of this section shall perform at least 160 hours of  
 5 community service work, as required by the director of the community residential  
 6 center or other appropriate place, or as required by the commissioner of corrections if  
 7 the sentence is being served at a private residence. In this subsection, "appropriate  
 8 place" means a facility with 24-hour on-site staff supervision that is specifically  
 9 adapted to provide a residence, and includes a correctional center, residential treatment  
 10 facility, hospital, halfway house, group home, work farm, work camp, or other place  
 11 that provides varying levels of restriction.

12 \* **Sec. 97.** AS 28.35.030(o) is amended to read:

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

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

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

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

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

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

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

29 (B) the person has successfully completed a court-ordered  
 30 treatment program under AS 28.35.028 or a rehabilitative treatment program  
 31 under AS 28.15.201(h);

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

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

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

10 \* **Sec. 98.** AS 28.35.030 is amended by adding new subsections to read:

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

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

21 \* **Sec. 99.** AS 28.35.032(o) is amended to read:

22 (o) Imprisonment required under (g)(1)(A) of this section shall be served at a  
 23 **community residential center or by electronic monitoring at a** private residence  
 24 [BY ELECTRONIC MONITORING] under AS 33.30.065. If **a community**  
 25 **residential center or** electronic monitoring **at a private residence** is not available,  
 26 imprisonment **required** under (g)(1)(A) of this section **may** [SHALL] be served at  
 27 **another appropriate place** [A PRIVATE RESIDENCE BY OTHER MEANS AS]  
 28 determined by the commissioner of corrections. [A PERSON WHO IS SERVING A  
 29 SENTENCE OF IMPRISONMENT REQUIRED UNDER (g)(1)(A) OF THIS  
 30 SECTION BY ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY  
 31 NOT BE SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A

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

26 \* **Sec. 100.** AS 28.35.032(q) is amended to read:

27 (q) Upon request, the department shall review a driver's license revocation  
 28 imposed under (p)(3) of this section and, **unless the revocation was ordered in a**  
 29 **case in which the person was also convicted of a crime under AS 11.41.100 -**  
 30 **11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction or the**  
 31 **revocation was ordered under AS 28.35.030(v) or (w),** may restore the driver's



1 license if

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

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

6 (3) the person provides proof of financial responsibility.

7 \* **Sec. 101.** AS 28.35 is amended by adding a new section to read:

8 **Sec. 28.35.191. Failure to use headlights.** (a) A person commits the offense  
 9 of failure to use headlights if the person operates a motor vehicle on a road that is not  
 10 a designated traffic safety corridor under AS 19.10.075 without the use of motor  
 11 vehicle headlights

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

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

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

19 (c) Failure to use headlights is an infraction.

20 \* **Sec. 102.** AS 33.05.010 is amended to read:

21 **Sec. 33.05.010. Powers of commissioner.** The commissioner shall administer  
 22 a probation system, [AND] enforce the probation laws in the superior court, **and**  
 23 **provide supervision of defendants released while awaiting trial as ordered by the**  
 24 **court.**

25 \* **Sec. 103.** AS 33.05.020(h) is amended to read:

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

31 (1) require that a probationer earn a credit of **10** [30] days for each 30-

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

2 (2) include policies and procedures for

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

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

6 (C) notifying a victim under AS 33.30.013;

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

11 \* **Sec. 104.** AS 33.05.020 is amended by adding new subsections to read:

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

14 (1) an unclassified felony;

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

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

17 (4) a crime involving domestic violence, as defined in AS 18.66.990,  
18 that is an offense under AS 11.41.

19 (j) The commissioner shall appoint and make available to the superior court  
20 and district court qualified pretrial services officers under AS 33.05.040(a)(11) and  
21 assign pretrial services officers to each judicial district for the supervision of  
22 defendants released while awaiting trial as ordered by the court.

23 (k) The commissioner may, in accordance with AS 36.30, procure and enter  
24 into agreements or contracts for the supervision of defendants on electronic  
25 monitoring during the pretrial period.

26 \* **Sec. 105.** AS 33.05.030(a) is amended to read:

27 (a) All probation officers made available to the courts under this chapter shall  
28 be officers of the superior **and district courts** [COURT] and subject to the authority  
29 of the superior **and district courts** [COURT].

30 \* **Sec. 106.** AS 33.05.040(a) is amended to read:

31 (a) A probation officer shall

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

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

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

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

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

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

24 (7) upon determining that a probationer under the supervision of the  
25 officer meets the requirements of AS 12.55.090(g), **consider recommending**  
26 [RECOMMEND] to the court [AS SOON AS PRACTICABLE] that probation be  
27 terminated and the probationer be discharged from probation;

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

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

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

8 **(11) perform duties with respect to persons on pretrial release as**  
 9 **the commissioner requests; in that service, the probation officer shall be**  
 10 **considered to be acting as a pretrial services officer for the purposes of**  
 11 **AS 33.05.045;**

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

15 \* **Sec. 107.** AS 33.05 is amended by adding a new section to read:

16 **Sec. 33.05.045. Duties of probation officers when acting as pretrial services**  
 17 **officers.** A probation officer acting as a pretrial services officer shall

18 (1) upon order of the court and request by the commissioner, supervise  
 19 a defendant released while awaiting trial, which may include the supervision of  
 20 electronic monitoring;

21 (2) conduct a pretrial risk assessment using an instrument approved by  
 22 the commissioner for all defendants detained in custody in a correctional facility  
 23 following arrest and for any defendant for whom the prosecution requests to have a  
 24 pretrial risk assessment at the next hearing or arraignment;

25 (3) if the probation officer acting as a pretrial services officer has  
 26 probable cause to believe the defendant has committed an offense under AS 11.56.730  
 27 or 11.56.757 or has violated the defendant's release conditions, file a complaint with  
 28 the court and

29 (A) arrest, with or without a warrant, a defendant who has been  
 30 released while awaiting trial; or

31 (B) request the court to issue a warrant related to any violation

1 of the defendant's release conditions;

2 (4) refer interested defendants for substance abuse screening,  
3 assessment, and treatment on a voluntary basis and assist any defendant whose offense  
4 or criminal history identified a dependency on, abuse of, or addiction to alcohol or  
5 controlled substances with accessing and obtaining appropriate treatment in the  
6 community to address those needs.

7 \* **Sec. 108.** AS 33.16.010(c) is amended to read:

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

13 \* **Sec. 109.** AS 33.16.010 is amended by adding a new subsection to read:

14 (g) A prisoner is not eligible for mandatory parole if the prisoner has been  
15 convicted of a crime under AS 11.41.100, 11.41.110, or AS 11.41.120.

