

**HOUSE BILL NO. 145**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 4/24/19

Referred:

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to crime and criminal procedure; establishing the crime of possession  
2 of motor vehicle theft tools; relating to controlled substances; relating to credit toward a  
3 sentence of imprisonment; relating to sentencing; relating to registration of sex  
4 offenders; relating to the definition of 'sex offender or child kidnapper'; relating to  
5 operating under the influence; relating to refusal to submit to a chemical test; relating to  
6 the duties of the commissioner of corrections; relating to the Alaska Criminal Justice  
7 Commission; relating to the duties of the attorney general and the Department of Law;  
8 requiring law enforcement agencies to test sexual assault examination kits; requiring  
9 notification of completion of testing; relating to reports on untested sexual assault  
10 examination kits; and relating to public disclosure of information relating to certain  
11 minors."

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

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

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

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

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

9                     (3) under circumstances not amounting to murder in the first degree  
10 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the  
11 person commits or attempts to commit arson in the first degree, kidnapping, sexual  
12 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor  
13 in the first degree, sexual abuse of a minor in the second degree, burglary in the first  
14 degree, escape in the first or second degree, robbery in any degree, or misconduct  
15 involving a controlled substance under AS 11.71.010(a), 11.71.025, 11.71.030(a)(1),  
16 (2), or (4) - (8), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that  
17 crime or in immediate flight from that crime, any person causes the death of a person  
18 other than one of the participants;

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

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

26                             (A) a felony violation of AS 11.41;

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

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

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

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

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

4 (2) with intent to cause serious physical injury to an unborn child or to  
5 another person or knowing that the conduct is substantially certain to cause death or  
6 serious physical injury to an unborn child or to another person, causes the death of an  
7 unborn child;

8 (3) while acting alone or with one or more persons, commits or  
9 attempts to commit arson in the first degree, kidnapping, sexual assault in the first  
10 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,  
11 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the  
12 first or second degree, robbery in any degree, or misconduct involving a controlled  
13 substance under AS 11.71.010(a), 11.71.025, 11.71.030(a)(1), (2), or (4) - (8), or  
14 11.71.040(a)(1) or (2), and, in the course of or in furtherance of that crime or in  
15 immediate flight from that crime, any person causes the death of an unborn child;

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

22 \* **Sec. 3.** AS 11.41.432(a) is amended to read:

23 (a) It is a defense to a crime charged under [AS 11.41.410(a)(3),  
24 11.41.420(a)(2), 11.41.420(a)(3), 11.41.425, OR 11.41.427 THAT THE OFFENDER  
25 IS]

26 (1) AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.420(a)(3), 11.41.425,  
27 or 11.41.427 that the offender is mentally incapable; or

28 (2) AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.420(a)(3)(A),  
29 11.41.425(a)(1)(A), 11.41.425(a)(2) - (6), or 11.41.427 that the offender is married  
30 to the person and neither party has filed with the court for a separation, divorce, or  
31 dissolution of the marriage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (2) [REPEALED]

2 (3) [REPEALED]

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

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

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

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

12 (c) Concealment of merchandise is

13 (1) a class C felony if

14 (A) the merchandise is a firearm;

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

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

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

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

27 (2) a class A misdemeanor if

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

31 (B) [REPEALED]

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

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

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

(b) Removal of identification marks is

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

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

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

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

(b) Unlawful possession is

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

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

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

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

(d) Issuing a bad check is

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

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

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

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

\* **Sec. 11.** AS 11.46.285 is amended to read:

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

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

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

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

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

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

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

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

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

**Sec. 11.46.295. Prior convictions.** For purposes of considering prior

convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or  
11.46.140(a)(4) or in prosecuting the crime of concealment of merchandise under  
 AS 11.46.220(c),

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

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

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

\* **Sec. 13.** AS 11.46.360(a) is amended to read:

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

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

(2) the propelled vehicle of another and

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

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

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

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

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

(A) this section or AS 11.46.365;

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

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

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

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

\* **Sec. 14.** AS 11.46 is amended by adding a new section to article 3 to read:

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

(b) In this section,

(1) "altered or shaved key" means a key altered by cutting, filing, or other means to fit multiple vehicles or vehicles other than vehicles for which the key was originally manufactured;

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

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

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

\* **Sec. 15.** AS 11.46.482(a) is amended to read:

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

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

(2) the person recklessly creates a risk of damage in an amount

1 exceeding \$100,000 to property of another by the use of widely dangerous means; or

