

HOUSE BILL NO. 254

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE REINBOLD

Introduced: 5/17/17

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal law and procedure; relating to controlled substances;**
2 **relating to victims of criminal offenses; relating to probation; relating to sentencing;**
3 **relating to treatment program credit for time spent toward service of a sentence of**
4 **imprisonment; relating to the Violent Crimes Compensation Board; relating to**
5 **permanent fund dividends; relating to electronic monitoring; relating to penalties for**
6 **violating municipal ordinances; relating to parole; relating to community work service;**
7 **relating to revocation, termination, suspension, cancellation, or restoration of a driver's**
8 **license; relating to the duties of the commissioner of corrections; relating to the duties of**
9 **the Department of Health and Social Services; relating to civil in rem forfeiture actions;**
10 **providing for an effective date by repealing sec. 193, ch. 36, SLA 2016; and providing**
11 **for an effective date."**

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

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

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

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

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

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

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

20 (3) under circumstances not amounting to murder in the first degree
21 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
22 person commits or attempts to commit arson in the first degree, kidnapping, sexual
23 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
24 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
25 degree, escape in the first or second degree, robbery in any degree, or misconduct
26 involving a controlled substance under AS 11.71.010(a), **11.71.021(a),**
27 **11.71.030(a)(2) or (9)** [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2)
28 and, in the course of or in furtherance of that crime or in immediate flight from that
29 crime, any person causes the death of a person other than one of the participants;

30 (4) acting with a criminal street gang, the person commits or attempts
31 to commit a crime that is a felony and, in the course of or in furtherance of that crime

1 or in immediate flight from that crime, any person causes the death of a person other
2 than one of the participants; or

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

6 (A) a felony violation of AS 11.41;

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

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

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

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

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

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

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

28 (4) knowingly engages in conduct that results in the death of an unborn
29 child under circumstances manifesting an extreme indifference to the value of human
30 life; for purposes of this paragraph, a pregnant woman's decision to remain in a
31 relationship in which domestic violence, as defined in AS 18.66.990, has occurred

1 does not constitute conduct manifesting an extreme indifference to the value of human
2 life.

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

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

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

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

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

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

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

15 (6) the value of the property [, ADJUSTED FOR INFLATION AS
16 PROVIDED IN AS 11.46.982,] is \$250 or more but less than \$750 [\$1,000] and,
17 within the preceding five years, the person has been convicted and sentenced on two
18 or more separate occasions in this or another jurisdiction of

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

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

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

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

27 (7) the property is an access device.

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

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

31 (1) the value of the property or services [, ADJUSTED FOR

1 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than **\$750**
 2 [\$1,000]; or

3 (2) [REPEALED]

4 (3) [REPEALED]

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

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

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

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

14 (c) Concealment of merchandise is

15 (1) a class C felony if

16 (A) the merchandise is a firearm;

17 (B) the value of the merchandise [, ADJUSTED FOR
 18 INFLATION AS PROVIDED IN AS 11.46.982,] is **\$750** [\$1,000] or more; or

19 (C) the value of the merchandise [, ADJUSTED FOR
 20 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
 21 \$1,000 and, within the preceding five years, the person has been convicted and
 22 sentenced on two or more separate occasions in this or another jurisdiction of

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

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

29 (2) a class A misdemeanor if

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

1 **\$750** [\$1,000]; or

2 (B) [REPEALED]

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

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

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

11 (b) Removal of identification marks is

12 (1) a class C felony if the value of the property on which the serial
 13 number or identification mark appeared [, ADJUSTED FOR INFLATION AS
 14 PROVIDED IN AS 11.46.982,] is **\$750** [\$1,000] or more;

15 (2) a class A misdemeanor if the value of the property on which the
 16 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
 17 PROVIDED IN AS 11.46.982,] is \$250 or more but less than **\$750** [\$1,000];

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

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

22 (b) Unlawful possession is

23 (1) a class C felony if the value of the property on which the serial
 24 number or identification mark appeared [, ADJUSTED FOR INFLATION AS
 25 PROVIDED IN AS 11.46.982,] is **\$750** [\$1,000] or more;

26 (2) a class A misdemeanor if the value of the property on which the
 27 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
 28 PROVIDED IN AS 11.46.982,] is \$250 or more but less than **\$750** [\$1,000];

29 (3) a class B 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 less than \$250.