16 \* **Sec. 110.** AS 33.16.060(a) is amended to read:

17 (a) The board shall

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

19 (2) **upon receiving a prisoner's application,** consider the suitability  
20 for parole of **the** [A] prisoner **if the prisoner** [WHO] is eligible for discretionary  
21 parole **or** [AT LEAST 90 DAYS BEFORE THE PRISONER'S FIRST DATE OF  
22 ELIGIBILITY AND UPON RECEIPT OF THE PRISONER'S APPLICATION FOR]  
23 special medical parole;

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

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

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

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

31 (7) recommend to the governor or the commissioner changes in the

1 practices of the department and of other departments of the executive branch  
 2 necessary to facilitate the purposes and practices of parole;

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

5 (9) execute other responsibilities prescribed by law.

6 \* **Sec. 111.** AS 33.16.090(a) is amended to read:

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

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

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

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

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

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

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

31 (2) is at least 60 years of age, has served at least 10 years of a sentence

1 for one or more crimes in a single judgment, and has not been convicted of an  
 2 unclassified felony or a sexual felony as defined in AS 12.55.185.

3 \* **Sec. 112.** AS 33.16.090(b) is amended to read:

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

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

8 **(A) two-thirds of the active term of imprisonment imposed,**  
 9 **or any term set under AS 12.55.115, whichever is greatest, for a conviction**  
 10 **under AS 11.41.100, 11.41.110, or 11.41.120;**

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

14 (2) [TO A SINGLE SENTENCE WITHIN OR BELOW A  
 15 PRESUMPTIVE RANGE SET OUT IN AS 12.55.125(i)(1) AND (2), AND HAS  
 16 NOT BEEN ALLOWED BY THE THREE-JUDGE PANEL UNDER AS 12.55.175  
 17 TO BE CONSIDERED FOR DISCRETIONARY PAROLE RELEASE, MAY NOT  
 18 BE RELEASED ON DISCRETIONARY PAROLE UNTIL THE PRISONER HAS  
 19 SERVED THE TERM IMPOSED, LESS GOOD TIME EARNED UNDER  
 20 AS 33.20.010;

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

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

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

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

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

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

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

9 (B) any term set under AS 12.55.115;

10 **(4)** [(5)] to a single sentence under any other provision of law may not  
11 be released on discretionary parole until the prisoner has served at least one-fourth of  
12 the active term of imprisonment, any mandatory minimum sentence imposed under  
13 any provision of law, or any term set under AS 12.55.115, whichever is greatest;

14 **(5)** [(6)] to concurrent sentences may not be released on discretionary  
15 parole until the prisoner has served the greatest of

16 (A) any mandatory minimum sentence or sentences imposed  
17 under any provision of law;

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

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

22 **(6)** [(7)] to consecutive or partially consecutive sentences may not be  
23 released on discretionary parole until the prisoner has served the greatest of

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

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

27 (C) the amount of time that is required to be served under **(1) -**  
28 **(4) or (7)** [(1) - (5)] of this subsection for the sentence imposed for the primary  
29 crime, had that been the only sentence imposed, plus one-quarter of the  
30 composite total of the active term of imprisonment imposed as consecutive or  
31 partially consecutive sentences imposed for all crimes other than the primary



1 crime;

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

8 \* **Sec. 113.** AS 33.16.100(a) is amended to read:

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

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

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

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

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

21 \* **Sec. 114.** AS 33.16.100 is amended by adding a new subsection to read:

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

27 \* **Sec. 115.** AS 33.16.130(a) is repealed and reenacted to read:

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

1 \* **Sec. 116.** AS 33.16.130(b) is amended to read:

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

9 \* **Sec. 117.** AS 33.16.170 is amended by adding a new subsection to read:

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

16 \* **Sec. 118.** AS 33.16.190 is amended to read:

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

21 \* **Sec. 119.** AS 33.16.210(c) is amended to read:

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

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

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

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

31 (4) has not been convicted of

1 (A) an unclassified felony offense under AS 11;

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

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

5 \* **Sec. 120.** AS 33.16.220(b) is amended to read:

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

15 \* **Sec. 121.** AS 33.16.220(i) is amended to read:

16 (i) If, after the final revocation hearing, the board finds that the parolee has  
17 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or  
18 ordinance, the board may revoke all or a portion of the remaining period of parole  
19 [SUBJECT TO THE LIMITS SET OUT IN AS 33.16.215,] or change any condition  
20 of parole. A parolee's period of parole is tolled from the date of filing with the parole  
21 board of a violation report **until the date of the final revocation hearing** [FOR  
22 ABSCONDING AND THE DATE OF THE PAROLEE'S ARREST, IF THE  
23 PAROLE BOARD FINDS, AFTER A HEARING, THAT THE PAROLEE  
24 VIOLATED PAROLE BY ABSCONDING, AS DEFINED IN AS 33.16.215(f). THE  
25 BOARD MAY NOT EXTEND THE PERIOD OF PAROLE BEYOND THE  
26 MAXIMUM RELEASE DATE CALCULATED BY THE DEPARTMENT ON THE  
27 PAROLEE'S ORIGINAL SENTENCE PLUS ANY TIME THAT HAS BEEN  
28 TOLLED AS DESCRIBED IN THIS SECTION].

29 \* **Sec. 122.** AS 33.16.270 is amended to read:

30 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish  
31 by regulation a program allowing parolees to earn credits for complying with the

1 conditions of parole. The earned compliance credits reduce the period of parole.  
 2 Nothing in this section prohibits the department from recommending to the board the  
 3 early discharge of the parolee as provided in this chapter. At a minimum, the  
 4 regulations must

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

7 (2) include policies and procedures for

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

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

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

14 \* **Sec. 123.** AS 33.16.270 is amended by adding a new subsection to read:

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

17 (1) an unclassified felony;

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

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

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

21 that is an offense under AS 11.41.

22 \* **Sec. 124.** AS 33.20.010(a) is amended to read:

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

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

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

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

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

4 (B) that is an unclassified or a class A felony; [OR]

5 (4) **for an unclassified felony under AS 11.41.100 or 11.41.110; or**

6 **(5) for a class A felony under AS 11.41.120** [TO A DEFINITE  
7 TERM OF IMPRISONMENT OF NOT MORE THAN 10 DAYS FOR A  
8 TECHNICAL VIOLATION OF AS 12.55.110(c) OR AS 33.16.215].