2 (3) the person knowingly

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

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

10 \* **Sec. 16.** AS 11.46.484(a) is amended to read:

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

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

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

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

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

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

28 \* **Sec. 17.** AS 11.46.486(a) is amended to read:

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

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

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

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

\* **Sec. 18.** AS 11.46.530(b) is amended to read:

(b) Criminal simulation is

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

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

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

\* **Sec. 19.** AS 11.46.620(d) is amended to read:

(d) Misapplication of property is

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

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

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

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

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

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

\* **Sec. 21.** AS 11.46.980 is amended by adding a new subsection to read:

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

\* **Sec. 22.** AS 11.56.810(a) is amended to read:

(a) A person commits the crime of terroristic threatening in the second degree if the person knowingly **communicates a threat** [MAKES A FALSE REPORT THAT A CIRCUMSTANCE]

(1) **to commit a crime against a person or property with reckless disregard of the risk of** [DANGEROUS TO HUMAN LIFE EXISTS OR IS ABOUT TO EXIST AND]

(A) **causing the** [A PERSON IS PLACED IN REASONABLE FEAR OF PHYSICAL INJURY TO ANY PERSON; (B) CAUSES] evacuation of a building, public place or area, business premises, or mode of public transportation;

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

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

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

1 \* **Sec. 23.** AS 11.61.123(a) is amended to read:

2 (a) A person commits the crime of indecent viewing or **production of a**  
3 **picture** [PHOTOGRAPHY] if, in the state, the person knowingly

4 **(1)** views, or **views** [PRODUCES] a picture of, the private exposure of  
5 the genitals, anus, or female breast of another person and the **viewing occurs** [VIEW  
6 OR PRODUCTION IS] without the knowledge or consent of

7 **(A)** [(1)] the parent or guardian of the person viewed, or who is  
8 shown in the picture, if the person who is viewed or shown is under 16 years of  
9 age; **or**

10 **(B)** [AND (2)] the person viewed or shown in the picture, if the  
11 person viewed or shown is at least **16** [13] years of age; **or**

12 **(2) produces a picture of the private exposure of the genitals, anus,**  
13 **or female breast of another person and the production occurs without the**  
14 **knowledge or consent of**

15 **(A) the parent or guardian of the person shown in the**  
16 **picture if the person shown is under 16 years of age; or**

17 **(B) the person shown in the picture if the person shown is**  
18 **at least 16 years of age.**

19 \* **Sec. 24.** AS 11.61.123(c) is amended to read:

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

23 \* **Sec. 25.** AS 11.61.123(d) is amended to read:

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

29 \* **Sec. 26.** AS 11.61.123(f) is amended to read:

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

31 **(1) class B felony if the person violates (a)(2) of this section and the**

person shown in the picture was, at the time of the production of the picture, a minor;

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

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

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

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

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

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

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

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

\* **Sec. 27.** AS 11.61.123 is amended by adding a new subsection to read:

(g) It is a defense to a crime charged under this section that

(1) the acts occurred as part of the normal caretaker responsibilities for a child, interactions with a child, or affection for a child; or

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

\* **Sec. 28.** AS 11.71 is amended by adding a new section to read:

**Sec. 11.71.025. Misconduct involving a controlled substance in the second degree.** (a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the second degree if the person manufactures or delivers, or possesses with intent to manufacture or deliver,

(1) one or more preparations, compounds, mixtures, or substances of an aggregate weight of 100 grams or more containing a schedule IA controlled substance;

(2) 200 or more tablets, ampules, or syrettes containing a schedule IA controlled substance;

(3) one or more preparations, compounds, mixtures, or substances of an aggregate weight of 200 grams or more containing a schedule IIA controlled substance; or

(4) 400 or more tablets, ampules, or syrettes containing a schedule IIA controlled substance.

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

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

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

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

(A) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one gram or more **but less than 100 grams** containing a schedule IA controlled substance;

(B) 25 or more **but less than 200** tablets, ampules, or syrettes containing a schedule IA controlled substance;

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

(i) 2.5 grams or more **but less than 200 grams** containing a schedule IIA **controlled substance**;

(ii) **2.5 grams or more containing a schedule** [OR] IIIA controlled substance; or

(D) 50 or more

(i) **but less than 400** tablets, ampules, or syrettes containing a schedule IIA **controlled substance**;

(ii) **tablets, ampules, or syrettes containing a schedule** [OR] IIIA controlled substance;