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

2 (d) Issuing a bad check is

3 (1) a class B felony if the face amount of the check [, ADJUSTED
4 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$25,000 or more;

5 (2) a class C felony if the face amount of the check [, ADJUSTED
6 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is **\$750** [\$1,000] or more but
7 less than \$25,000;

8 (3) a class A misdemeanor if the face amount of the check [,
9 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more
10 but less than **\$750** [\$1,000];

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

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

14 (b) Fraudulent use of an access device is

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

18 (2) a class C felony if the value of the property or services obtained [,
19 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is **\$750** [\$1,000]
20 or more but less than \$25,000;

21 (3) a class A misdemeanor if the value of the property or services
22 obtained [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less
23 than **\$750** [\$1,000].

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

25 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior
26 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) **or**
27 **11.46.140(a)(4)** or in prosecuting the crime of concealment of merchandise under
28 AS 11.46.220(c),

29 (1) a conviction for an offense under another law or ordinance with
30 similar elements is a conviction of an offense having elements similar to those of an
31 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 [\$1,000] 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 [\$1,000] 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

1 this paragraph.

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

3 (a) A person commits the crime of arson in the third degree if the person
4 intentionally damages a motor vehicle

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

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

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

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

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

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

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

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

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

24 (1) with intent to damage property of another, the person damages
25 property of another in an amount [, ADJUSTED FOR INFLATION AS PROVIDED
26 IN AS 11.46.982,] of \$750 [\$1,000] or more;

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

29 (3) the person knowingly

30 (A) defaces, damages, or desecrates a cemetery or the contents
31 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,

grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected;

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

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

(a) A person commits the crime of criminal mischief in the fourth 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 \$250 or more but less than \$750 [\$1,000];

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

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

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

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

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

(a) A person commits the crime of criminal mischief in the fifth degree if, having no right to do so or any reasonable ground to believe the person has such a 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 knowing it has been stolen
or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

* **Sec. 19.** 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**
[\$1,000] 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** [\$1,000];

(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. 20.** 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** [\$1,000]
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**
[\$1,000].

* **Sec. 21.** 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** [\$1,000] 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 [, ADJUSTED FOR INFLATION AS
PROVIDED IN AS 11.46.982,] is \$25,000 or more;

(2) a class C felony if the loss [, ADJUSTED FOR INFLATION AS

1 PROVIDED IN AS 11.46.982,] is \$750 [\$1,000] or more but less than \$25,000.

2 * **Sec. 22.** 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. 23.** 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

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

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

(a) A person commits the **crime** [OFFENSE] of violation of condition of release if the person

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

(2) has been released under AS 12.30; and

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

* **Sec. 25.** AS 11.56.757(b) is amended to read:

(b) Violation of condition of release is a

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

(2) class B misdemeanor if the person is released from a charge or conviction of a misdemeanor [VIOLATION PUNISHABLE BY A FINE OF UP TO \$1,000].

* **Sec. 26.** AS 11.61.110(c) is amended to read:

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

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

(d) Promoting an exhibition of fighting animals

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

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

[(A)] a violation

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

(ii) PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000] for the second offense, [;] and

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

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

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

1 person knowingly

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

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

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

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

9 * **Sec. 30.** AS 11.66.110(a) is amended to read:

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

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

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

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

18 * **Sec. 31.** AS 11.66.130(a) is amended to read:

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

21 (1) manages, supervises, controls, or owns, either alone or in
22 association with others, a place of prostitution;

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

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

29 (4) engages in conduct that institutes, aids, or facilitates a prostitution
30 enterprise.

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

(c) Gambling is a violation

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

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

* **Sec. 33.** AS 11.71 is amended by adding a new section to read:

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

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

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

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

or

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

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

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

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

or

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

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

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

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

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

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

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

13 (iii) methamphetamine or its salts, isomers, or salts of
14 isomers in an organic solution.

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

23 (1) the listed chemicals ephedrine, pseudoephedrine,
24 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

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

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

29 (i) retailer or as a wholesaler;

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

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

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

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

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

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

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

* **Sec. 34.** AS 11.71.030(a) is amended to read:

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

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

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

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

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

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

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

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

(A) with reckless disregard that the possession occurs

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

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

or

(B) on a school bus;

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

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

or

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

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

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

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

or

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

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

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

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

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

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

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

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

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

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

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

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

* **Sec. 36.** AS 11.71.040(a) is amended to read:

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

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

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

(3) possesses

1 (A) any amount of a

2 (i) schedule IA controlled substance [LISTED IN
3 AS 11.71.140(e)];

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

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

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

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

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

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

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

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

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

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

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

29 (A) with reckless disregard that the possession occurs

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

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

1 or

2 (B) on a school bus;

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

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

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

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

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

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

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

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

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

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

31 (D) less than 50 tablets, ampules, or syrettes containing a

1 schedule IIA or IIIA controlled substance.