9 \* **Sec. 125.** AS 33.20.010(c) is repealed and reenacted to read:

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

13 \* **Sec. 126.** AS 33.30.011(a) is amended to read:

14 (a) The commissioner shall

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

20 (2) classify prisoners;

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

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

25 (B) maintain health;

26 (C) create or improve occupational skills;

27 (D) enhance educational qualifications;

28 (E) support court-ordered restitution; and

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

31 (4) provide necessary

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

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

7 (i) a prisoner exhibits symptoms of a serious disease or  
 8 injury that is curable or may be substantially alleviated; and

9 (ii) the potential for harm to the prisoner by reason of  
 10 delay or denial of care is substantial; and

11 (C) assessment or screening of the risks and needs of offenders  
 12 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal  
 13 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based  
 14 disorder;

15 (5) establish minimum standards for sex offender treatment programs  
 16 offered to persons who are committed to the custody of the commissioner;

17 (6) provide for fingerprinting in correctional facilities in accordance  
 18 with AS 12.80.060;

19 (7) establish a program to conduct assessments of the risks and needs  
 20 of offenders sentenced to serve a term of incarceration of 90 [30] days or more [AND  
 21 PROVIDE TO THE LEGISLATURE, BY ELECTRONIC MEANS, BY JANUARY  
 22 15, 2017, AND THEREAFTER BY JANUARY 15, PRECEDING THE FIRST  
 23 REGULAR SESSION OF EACH LEGISLATURE, A REPORT SUMMARIZING  
 24 THE FINDINGS AND RESULTS OF THE PROGRAM]; the program must include a  
 25 requirement for an assessment before a prisoner's release on parole, furlough, or  
 26 electronic monitoring from a correctional facility;

27 (8) establish a procedure that provides for each prisoner required to  
 28 serve an active term of imprisonment of 90 [30] days or more a written case plan that

29 (A) **takes effect and** is provided to the prisoner within 90 days  
 30 after sentencing;

31 (B) is based on the results of the assessment of the prisoner's

1 risks and needs under (7) of this subsection;

2 (C) includes a requirement to follow the rules of the institution;

3 (D) is modified when necessary for changes in classification,  
4 housing status, medical or mental health, and resource availability;

5 (E) includes participation in programming that addresses the  
6 needs identified in the assessment;

7 (9) establish a program to begin reentry planning with each prisoner  
8 serving an active term of imprisonment of 90 days or more; reentry planning must  
9 begin at least 90 days before release on furlough or probation or parole; the reentry  
10 program must include

11 (A) a written reentry plan for each prisoner completed upon  
12 release on furlough or probation or parole that includes information on the  
13 prisoner's proposed

14 (i) residence;

15 (ii) employment or alternative means of support;

16 (iii) treatment options;

17 (iv) counseling services;

18 (v) education or job training services;

19 (B) any other requirements for successful transition back to the  
20 community, including electronic monitoring or furlough for the period between  
21 a scheduled parole hearing and parole eligibility;

22 (C) coordination with the Department of Labor and Workforce  
23 Development to provide access, after release, to job training and employment  
24 assistance; **and**

25 **(D) coordination with community reentry coalitions or**  
26 **other providers of reentry services if available;**

27 (10) for offenders under electronic monitoring, establish

28 (A) minimum standards for electronic monitoring, which may  
29 include the requirement of active, real-time monitoring using global  
30 positioning systems; and

31 (B) procedures for oversight and approving electronic

1 monitoring programs and systems provided by private contractors; [AND]

2 (11) assist a prisoner in obtaining a valid state identification card if the  
3 prisoner does not have a valid state identification card before the prisoner's release; the  
4 department shall pay the application fee for the identification card; **and**

5 **(12) provide to the legislature, by electronic means, by January 10**  
6 **preceding the first regular session of each legislature, a report summarizing the**  
7 **findings and results of the program established under (7) of this subsection; the**  
8 **report must include**

9 **(A) the number of prisoners who were provided with**  
10 **written case plans under (8) of this subsection;**

11 **(B) the number of written case plans under (8) of this**  
12 **subsection initiated within the preceding year; and**

13 **(C) the number of written case plans under (8) of this**  
14 **subsection that were updated in the preceding year.**

15 \* **Sec. 127.** AS 34.03.360(7) is amended to read:

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

19 \* **Sec. 128.** AS 44.19.645(g) is amended to read:

20 (g) The Department of Corrections shall report quarterly to the working group  
21 authorized in (b)(3) of this section. The report shall include the following information:

22 (1) data on pretrial decision making and outcomes, including  
23 information on pretrial detainees admitted for a new criminal charge; detainees  
24 released at any point before case resolution; time spent detained before first release or  
25 case resolution; pretrial defendant risk level and charge; [PRETRIAL RELEASE  
26 RECOMMENDATIONS MADE BY PRETRIAL SERVICES OFFICERS;] pretrial  
27 conditions imposed on pretrial detainees by judicial officers, including amount of bail,  
28 and supervision conditions; and information on pretrial outcomes, including whether  
29 or not the defendant appeared in court or was re-arrested during the pretrial period;

30 (2) data on offenders admitted to the Department of Corrections for a  
31 new criminal conviction, including the offense type, number of prior felony



1 convictions, sentence length, and length of stay;

2 (3) data on the population of the Department of Corrections, using a  
3 one-day snapshot on the first day of the first month of each quarter, broken down by  
4 type of admission, offense type, and risk level;

5 (4) data on offenders on probation supervised by the Department of  
6 Corrections, including the total number of offenders supervised using a one-day  
7 snapshot on the first month of each quarter; admissions to probation; assignments to a  
8 program under AS 33.05.020(f); probation sentence length; time served on the  
9 sentence; whether probation was successfully completed, any new convictions for a  
10 felony offense, and any sentences to a term of imprisonment while on probation;

11 (5) data on parole, including the number of offenders supervised on  
12 parole, using a one-day snapshot on the first month of each quarter; the number of  
13 parole hearings; the parole grant rate and number of parolees released on discretionary  
14 and special medical parole; and information on parolees, including time spent on  
15 parole, whether parole was successfully completed, any new convictions for a new  
16 felony offense, and any sentences to a term of imprisonment while on parole;

17 (6) data on the implementation of policies from the 2015 justice  
18 reinvestment report, including the number and percentage of offenders who earn  
19 compliance credits under AS 33.05.020(h) or AS 33.16.270 in one or more months,  
20 and the total amount of credits earned; the average number of sanctions issued under  
21 as 33.05.020(g) before a petition to revoke probation or parole is filed; and the most  
22 common violations of probation or parole; and

23 (7) data on probation and parole revocations, including information on  
24 probationers and parolees admitted for a supervision violation pre-case and post-case  
25 resolution; [PROBATIONERS AND PAROLEES ADMITTED SOLELY FOR A  
26 TECHNICAL VIOLATION;] probationers and parolees admitted for a new arrest; the  
27 number of previous revocations on the current sentence, if any; the length of time held  
28 pre-case resolution; the length of time to case resolution; and the length of stay.