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

4 (3) possesses any amount of a schedule IA or IIA controlled substance  
 5 (A) with reckless disregard that the possession occurs  
 6 (i) on or within 500 feet of school grounds; or  
 7 (ii) at or within 500 feet of a recreation or youth center;

8 or

9 (B) on a school bus;

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

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

13 or

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

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

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

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

23 or

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

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

28 (8) under circumstances not proscribed under AS 11.71.010(a)(2),  
 29 delivers

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

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

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

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

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

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

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

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

16 \* **Sec. 31.** AS 11.71.040(a) is amended to read:

17 (a) Except as authorized in AS 17.30, a person commits the crime of  
 18 misconduct involving a controlled substance in the **fourth** [THIRD] degree if the  
 19 person

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

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

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

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

30 (A) with reckless disregard that the possession occurs

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

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

2 or

3 (B) on a school bus;

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

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

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

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

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

20 (10) affixes a false or forged label to a package or other container  
21 containing any controlled substance; [OR]

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

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

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

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

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

(12) under circumstances not proscribed under AS 11.71.030(a)(3) or (3) of this subsection, possesses any amount of a schedule IA or IIA controlled substance and has been previously convicted on two or more separate occasions of a crime under

(A) this paragraph;

(B) AS 11.71.050(a)(4); or

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

\* **Sec. 32.** AS 11.71.040(d) is amended to read:

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

\* **Sec. 33.** AS 11.71.050 is amended to read:

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

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

(2) [REPEALED]

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

(4) under circumstances not proscribed under AS 11.71.030(a)(3), 11.71.040(a)(3), **(4), or (12)** [11.71.040(a)(4)], or 11.71.060(a)(2), possesses any amount of a schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance.

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

\* **Sec. 34.** AS 11.71.060 is amended to read:

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

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

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

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

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

13                       (3) refuses entry into premises [A PREMISE] for an inspection  
 14           authorized under AS 17.30.

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

17       \* **Sec. 35.** AS 11.71.311(a) is amended to read:

18                       (a) A person may not be prosecuted for a violation of AS 11.71.025(a),  
 19                       11.71.030(a)(3), 11.71.040(a)(3), (4), or (12) [AS 11.71.030(a)(3), 11.71.040(a)(3)  
 20                       OR (4)], 11.71.050(a)(4), or 11.71.060(a)(1) or (2) if that person

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

24                              (A) the evidence supporting the prosecution for an offense  
 25           under AS 11.71.025(a), 11.71.030(a)(3), 11.71.040(a)(3), (4), or (12)  
 26           [AS 11.71.030(a)(3), 11.71.040(a)(3) OR (4)], 11.71.050(a)(4), or  
 27           11.71.060(a)(1) or (2) was obtained or discovered as a result of the person  
 28           seeking medical or law enforcement assistance;

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

31                              (C) the person cooperated with medical or law enforcement

1 personnel, including by providing identification;

2 (2) was experiencing a drug overdose and sought medical assistance,  
 3 and the evidence supporting a prosecution for an offense under AS 11.71.025(a),  
 4 11.71.030(a)(3), 11.71.040(a)(3), (4), or (12) [AS 11.71.030(a)(3), 11.71.040(a)(3)  
 5 OR (4)], 11.71.050(a)(4), or 11.71.060(a)(1) or (2) was obtained as a result of the  
 6 overdose and the need for medical assistance.

7 \* **Sec. 36.** AS 12.55.027 is amended by adding a new subsection to read:

8 (i) A court may grant credit under this section for time spent in a treatment  
 9 program or under electronic monitoring only if the court finds that the sentence,  
 10 including any credit toward the sentence of imprisonment, meets the requirements of  
 11 AS 12.55.005.

12 \* **Sec. 37.** AS 12.55.125(d) is amended to read:

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

17 (1) if the offense is a first felony conviction and does not involve  
 18 circumstances described in (2) or 3 of this subsection, 90 days [ZERO] to two years; a  
 19 defendant sentenced under this paragraph may, if the court finds it appropriate, be  
 20 granted a suspended imposition of sentence under AS 12.55.085;

21 (2) if the offense is a first felony conviction, the defendant violated  
 22 AS 11.41.130, and the victim was

23 (A) a child under 16 years of age, two to four years; or

24 (B) was 16 years of age or older, one to three years;

25 (3) if the offense is a first felony conviction under  
 26 AS 11.71.030(a)(4), (5), (6), (7), or (8) for manufacture or possession with intent  
 27 to manufacture a controlled substance that is listed in AS 11.71.150(e)(2) and

28 (A) the manufacture or possession with intent to  
 29 manufacture occurred in a building with reckless disregard that the  
 30 building was used as a permanent or temporary home or place of lodging  
 31 for one or more children under 18 years of age, or a place frequented by

children, two to four years; or

(B) in the course of manufacturing, the defendant obtained the assistance of one or more children under 18 years of age, or one or more children were present, two to four years;

(4) [(3)] if the offense is a second felony conviction, two to five years;

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

\* **Sec. 38.** AS 12.55.125(i) is amended to read:

(i) A defendant convicted of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) sexual assault in the second degree, sexual abuse of a minor in the second degree, online enticement of a minor under AS 11.41.452(d), unlawful exploitation of a minor under AS 11.41.455(c)(1), **indecent viewing or production of a picture under AS 11.61.123(f)(1)**, or distribution of child pornography under AS 11.61.125(e)(2) may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following

presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

(A) if the offense is a first felony conviction, two to 12 years;

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

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

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

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

\* **Sec. 39.** AS 12.55.135(a) is amended to read:

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

1 (1) one year, if the

2 (A) conviction is for a crime with a mandatory minimum term  
3 of 30 days or more of active imprisonment;

4 (B) trier of fact finds the aggravating factor that the conduct  
5 constituting the offense was among the most serious conduct included in the  
6 definition of the offense;

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

10 (D) conviction is for an assault in the fourth degree under  
11 AS 11.41.230; or

12 (E) conviction is for a violation of

13 (i) AS 11.41.427;

14 (ii) AS 11.41.440;

15 (iii) AS 11.41.460, if the indecent exposure is before a  
16 person under 16 years of age;

17 (iv) AS 11.61.116(c)(2); or

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

19 (2) 90 [30] days.

20 \* **Sec. 40.** AS 12.55.135(b) is amended to read:

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

23 (1) 30 [10] days unless otherwise specified in the provision of law  
24 defining the offense or in this section;

25 (2) 90 days if the conviction is for a violation of

26 (A) AS 11.61.116(c)(1) and the person is 21 years of age or  
27 older; or

28 (B) AS 11.61.120(a)(6) and the person is 21 years of age or  
29 older; or

30 (3) five days if the conviction is for a violation of AS 11.56.757.

31 \* **Sec. 41.** AS 12.55.135(n) is amended to read:

(n) A court sentencing a person convicted of misconduct involving a controlled substance in the fifth [FOURTH] degree under AS 11.71.050(a)(4) or misconduct involving a controlled substance in the sixth [FIFTH] degree under AS 11.71.060(a)(2) may not impose

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

(2) a sentence of suspended imprisonment greater than

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

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

\* **Sec. 42.** AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in the second degree, sexual abuse of a minor in the second degree, unlawful exploitation of a minor, indecent viewing or production of a picture under AS 11.61.123(f)(1) or (2), distribution of child pornography, sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, online enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes;

\* **Sec. 43.** AS 12.63.010(d) is amended to read:

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

(1) for 15 years under (a) of this section and AS 12.63.020 [AS 12.63.020(a)(2)] shall, annually, during the term of a duty to register under AS 12.63.020, on a date set by the department at the time of the sex offender's or child kidnapper's initial registration, provide written verification to the department, in the manner required by the department, of the sex offender's or child kidnapper's address

1 and notice of any changes to the information previously provided under (b)(1) of this  
2 section;

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

8 \* **Sec. 44.** AS 12.63.010 is amended by adding a new subsection to read:

9 (g) Notwithstanding the requirement to register under this section, a sex  
10 offender or child kidnapper, as that term is defined in AS 12.63.100(6)(B), may  
11 petition the department for removal from the central registry of sex offenders and child  
12 kidnappers and to be exempt from the registration requirements under this section. The  
13 department shall grant the petition if the petitioner submits proof acceptable to the  
14 department that the facts underlying the conviction in another jurisdiction do not  
15 constitute a sex offense or child kidnapping in this state. When the petition is granted,  
16 the department shall remove from the central registry information about the sex  
17 offender or child kidnapper as provided in AS 18.65.087(d)(4).

18 \* **Sec. 45.** AS 12.63.020 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

child kidnapping;

(B) as that term is defined in AS 12.63.100(6)(B), of the duration of the sex offender or child kidnapper's duty under (a) of this section and of the procedure to petition for removal from the central registry; in adopting regulations under this subparagraph, the department shall

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

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

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

(3) procedures to remove a sex offender or child kidnapper, as that term is defined in AS 12.63.100(6)(B), from the central registry of sex offenders and child kidnappers.