29 \* **Sec. 129.** AS 44.19.647(a) is amended to read:

30 (a) The commission shall submit to the governor and the legislature an annual  
31 report. The report must include

- 1 (1) a description of its proceedings for the previous calendar year;
- 2 (2) a summary of savings and recommendations on how savings from
- 3 criminal justice reform should be reinvested to reduce recidivism;
- 4 (3) performance metrics and outcomes from the recommendations the
- 5 commission made in its December 2015 report, including recidivism rates, defined as
- 6 (A) the percentage of inmates who return to prison within three
- 7 years after release, broken down by offense type and risk level; and
- 8 (B) the percentage of inmates who return to prison within three
- 9 years after release for a new criminal conviction, broken down by offense type
- 10 and risk level; [AND]
- 11 (4) recommendations for additional reforms, which may include
- 12 recommendations for legislative and administrative action; **and**
- 13 **(5) data reported by the Department of Law under AS 44.23.040.**

14 \* **Sec. 130.** AS 44.23.020 is amended by adding a new subsection to read:

15 (k) The attorney general, in consultation with the commissioner of public

16 safety, shall

17 (1) develop a tool to track felony sex offenses reported to the

18 Department of Public Safety by geographic location; the tracking tool must include a

19 means to record the reason a reported offense was not referred for prosecution or, if

20 referred, the reason the offense was not prosecuted and, if applicable, the reason a sex

21 offense charged as a felony resulted in a conviction of an offense other than a sex

22 offense under a plea agreement;

23 (2) develop regulations and procedures to implement the requirements

24 established under (1) of this subsection; and

25 (3) provide training for the implementation of the regulations and

26 procedures established under (2) of this subsection in each state department as

27 necessary.

28 \* **Sec. 131.** AS 44.23.040 is amended by adding a new subsection to read:

29 (b) The Department of Law, in consultation with the Department of Public

30 Safety, shall gather and report data on felony sex offenses to the Alaska Judicial

31 Council. The data must include

1 (1) the number of felony sex offenses reported to the Department of  
2 Public Safety that were not referred for prosecution;

3 (2) the number of felony sex offenses referred for prosecution that  
4 were not prosecuted;

5 (3) the number of felony sex offenses that resulted in a conviction for a  
6 crime other than a sex offense; and

7 (4) the number of sex offenses referred for prosecution that were  
8 charged as a felony and, under a plea agreement, resulted in a conviction for a crime  
9 other than a sex offense.

10 \* **Sec. 132.** AS 44.41 is amended by adding a new section to read:

11 **Sec. 44.41.065. Sexual assault examination kits.** (a) When a law enforcement  
12 agency collects a sexual assault examination kit under AS 18.68.010, the agency shall

13 (1) within 30 days after the agency collects the sexual assault  
14 examination kit, send the sexual assault examination kit to an accredited laboratory in  
15 coordination with the Department of Public Safety or a laboratory operated by the  
16 Department of Public Safety;

17 (2) ensure that the laboratory to which the sexual assault examination  
18 kit is sent under (1) of this subsection conducts a serological or DNA test on the  
19 sexual assault examination kit within one year after the laboratory receives the sexual  
20 assault examination kit; and

21 (3) within two weeks after the laboratory that receives the sexual  
22 assault examination kit under (1) of this subsection completes serological or DNA  
23 testing, make a reasonable effort to notify the victim from whom the sexual assault  
24 examination kit was collected that the sexual assault examination kit has been tested.

25 (b) A criminal action may not be dismissed nor the evidence deemed  
26 nonadmissible for failure to be tested within the times established in (a)(1) and (2) of  
27 this section.

28 (c) If a case is resolved before a sexual assault examination kit is tested, a law  
29 enforcement agency is not required to meet the time limits established in (a) of this  
30 section.

31 (d) In this section,

1 (1) "law enforcement agency" and "agency" have the meaning given to  
2 "law enforcement agency" in AS 12.36.090;

3 (2) "victim" has the meaning given in AS 11.41.470.

4 \* **Sec. 133.** AS 44.41.070(a) is amended to read:

5 (a) By September 1 of each year, each law enforcement agency and state  
6 department charged with the maintenance, storage, and preservation of sexual assault  
7 examination kits shall conduct an inventory of untested sexual assault examination kits  
8 and report, in writing, to the Department of Public Safety the number of untested  
9 sexual assault examination kits in the possession of the agency or department, **the**  
10 **number of sexual assault examination kits that the law enforcement agency or**  
11 **state department has determined are ineligible for testing under (e) of this**  
12 **section, with the reason or reasons the untested sexual assault examination kits**  
13 **were determined to be ineligible for testing,** and the date on which each untested  
14 sexual assault examination kit was collected.

15 \* **Sec. 134.** AS 44.41.070(b) is amended to read:

16 (b) By November 1 of each year, the Department of Public Safety shall  
17 prepare and transmit a report to the president of the senate and the speaker of the  
18 house of representatives that contains

19 (1) the number of untested sexual assault examination kits stored by  
20 each law enforcement agency or department **and the number of sexual assault**  
21 **examination kits that the law enforcement agency or state department has**  
22 **determined are ineligible for testing under (e) of this section, with the reason or**  
23 **reasons the untested sexual assault examination kits were determined to be**  
24 **ineligible for testing;**

25 (2) the date each untested sexual assault examination kit was collected;  
26 and

27 (3) a plan for addressing the backlog and prevention of a backlog of  
28 untested sexual assault examination kits.

29 \* **Sec. 135.** AS 44.41.070 is amended by adding a new subsection to read:

30 (e) A sexual assault examination kit is ineligible for testing if the law  
31 enforcement agency or state department finds that the sexual assault examination kit

- 1 (1) is scientifically unviable;
- 2 (2) does not meet eligibility requirements for inclusion in the
- 3 Combined DNA Index System database; or
- 4 (3) was collected from a person who reported a sexual assault
- 5 anonymously.

6 \* **Sec. 136.** AS 47.12.315(a) is amended to read:

7 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this

8 section, the department shall disclose information to the public, on request, concerning

9 a minor subject to this chapter who was at least 13 years of age at the time of

10 commission of

- 11 (1) a felony offense against a person under AS 11.41;
- 12 (2) arson in the first or second degree;
- 13 (3) burglary in the first degree;
- 14 (4) distribution of child pornography;
- 15 (5) sex trafficking in the first degree;
- 16 (6) misconduct involving a controlled substance in the first, [OR]
- 17 second, or third degrees involving distribution or possession with intent to deliver; or
- 18 (7) misconduct involving weapons in the first through fourth degrees.