\* Sec. 46. AS 12.63.100(6) is amended to read:

(6) "sex offender or child kidnapper" means

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

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

\* Sec. 47. AS 18.65.087(d) is amended to read:

(d) The Department of Public Safety

(1) shall adopt regulations to

(A) allow a sex offender or child kidnapper to review sex offender or child kidnapper registration information that refers to that sex offender or child kidnapper, and if the sex offender or child kidnapper believes

the information is inaccurate or incomplete, to request the department to correct the information; if the department finds the information is inaccurate or incomplete, the department shall correct or supplement the information;

(B) ensure the appropriate circulation to law enforcement agencies of information contained in the central registry;

(C) ensure the anonymity of members of the public who request information under this section;

(2) shall provide to the Department of Corrections and municipal police departments the forms and directions necessary to allow sex offenders and child kidnappers to comply with AS 12.63.010;

(3) may adopt regulations to establish fees to be charged for registration under AS 12.63.010 and for information requests; the fee for registration shall be based on [UPON] the actual costs of performing the registration and maintaining the central registry but may not be set at a level whereby registration is discouraged; the fee for an information request may not be greater than \$10;

(4) shall remove from the central registry of sex offenders and child kidnappers under this section information about a sex offender or child kidnapper

(A) required to register under AS 12.63.020(a)(2) at the end of the sex offender's or child kidnapper's duty to register if the offender or kidnapper has not been convicted of another sex offense or child kidnapping and the offender or kidnapper has supplied proof of unconditional discharge acceptable to the department;

(B) who has successfully petitioned the Department of Public Safety to be removed from the central registry of sex offenders and child kidnappers under AS 12.63.010(g) [IN THIS PARAGRAPH, "SEX OFFENSE" AND "CHILD KIDNAPPING" HAVE THE MEANINGS GIVEN IN AS 12.63.100].

\* **Sec. 48.** AS 18.65.087 is amended by adding a new subsection to read:

(j) In this section, "sex offense" and "child kidnapping" have the meanings given in AS 12.63.100.

\* **Sec. 49.** AS 28.35.030(o) is amended to read:

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

(1) may restore the driver's license if

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

(B) the person has not been convicted of a [DRIVING-RELATED] criminal offense in the 10 years preceding the request for restoration of [SINCE] the license [WAS REVOKED]; and

(C) the person provides proof of financial responsibility;

(2) shall restore the driver's license if

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

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

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

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

(E) the person provides proof of financial responsibility.

\* **Sec. 50.** AS 28.35.032(q) is amended to read:

(q) Upon request, the department shall review a driver's license revocation imposed under (p)(3) of this section and, unless the revocation was ordered in a case in which the person was also convicted of a crime under AS 11.41.100 -

1 11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction, may  
 2 restore the driver's license if

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

4 (2) the person has not been convicted of a criminal offense in the 10  
 5 years preceding the request for restoration of [SINCE] the license [WAS  
 6 REVOKED]; and

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

8 \* **Sec. 51.** AS 33.30.011(a) is amended to read:

9 (a) The commissioner shall

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

15 (2) classify prisoners;

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

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

20 (B) maintain health;

21 (C) create or improve occupational skills;

22 (D) enhance educational qualifications;

23 (E) support court-ordered restitution; and

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

26 (4) provide necessary

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

30 (B) psychological or psychiatric treatment if a physician or  
 31 other health care provider, exercising ordinary skill and care at the time of

1 observation, concludes that

2 (i) a prisoner exhibits symptoms of a serious disease or  
3 injury that is curable or may be substantially alleviated; and

4 (ii) the potential for harm to the prisoner by reason of  
5 delay or denial of care is substantial; and

6 (C) assessment or screening of the risks and needs of offenders  
7 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal  
8 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based  
9 disorder;

10 (5) establish minimum standards for sex offender treatment programs  
11 offered to persons who are committed to the custody of the commissioner;

12 (6) provide for fingerprinting in correctional facilities in accordance  
13 with AS 12.80.060;

14 (7) establish a program to conduct assessments of the risks and needs  
15 of offenders sentenced to serve a term of incarceration of 90 [30] days or more [AND  
16 PROVIDE TO THE LEGISLATURE, BY ELECTRONIC MEANS, BY JANUARY  
17 15, 2017, AND THEREAFTER BY JANUARY 15, PRECEDING THE FIRST  
18 REGULAR SESSION OF EACH LEGISLATURE, A REPORT SUMMARIZING  
19 THE FINDINGS AND RESULTS OF THE PROGRAM]; the program must include a  
20 requirement for an assessment before a prisoner's release on parole, furlough, or  
21 electronic monitoring from a correctional facility;

22 (8) establish a procedure that provides for each prisoner required to  
23 serve an active term of imprisonment of 90 [30] days or more a written case plan that

24 (A) **takes effect and** is provided to the prisoner within 90 days  
25 after sentencing;

26 (B) is based on the results of the assessment of the prisoner's  
27 risks and needs under (7) of this subsection;

28 (C) includes a requirement to follow the rules of the institution;

29 (D) is modified when necessary for changes in classification,  
30 housing status, medical or mental health, and resource availability;

31 (E) includes participation in programming that addresses the

needs identified in the assessment;

(9) establish a program to begin reentry planning with each prisoner serving an active term of imprisonment of 90 days or more; reentry planning must begin at least 90 days before release on furlough or probation or parole; the reentry program must include

(A) a written reentry plan for each prisoner completed upon release on furlough or probation or parole that includes information on the prisoner's proposed

(i) residence;

(ii) employment or alternative means of support;

(iii) treatment options;

(iv) counseling services;

(v) education or job training services;

(B) any other requirements for successful transition back to the community, including electronic monitoring or furlough for the period between a scheduled parole hearing and parole eligibility;

(C) coordination with the Department of Labor and Workforce Development to provide access, after release, to job training and employment assistance; **and**

**(D) coordination with community reentry coalitions or other providers of reentry services if available;**

(10) for offenders under electronic monitoring, establish

(A) minimum standards for electronic monitoring, which may include the requirement of active, real-time monitoring using global positioning systems; and

(B) procedures for oversight and approving electronic monitoring programs and systems provided by private contractors; [AND]

(11) assist a prisoner in obtaining a valid state identification card if the prisoner does not have a valid state identification card before the prisoner's release; the department shall pay the application fee for the identification card; **and**

**(12) provide to the legislature, by electronic means, by January 10**

preceding the first regular session of each legislature, a report summarizing the findings and results of the program established under (7) of this subsection; the report must include

(A) the number of prisoners who were provided with written case plans under (8) of this subsection;

(B) the number of written case plans under (8) of this subsection initiated within the preceding year; and

(C) the number of written case plans under (8) of this subsection that were updated in the preceding year.

\* **Sec. 52.** AS 34.03.360(7) is amended to read:

(7) "illegal activity involving a controlled substance" means a violation of AS 11.71.010(a), 11.71.025, 11.71.030(a)(1), (2), or (4) - (8), or 11.71.040(a)(1), (2), or (5);

\* **Sec. 53.** AS 44.19.647(a) is amended to read:

(a) The commission shall submit to the governor and the legislature an annual report. The report must include

(1) a description of its proceedings for the previous calendar year;

(2) a summary of savings and recommendations on how savings from criminal justice reform should be reinvested to reduce recidivism;

(3) performance metrics and outcomes from the recommendations the commission made in its December 2015 report, including recidivism rates, defined as

(A) the percentage of inmates who return to prison within three years after release, broken down by offense type and risk level; and

(B) the percentage of inmates who return to prison within three years after release for a new criminal conviction, broken down by offense type and risk level; [AND]

(4) recommendations for additional reforms, which may include recommendations for legislative and administrative action; and

(5) data reported by the Department of Law under AS 44.23.040.

\* **Sec. 54.** AS 44.23.020 is amended by adding a new subsection to read:

(k) The attorney general, in consultation with the commissioner of public

1 safety, shall

2 (1) develop a tool to track felony sex offenses reported to the  
3 Department of Public Safety by geographic location; the tracking tool must include a  
4 means to record the reason a reported offense was not referred for prosecution or, if  
5 referred, the reason the offense was not prosecuted and, if applicable, the reason a sex  
6 offense charged as a felony resulted in a conviction of an offense other than a sex  
7 offense under a plea agreement;

8 (2) develop regulations and procedures to implement the requirements  
9 established under (1) of this subsection; and

10 (3) provide training for the implementation of the regulations and  
11 procedures established under (2) of this subsection in each state department as  
12 necessary.