19 \* **Sec. 137.** AS 47.17.020(a) is amended to read:

20 (a) The following persons who, in the performance of their occupational

21 duties, their appointed duties under (8) of this subsection, or their volunteer duties

22 under (9) of this subsection, have reasonable cause to suspect that a child has suffered

23 harm as a result of child abuse or neglect shall immediately report the harm to the

24 nearest office of the department **and, if the harm appears to be a result of a**

25 **suspected sex offense, shall immediately report the harm to the nearest law**

26 **enforcement agency:**

- 27 (1) practitioners of the healing arts;
- 28 (2) school teachers and school administrative staff members, including
- 29 athletic coaches, of public and private schools;
- 30 (3) peace officers and officers of the Department of Corrections;
- 31 (4) administrative officers of institutions;

- 1 (5) child care providers;
- 2 (6) paid employees of domestic violence and sexual assault programs,  
3 and crisis intervention and prevention programs as defined in AS 18.66.990;
- 4 (7) paid employees of an organization that provides counseling or  
5 treatment to individuals seeking to control their use of drugs or alcohol;
- 6 (8) members of a child fatality review team established under  
7 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created  
8 under AS 47.14.300; [.]
- 9 (9) volunteers who interact with children in a public or private school  
10 for more than four hours a week.

11 \* **Sec. 138.** AS 47.17.020(e) is amended to read:

12 (e) The department shall immediately notify the nearest law enforcement  
13 agency if the department

14 (1) concludes that the harm was caused by a person who is not  
15 responsible for the child's welfare;

16 (2) is unable to determine

17 (A) who caused the harm to the child; or

18 (B) whether the person who is believed to have caused the  
19 harm has responsibility for the child's welfare; or

20 (3) concludes that the report involves

21 (A) possible criminal **sex abuse or sex offenses** [CONDUCT]  
22 under AS 11.41.410 - 11.41.458, **AS 11.61.116, 11.61.118(a)(2),**  
23 **11.61.120(a)(6), 11.61.123, or 11.61.128, including sex offenses committed**  
24 **by a minor against a minor**; or

25 (B) abuse or neglect that results in the need for medical  
26 treatment of the child.

27 \* **Sec. 139.** AS 47.17.020(g) is amended to read:

28 (g) A person required to report child abuse or neglect under (a) of this section  
29 who makes the report to the person's job supervisor or to another individual working  
30 for the entity that employs the person is not relieved of the obligation to make **a** [THE]  
31 report [TO THE DEPARTMENT AS] required under (a) of this section.

1 \* **Sec. 140.** AS 47.17.290 is amended by adding a new paragraph to read:

2 (18) "sex offense" has the meaning given in AS 12.63.100.

3 \* **Sec. 141.** The uncodified law of the State of Alaska is amended by adding a new section  
4 to read:

5 DIRECT COURT RULE AMENDMENT. Rule 6(r)(6), Alaska Rules of  
6 Criminal Procedure, is amended to read:

7 (6) **When a prior conviction is an element of an offense** [IN A  
8 PROSECUTION FOR DRIVING WHILE INTOXICATED UNDER AS 28.35.030(n)  
9 OR FOR REFUSAL TO SUBMIT TO A CHEMICAL TEST UNDER  
10 AS 28.35.032(p)], hearsay evidence received through the Alaska Public Safety  
11 Information Network or from other government agencies of prior convictions [OF  
12 DRIVING WHILE INTOXICATED OR REFUSAL TO SUBMIT TO A CHEMICAL  
13 TEST] may be presented to the grand jury.

14 \* **Sec. 142.** The uncodified law of the State of Alaska is amended by adding a new section  
15 to read:

16 DIRECT COURT RULE AMENDMENT. Rule 38.2(a), Alaska Rules of  
17 Criminal Procedure, is amended to read:

18 (a) The Administrative Director of the Alaska Court System, after consultation  
19 with the presiding judge, Public Defender Agency, and Attorney General's Office,  
20 may enter into agreements with the Department of Public Safety and Department of  
21 Corrections which approve systems allowing judges to provide for the appearance by a  
22 defendant at certain criminal proceedings by way of **contemporaneous two-way**  
23 **video conference** [TELEVISION] equipment in lieu of the physical presence of the  
24 defendant in the courtroom. Such an agreement must provide for a procedure by which  
25 the defendant may confer with the defendant's attorney in private.

26 \* **Sec. 143.** The uncodified law of the State of Alaska is amended by adding a new section  
27 to read:

28 DIRECT COURT RULE AMENDMENT. Rule 38.2(b), Alaska Rules of  
29 Criminal Procedure, is amended to read:

30 (b) In those court locations in which a **contemporaneous two-way video**  
31 **conference** [TELEVISION] system has been approved by the supreme court and has

1        been installed, in custody defendants shall appear by way of **contemporaneous two-**  
 2        **way video conference** [TELEVISION] for arraignment, pleas, and non-evidentiary  
 3        bail reviews in traffic and misdemeanor cases; and initial appearance hearings, non-  
 4        evidentiary bail reviews, and not guilty plea arraignments in felony cases, unless  
 5        otherwise ordered for cause stated by the presiding judge. With the defendant's  
 6        consent, sentencings may be done by way of **contemporaneous two-way video**  
 7        **conference** [TELEVISION] in traffic and misdemeanor cases. **The court may order**  
 8        **a defendant to appear by contemporaneous two-way video conference at any**  
 9        **other hearings.** In any particular case, the trial court may order that the defendant be  
 10       transported to court for court proceedings if the trial judge finds that the defendant's  
 11       rights would be prejudiced by use of the system.

12       \* **Sec. 144.** The uncodified law of the State of Alaska is amended by adding a new section  
 13       to read:

14                        DIRECT COURT RULE AMENDMENT. Rule 45(d), Alaska Rules of  
 15       Criminal Procedure, is amended to read:

16                (d) **Excluded Periods.** The following periods shall be excluded in computing  
 17       the time for trial:

18                        (1) The period of delay resulting from other proceedings concerning  
 19       the defendant, including but not limited to motions to dismiss or suppress,  
 20       examinations and hearings on competency, the period during which the defendant is  
 21       incompetent to stand trial, interlocutory appeals, and trial of other charges. No pretrial  
 22       motion shall be held under advisement for more than 30 days and any time longer than  
 23       30 days shall not be considered as an excluded period.