13 \* **Sec. 55.** AS 44.23.040 is amended by adding a new subsection to read:

14 (b) The Department of Law, in consultation with the Department of Public  
15 Safety, shall gather and report data on felony sex offenses to the Alaska Judicial  
16 Council. The data must include

17 (1) the number of felony sex offenses reported to the Department of  
18 Public Safety that were not referred for prosecution;

19 (2) the number of felony sex offenses referred for prosecution that  
20 were not prosecuted;

21 (3) the number of felony sex offenses that resulted in a conviction for a  
22 crime other than a sex offense; and

23 (4) the number of sex offenses referred for prosecution that were  
24 charged as a felony and, under a plea agreement, resulted in a conviction for a crime  
25 other than a sex offense.

26 \* **Sec. 56.** AS 44.41 is amended by adding a new section to read:

27 **Sec. 44.41.065. Sexual assault examination kits.** (a) When a law enforcement  
28 agency collects a sexual assault examination kit under AS 18.68.010, the agency shall

29 (1) within 30 days after the agency collects the sexual assault  
30 examination kit, send the sexual assault examination kit to an accredited laboratory in  
31 coordination with the Department of Public Safety or a laboratory operated by the

1 Department of Public Safety;

2 (2) ensure that the laboratory to which the sexual assault examination  
3 kit is sent under (1) of this subsection conducts a serological or DNA test on the  
4 sexual assault examination kit within one year after the laboratory receives the sexual  
5 assault examination kit; and

6 (3) within two weeks after the laboratory that receives the sexual  
7 assault examination kit under (1) of this subsection completes serological or DNA  
8 testing, make a reasonable effort to notify the victim from whom the sexual assault  
9 examination kit was collected that the sexual assault examination kit has been tested.

10 (b) A criminal action may not be dismissed nor the evidence deemed  
11 nonadmissible for failure to be tested within the times established in (a)(1) and (2) of  
12 this section.

13 (c) If a case is resolved before a sexual assault examination kit is tested, a law  
14 enforcement agency is not required to meet the time limits established in (a) of this  
15 section.

16 (d) In this section,

17 (1) "law enforcement agency" or "agency" has the meaning given to  
18 "law enforcement agency" in AS 12.36.090;

19 (2) "victim" has the meaning given in AS 11.41.470.

20 \* **Sec. 57.** AS 44.41.070(a) is amended to read:

21 (a) By September 1 of each year, each law enforcement agency and state  
22 department charged with the maintenance, storage, and preservation of sexual assault  
23 examination kits shall conduct an inventory of untested sexual assault examination kits  
24 and report, in writing, to the Department of Public Safety the number of untested  
25 sexual assault examination kits in the possession of the agency or department, **the**  
26 **number of sexual assault examination kits that the law enforcement agency or**  
27 **state department has determined is ineligible for testing under (e) of this section,**  
28 **with the reason or reasons the untested sexual assault examination kits were**  
29 **determined to be ineligible for testing,** and the date on which each untested sexual  
30 assault examination kit was collected.

31 \* **Sec. 58.** AS 44.41.070(b) is amended to read:

(b) By November 1 of each year, the Department of Public Safety shall prepare and transmit a report to the president of the senate and the speaker of the house of representatives that contains

(1) the number of untested sexual assault examination kits stored by each law enforcement agency or department and the number of sexual assault examination kits that the law enforcement agency or state department has determined is ineligible for testing under (e) of this section, with the reason or reasons the untested sexual assault examination kits were determined to be ineligible for testing;

(2) the date each untested sexual assault examination kit was collected; and

(3) a plan for addressing the backlog and prevention of a backlog of untested sexual assault examination kits.

\* **Sec. 59.** AS 44.41.070 is amended by adding a new subsection to read:

(e) A sexual assault examination kit is ineligible for testing if the law enforcement agency or state department finds that the sexual assault examination kit

(1) is scientifically unviable;

(2) does not meet eligibility requirements for inclusion in the Combined DNA Index System database; or

(3) was collected from a person who wishes to remain anonymous.

\* **Sec. 60.** AS 47.12.315(a) is amended to read:

(a) Notwithstanding AS 47.12.310 and except as otherwise provided in this section, the department shall disclose information to the public, on request, concerning a minor subject to this chapter who was at least 13 years of age at the time of commission of

(1) a felony offense against a person under AS 11.41;

(2) arson in the first or second degree;

(3) burglary in the first degree;

(4) distribution of child pornography;

(5) sex trafficking in the first degree;

(6) misconduct involving a controlled substance in the first, [OR]

second, or third degrees involving distribution or possession with intent to deliver; or  
 (7) misconduct involving weapons in the first through fourth degrees.