24                        (2) The period of delay resulting from an adjournment or continuance  
 25       granted at the timely request or with the consent of the defendant **or** [AND] the  
 26       defendant's counsel. The court shall grant such a continuance only if it is satisfied that  
 27       the postponement is in the interest of justice, taking into account the public interest in  
 28       the prompt disposition of criminal offenses, and after consideration of the interests of  
 29       the crime victim, if known, as provided in (h) of this rule. A defendant without  
 30       counsel shall not be deemed to have consented to a continuance unless the defendant  
 31       has been advised by the court of the right to a speedy trial under this rule and of the



1 effect of consent.

2 (3) The period of delay resulting from a continuance granted at the  
3 timely request of the prosecution, if:

4 (A) The continuance is granted because of the unavailability of  
5 evidence material to the state's case, when the prosecuting attorney has  
6 exercised due diligence to obtain such evidence and there are reasonable  
7 grounds to believe that such evidence will be available at the later date; or

8 (B) The continuance is granted to allow the prosecuting  
9 attorney in a felony case additional time to prepare the state's case and  
10 additional time is justified because of the exceptional complexity of the  
11 particular case.

12 (4) The period of delay resulting from the absence or unavailability of  
13 the defendant. A defendant should be considered absent whenever the defendant's  
14 whereabouts are unknown and in addition the defendant is attempting to avoid  
15 apprehension or prosecution or the defendant's whereabouts cannot be determined by  
16 due diligence. A defendant should be considered unavailable whenever the defendant's  
17 whereabouts are known but the defendant's presence for trial cannot be obtained or the  
18 defendant resists being returned to the state for trial.

19 (5) A reasonable period of delay when the defendant is joined for trial  
20 with a codefendant as to whom the time for trial has not run and there is good cause  
21 for not granting a severance. In all other cases, the defendant shall be granted a  
22 severance in order that the defendant may be tried within the time limits applicable to  
23 the defendant.

24 (6) The period of delay resulting from detention of the defendant in  
25 another jurisdiction provided the prosecuting attorney has been diligent and has made  
26 reasonable efforts to obtain the presence of the defendant for trial. When the  
27 prosecution is unable to obtain the presence of the defendant in detention, and seeks to  
28 exclude the period of detention, the prosecution shall cause a detainer to be filed with  
29 the official having custody of the defendant and request the official to advise the  
30 defendant of the detainer and to inform the defendant of the defendant's rights under  
31 this rule.

1 (7) Other periods of delay for good cause.

2 \* **Sec. 145.** AS 11.41.432(a)(2); AS 11.46.980(d), 11.46.982; AS 11.56.330(a)(3);  
 3 AS 11.71.030(a)(1), 11.71.030(a)(4), 11.71.030(a)(5), 11.71.030(a)(6), 11.71.030(a)(7),  
 4 11.71.030(a)(8), 11.71.030(c), 11.71.030(e), 11.71.040(a)(11), 11.71.060(a)(2)(B);  
 5 AS 12.25.180(b)(3); AS 12.30.055(b); AS 12.55.110(c), 12.55.110(d), 12.55.110(e),  
 6 12.55.110(f), 12.55.110(g), 12.55.110(h), 12.55.135(l), 12.55.135(m), 12.55.135(n),  
 7 12.55.135(o), 12.55.135(p), AS 28.15.291(a)(2); AS 33.07.010, 33.07.020, 33.07.030,  
 8 33.07.040, 33.07.090; AS 33.16.100(f), 33.16.210(b), 33.16.215, 33.16.220(j), and  
 9 33.16.240(h) are repealed.

10 \* **Sec. 146.** The uncodified law of the State of Alaska is amended by adding a new section to  
 11 read:

12 REPORT TO LEGISLATURE; COMMISSIONER OF CORRECTIONS. On or  
 13 before January 10, 2020, the commissioner of corrections shall provide a report to the  
 14 legislature as described under AS 33.30.011(a)(12), enacted by sec. 126 of this Act. The  
 15 commissioner shall submit the report to the senate secretary and chief clerk of the house of  
 16 representatives and notify the legislature that the report is available."

17 \* **Sec. 147.** The uncodified law of the State of Alaska is amended by adding a new section to  
 18 read:

19 REPORT ON REHABILITATIVE SERVICES. The Department of Corrections,  
 20 Department of Education and Early Development, and Department of Labor and Workforce  
 21 Development shall develop a needs assessment of all rehabilitative services for each  
 22 institution, including education, treatment, vocational education, secular and faith-based, and  
 23 pro-social programs. On or before January 31, 2020, the Department of Corrections,  
 24 Department of Education and Early Development, and Department of Labor and Workforce  
 25 Development shall provide a written report regarding the needs assessments to the senate  
 26 secretary and chief clerk of the house of representatives and notify the legislature that the  
 27 report is available.

28 \* **Sec. 148.** The uncodified law of the State of Alaska is amended by adding a new section  
 29 to read:

30 REPORT OF THE SUPERIOR COURT REGARDING INVOLUNTARY  
 31 COMMITMENT. By December 31, 2020, the superior court shall transmit the information

1 under AS 47.30.907(a), if known, to the Department of Public Safety for all orders of the  
 2 superior court issued on or after January 1, 2011, for the involuntary commitment of a person  
 3 under AS 47.30.735 - 47.30.755 or for orders of relief from a disability resulting from an  
 4 involuntary commitment or an adjudication of mental illness or mental incompetence granted  
 5 under AS 47.30.851(b).

6 \* **Sec. 149.** The uncodified law of the State of Alaska is amended by adding a new section  
 7 to read:

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

- 10 (1) AS 11.41.110(a), as amended by sec. 2 of this Act;
- 11 (2) AS 11.41.150(a), as amended by sec. 3 of this Act;
- 12 (3) AS 11.41.420(a), as amended by sec. 4 of this Act;
- 13 (4) AS 11.41.425(a), as amended by sec. 5 of this Act;
- 14 (5) AS 11.41.432(b), as amended by sec. 6 of this Act;
- 15 (6) AS 11.41.432(c), as amended by sec. 7 of this Act;
- 16 (7) AS 11.41.432(d) and (e), enacted by sec. 8 of this Act;
- 17 (8) AS 11.41.438(b), as amended by sec. 9 of this Act;
- 18 (9) AS 11.41.438(c), enacted by sec. 10 of this Act;
- 19 (10) AS 11.41.452(a), as amended by sec. 11 of this Act;
- 20 (11) AS 11.41.452(d), as amended by sec. 12 of this Act;
- 21 (12) AS 11.41.452(e), as amended by sec. 13 of this Act;
- 22 (13) AS 11.41.455(c), as amended by sec. 14 of this Act;
- 23 (14) AS 11.41.458, as amended by sec. 15 of this Act;
- 24 (15) AS 11.46.130(a), as amended by sec. 16 of this Act;
- 25 (16) AS 11.46.140(a), as amended by sec. 17 of this Act;
- 26 (17) AS 11.46.150(a), as amended by sec. 18 of this Act;
- 27 (18) AS 11.46.220(c), as amended by sec. 19 of this Act;
- 28 (19) AS 11.46.260(b), as amended by sec. 20 of this Act;
- 29 (20) AS 11.46.270(b), as amended by sec. 21 of this Act;
- 30 (21) AS 11.46.280(d), as amended by sec. 22 of this Act;
- 31 (22) AS 11.46.285, as amended by sec. 23 of this Act;