\* **Sec. 61.** AS 11.46.980(d) and 11.46.982 are repealed.

\* **Sec. 62.** The uncodified law of the State of Alaska is amended by adding a new section to read:

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

- (1) AS 11.41.110(a), as amended by sec. 1 of this Act;
- (2) AS 11.41.150(a), as amended by sec. 2 of this Act;
- (3) AS 11.41.432(a), as amended by sec. 3 of this Act;
- (4) AS 11.46.130(a), as amended by sec. 4 of this Act;
- (5) AS 11.46.140(a), as amended by sec. 5 of this Act;
- (6) AS 11.46.150(a), as amended by sec. 6 of this Act;
- (7) AS 11.46.220(c), as amended by sec. 7 of this Act;
- (8) AS 11.46.260(b), as amended by sec. 8 of this Act;
- (9) AS 11.46.270(b), as amended by sec. 9 of this Act;
- (10) AS 11.46.280(d), as amended by sec. 10 of this Act;
- (11) AS 11.46.285, as amended by sec. 11 of this Act;
- (12) AS 11.46.295, as amended by sec. 12 of this Act;
- (13) AS 11.46.360(a), as amended by sec. 13 of this Act;
- (14) AS 11.46.370, enacted by sec. 14 of this Act;
- (15) AS 11.46.482(a), as amended by sec. 15 of this Act;
- (16) AS 11.46.484(a), as amended by sec. 16 of this Act;
- (17) AS 11.46.486(a), as amended by sec. 17 of this Act;
- (18) AS 11.46.530(b), as amended by sec. 18 of this Act;
- (19) AS 11.46.620(d), as amended by sec. 19 of this Act;
- (20) AS 11.46.730(c), as amended by sec. 20 of this Act;
- (21) AS 11.46.980(e), enacted by sec. 21 of this Act;
- (22) AS 11.56.810(a), as amended by sec. 22 of this Act;
- (23) AS 11.61.123(a), as amended by sec 23 of this Act;
- (24) AS 11.61.123(c), as amended by sec 24 of this Act;

- (25) AS 11.61.123(d), as amended by sec 25 of this Act;
- (26) AS 11.61.123(f), as amended by sec 26 of this Act;
- (27) AS 11.61.123(g), enacted by sec 27 of this Act;
- (28) AS 11.71.025, enacted by sec. 28 of this Act;
- (29) AS 11.71.030(a), as amended by sec. 29 of this Act;
- (30) AS 11.71.030(d), as amended by sec. 30 of this Act;
- (31) AS 11.71.040(a), as amended by sec. 31 of this Act;
- (32) AS 11.71.040(d), as amended by sec. 32 of this Act;
- (33) AS 11.71.050, as amended by sec. 33 of this Act;
- (34) AS 11.71.060, as amended by sec. 34 of this Act;
- (35) AS 11.71.311(a), as amended by sec. 35 of this Act;
- (36) AS 12.55.185(16), as amended by sec. 42 of this Act;
- (37) AS 28.35.030(o), as amended by sec. 49 of this Act;
- (38) AS 28.35.032(q), as amended by sec. 50 of this Act.

(b) The following sections apply to sentences imposed on or after the effective date of those sections:

- (1) AS 12.55.027(i), enacted by sec. 36 of this Act;
- (2) AS 12.55.125(d), as amended by sec. 37 of this Act;
- (3) AS 12.55.125(i), as amended by sec. 38 of this Act;
- (4) AS 12.55.135(a), as amended by sec. 39 of this Act;
- (5) AS 12.55.135(b), as amended by sec. 40 of this Act;
- (6) AS 12.55.135(n), as amended by sec. 41 of this Act.

(c) The following sections apply to the duty to register as a sex offender for offenses committed on or after the effective date of those sections:

- (1) AS 12.63.010(d), as amended by sec. 43 of this Act;
- (2) AS 12.30.010(g), enacted by sec. 44 of this Act;
- (3) AS 12.63.020, as amended by sec. 45 of this Act;
- (4) AS 12.63.100(6), as amended by sec. 46 of this Act.

\* **Sec. 63.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT TO LEGISLATURE; COMMISSIONER OF CORRECTIONS. On or

1 before January 10, 2020, the commissioner of corrections shall provide a report to the  
2 legislature as described under AS 33.30.011(a)(12), enacted by sec. 51 of this Act. The  
3 commissioner shall submit the report to the senate secretary and chief clerk of the house of  
4 representatives and notify the legislature that the report is available.