- 1 (23) AS 11.46.295, as amended by sec. 24 of this Act;
- 2 (24) AS 11.46.360(a), as amended by sec. 25 of this Act;
- 3 (25) AS 11.46.370, enacted by sec. 26 of this Act;
- 4 (26) AS 11.46.482(a), as amended by sec. 27 of this Act;
- 5 (27) AS 11.46.484(a), as amended by sec. 28 of this Act;
- 6 (28) AS 11.46.486(a), as amended by sec. 29 of this Act;
- 7 (29) AS 11.46.530(b), as amended by sec. 30 of this Act;
- 8 (30) AS 11.46.620(d), as amended by sec. 31 of this Act;
- 9 (31) AS 11.46.730(c), as amended by sec. 32 of this Act;
- 10 (32) AS 11.46.980(e), enacted by sec. 33 of this Act;
- 11 (33) AS 11.56.310(a), as amended by sec. 34 of this Act;
- 12 (34) AS 11.56.320(a), as amended by sec. 35 of this Act;
- 13 (35) AS 11.56.730(a), as amended by sec. 36 of this Act;
- 14 (36) AS 11.56.730(d), as amended by sec. 37 of this Act;
- 15 (37) AS 11.56.757(b), as amended by sec. 38 of this Act;
- 16 (38) AS 11.56.810(a), as amended by sec. 39 of this Act;
- 17 (39) AS 11.61.110(c), as amended by sec. 40 of this Act;
- 18 (40) AS 11.61.120(a), as amended by sec. 41 of this Act;
- 19 (41) AS 11.61.123(a), as amended by sec. 42 of this Act;
- 20 (42) AS 11.61.123(c), as amended by sec. 43 of this Act;
- 21 (43) AS 11.61.123(d), as amended by sec. 44 of this Act;
- 22 (44) AS 11.61.123(f), as amended by sec. 45 of this Act;
- 23 (45) AS 11.61.123(g), as amended by sec. 46 of this Act;
- 24 (46) AS 11.61.124, enacted by sec. 47 of this Act;
- 25 (47) AS 11.71.021, enacted by sec. 48 of this Act;
- 26 (48) AS 11.71.030(a), as amended by sec. 49 of this Act;
- 27 (49) AS 11.71.030(d), as amended by sec. 50 of this Act;
- 28 (50) AS 11.71.040(a), as amended by sec. 51 of this Act;
- 29 (51) AS 11.71.040(d), as amended by sec. 52 of this Act;
- 30 (52) AS 11.71.050, as amended by sec. 53 of this Act;
- 31 (53) AS 11.71.060, as amended by sec. 54 of this Act;

- 1 (54) AS 11.71.311(a), as amended by sec. 55 of this Act;
- 2 (55) AS 12.25.150(a), as amended by sec. 56 of this Act;
- 3 (56) AS 12.30.006(b), as amended by sec. 57 of this Act;
- 4 (57) AS 12.30.006(c), as amended by sec. 58 of this Act;
- 5 (58) AS 12.30.006(d), as amended by sec. 59 of this Act;
- 6 (59) AS 12.30.006(f), as amended by sec. 60 of this Act;
- 7 (60) AS 12.30.011, as repealed and reenacted by sec. 61 of this Act;
- 8 (61) AS 12.30.021(a), as amended by sec. 62 of this Act;
- 9 (62) AS 12.30.021(c), as amended by sec. 63 of this Act;
- 10 (63) AS 12.70.130, as amended by sec. 88 of this Act;
- 11 (64) AS 28.15.291(a), as amended by sec. 94 of this Act;
- 12 (65) AS 28.15.291(b), as amended by sec. 95 of this Act.

13 (b) The following sections apply to sentences imposed on or after the effective date of  
 14 those sections for conduct occurring on or after the effective date of those sections:

- 15 (1) AS 12.55.015(l), enacted by sec. 64 of this Act;
- 16 (2) AS 12.55.027(f), as amended by sec. 67 of this Act;
- 17 (3) AS 12.55.027(i), enacted by sec. 68 of this Act;
- 18 (4) AS 12.55.051(a), as amended by sec. 69 of this Act;
- 19 (5) AS 12.55.125(c), as amended by sec. 72 of this Act;
- 20 (6) AS 12.55.125(d), as amended by sec. 73 of this Act;
- 21 (7) AS 12.55.125(e), as amended by sec. 74 of this Act;
- 22 (8) AS 12.55.125(i), as amended by sec. 75 of this Act;
- 23 (9) AS 12.55.125(q), as amended by sec. 76 of this Act;
- 24 (10) AS 12.55.135(a), as amended by sec. 77 of this Act;
- 25 (11) AS 12.55.135(b), as amended by sec. 78 of this Act;
- 26 (12) AS 12.55.145(a), as amended by sec. 79 of this Act;
- 27 (13) AS 12.55.185(10), as amended by sec. 80 of this Act;
- 28 (14) AS 12.55.185(16), as amended by sec. 81 of this Act;
- 29 (15) AS 28.35.030(k), as amended by sec. 96 of this Act;
- 30 (16) AS 28.35.030(v) and (w), enacted by sec. 98 of this Act;
- 31 (17) AS 28.35.032(o), as amended by sec. 99 of this Act;

1 (18) AS 33.20.010(a), amended by sec. 124 of this Act;

2 (19) AS 33.20.010(c), as repealed and reenacted by sec. 125 of this Act;

3 (20) AS 33.30.011(a), as amended by sec. 126 of this Act.

4 (c) The following sections apply to the duty to register as a sex offender for offenses  
5 committed on or after the effective date of those sections:

6 (1) AS 12.63.010(d), as amended by sec. 84 of this Act;

7 (2) AS 12.63.020, as amended by sec. 85 of this Act;

8 (3) AS 12.63.100(6), as amended by sec. 86 of this Act;

9 (4) AS 12.63.100(7), as amended by sec. 87 of this Act.

10 (d) The following sections apply to probation ordered on or after the effective date of  
11 those sections for conduct occurring on or after the effective date of those sections:

12 (1) AS 12.55.090(c), as amended by sec. 70 of this Act;

13 (2) AS 12.55.090(g), as amended by sec. 71 of this Act;

14 (3) AS 33.05.010, as amended by sec. 102 of this Act;

15 (4) AS 33.05.020(j) and (k), enacted by sec. 104 of this Act;

16 (5) AS 33.05.030(a), as amended by sec. 105 of this Act;

17 (6) AS 33.05.040(a)(11) and (12), enacted by sec. 106 of this Act;

18 (7) AS 33.05.045, enacted by sec. 107 of this Act.

19 (e) The following sections apply to probation ordered before, on, or after the effective  
20 date of those sections for conduct occurring on or after the effective date of those sections:

21 (1) AS 12.55.025(c), as amended by sec. 65 of this Act;

22 (2) AS 33.05.020(h), as amended by sec. 103 of this Act;

23 (3) AS 33.05.020(i), enacted by sec. 104 of this Act;

24 (4) AS 33.05.040(a)(6), as amended by sec. 106 of this Act.

25 (f) The following sections apply to parole ordered on or after the effective date of  
26 those sections for conduct occurring on or after the effective date of those sections:

27 (1) AS 33.16.010(c), as amended by sec. 108 of this Act;

28 (2) AS 33.16. 010(g), enacted by sec. 109 of this Act;

29 (3) AS 33.16.060(a), as amended by sec. 110 of this Act;

30 (4) AS 33.16.090(a), as amended by sec. 111 of this Act;

31 (5) AS 33.16.090(b), as amended by sec. 112 of this Act;

- 1 (6) AS 33.16.100(h), enacted by sec. 114 of this Act;  
 2 (7) AS 33.16.130(a), as repealed and reenacted by sec. 115 of this Act;  
 3 (8) AS 33.16.130(b), as amended by sec. 116 of this Act;  
 4 (9) AS 33.06.170(d), enacted by sec. 117 of this Act;  
 5 (10) AS 33.16.190, as amended by sec. 118 of this Act;  
 6 (11) AS 33.16.210(c), as amended by sec. 119 of this Act.

7 (g) The following sections apply to parole ordered before, on, or after the effective  
 8 date of those sections for conduct occurring on or after the effective date of those sections:

- 9 (1) AS 33.16.220(b), as amended by sec. 120 of this Act;  
 10 (2) AS 33.16.220(i), as amended by sec. 121 of this Act;  
 11 (3) AS 33.16.270, as amended by sec. 122 of this Act;  
 12 (4) AS 33.16.270(b), enacted by sec. 123 of this Act.

13 (h) AS 33.16.100(a), as amended by sec. 113 of this Act, applies to parole granted on  
 14 or after the effective date of sec. 113 of this Act for conduct occurring before, on, or after the  
 15 effective date of sec. 113 of this Act.

16 (i) AS 28.35.030(o), as amended by sec. 97 of this Act, and AS 28.35.032(q), as  
 17 amended by sec. 100 of this Act, apply to revocation of a driver's license occurring before, on,  
 18 or after the effective date of this Act, for conduct occurring before, on, or after the effective  
 19 date of this Act.

20 (j) AS 12.55.025(m), enacted by sec. 66 of this Act, applies to sentences imposed on  
 21 or after the effective date of sec. 66 of this Act, for offenses committed before, on, or after the  
 22 effective date of sec. 66 of this Act.

23 (k) AS 28.15.161(a), as amended by sec. 93 of this Act, applies to a driver's license  
 24 canceled on or after the effective date of sec. 93 of this Act for failure to pay fines imposed on  
 25 or after the effective date of sec. 93 of this Act.

26 \* **Sec. 150.** The uncodified law of the State of Alaska is amended by adding a new section  
 27 to read:

28 **TRANSITION.** Probation officers acting as pretrial services officers under  
 29 AS 33.05.045, enacted by sec. 107 of this Act, shall supervise defendants in accordance with  
 30 orders for pretrial services issued under former AS 12.30.006, 12.30.021, and AS 33.07.

31 \* **Sec. 151.** The uncodified law of the State of Alaska is amended by adding a new section

1 to read:

2 TRANSITION: REGULATIONS. (a) The Department of Law, the attorney general,  
3 the Department of Public Safety, and the commissioner of public safety may adopt regulations  
4 necessary to implement the changes made by secs. 130 and 131 of this Act. The regulations  
5 take effect under AS 44.62 (Administrative Procedure Act), but a regulation may not take  
6 effect before the effective date of the relevant provision of this Act implemented by the  
7 regulation.

8 (b) Not later than 15 months after the effective date of AS 33.05.020(h), as amended  
9 by sec. 103 of this Act, and AS 33.16.270, as amended by sec. 122 of this Act, the  
10 commissioner of corrections shall adopt regulations necessary to establish the programs  
11 required by AS 33.05.020(h), as amended by sec. 103 of this Act, and AS 33.16.270, as  
12 amended by sec. 122 of this Act. The regulations take effect under AS 44.62 (Administrative  
13 Procedure Act), but a regulation may not take effect before the effective date of the relevant  
14 provision of this Act implemented by the regulation.

15 \* **Sec. 152.** The uncodified law of the State of Alaska is amended by adding a new section  
16 to read:

17 REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the  
18 heading of AS 11.61.123 from "Indecent viewing or photography" to "Indecent viewing or  
19 production of a picture."

20 \* **Sec. 153.** The uncodified law of the State of Alaska is amended by adding a new section  
21 to read:

22 CONDITIONAL EFFECT. Sections 141 - 144 of this Act take effect only if secs. 141  
23 - 144 of this Act receive the two-thirds majority vote of each house required by art. IV, sec.  
24 15, Constitution of the State of Alaska.

25 \* **Sec. 154.** Sections 132 - 135 of this Act take effect January 1, 2020.

26 \* **Sec. 155.** Sections 129 - 131 of this Act take effect July 1, 2020.

27 \* **Sec. 156.** Section 137 of this Act takes effect September 1, 2020.

28 \* **Sec. 157.** Sections 101, 148, and 151 of this Act take effect immediately under  
29 AS 01.10.070(c).

30 \* **Sec. 158.** Except as provided in secs. 154 - 157 of this Act, this Act takes effect July 1,  
31 2019.