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

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

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

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

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

14 (2) [REPEALED]

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

17 (4) under circumstances not proscribed under AS 11.71.040(a)(3) or
18 11.71.060(a)(2)(B), possesses any amount of a schedule IA, IIA, IIIA, IVA, VA, or
19 VIA controlled substance; **or**

20 **(5) possesses**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the evidence supporting the prosecution for an offense under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) was obtained or discovered as a result of the person seeking medical or law enforcement assistance;

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

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

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

* **Sec. 41.** AS 12.25.150(a), as amended by sec. 50, ch. 36, SLA 2016, is amended to read:

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

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

(a) When a peace officer stops or contacts a person for the commission of [A CLASS C FELONY OFFENSE,] a misdemeanor [,] or the violation of a municipal ordinance, the officer may, in the officer's discretion, issue a citation to the person instead of taking the person before a judge or magistrate under AS 12.25.150, unless [EXCEPT THE OFFICER MAY ARREST IF]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 * **Sec. 45.** AS 12.30.006(b), as amended by sec. 55, ch. 36, SLA 2016, is amended to read:

2 (b) At the first appearance before a judicial officer, a person who is charged
3 with a felony [, OTHER THAN A CLASS C FELONY AND THE PERSON HAS
4 BEEN ASSESSED AS LOW RISK UNDER AS 12.30.011(c)(1),] may be detained up
5 to 48 hours for the prosecuting authority to demonstrate that release of the person
6 under AS 12.30.011(a) [AS 12.30.011] would not reasonably ensure the appearance of
7 the person or will pose a danger to the victim, other persons, or the community.

8 * **Sec. 46.** AS 12.30.006(c), as amended by sec. 56, ch. 36, SLA 2016, is amended to read:

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

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

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

22 * **Sec. 47.** AS 12.30.006(d), as amended by sec. 57, ch. 36, SLA 2016, is amended to read:

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

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

1 and the reason the information was not presented at a previous hearing; in this
 2 paragraph, "new information" **does not include** [INCLUDES] the [PERSON'S]
 3 inability to post the required bail;

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

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

10 * **Sec. 48.** AS 12.30.006(f), as amended by sec. 58, ch. 36, SLA 2016, is amended to read:

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

17 * **Sec. 49.** AS 12.30.011, as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is
 18 repealed and reenacted to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (14) place the person in the custody of an individual who agrees to

1 serve as a third-party custodian of the person as provided in AS 12.30.021;

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

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

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

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

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

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

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

30 (1) except as otherwise provided in this chapter, the burden of proof is
31 on the prosecuting authority that a person charged with an offense should be detained

1 or released with conditions described in (b) of this section or AS 12.30.016;

2 (2) there is a rebuttable presumption that no condition or combination
3 of conditions will reasonably ensure the appearance of the person or the safety of the
4 victim, other persons, or the community, if the person is

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

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

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

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

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

21 * **Sec. 50.** AS 12.30.016(b), as amended by sec. 60, ch. 36, SLA 2016, is amended to read:

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

24 (1) to refrain from

25 (A) consuming alcoholic beverages; or

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

29 (2) to submit to a search without a warrant of the person, the person's
30 personal property, the person's residence, or any vehicle or other property over which
31 the person has control, for the presence of alcoholic beverages by a peace officer [OR

PRETRIAL SERVICES OFFICER] who has reasonable suspicion that the person is violating the conditions of the person's release by possessing alcoholic beverages;

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

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

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

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

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

* **Sec. 51.** AS 12.30.016(c), as amended by sec. 61, ch. 36, SLA 2016, is amended to read:

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

(1) to refrain from

(A) consuming a controlled substance; or

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

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

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

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

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

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

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

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

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

* **Sec. 53.** AS 12.30.021(a), as amended by sec. 62, ch. 36, SLA 2016, is amended to read:

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

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

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

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

* **Sec. 54.** AS 12.30.021(c), as amended by sec. 63, ch. 36, SLA 2016, is amended to read:

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

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

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

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

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

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

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

15 * **Sec. 55.** AS 12.55.025(a) is amended to read:

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

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

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

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

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

31 (B) if applicable, the approximate minimum term of

1 imprisonment the defendant must serve before becoming eligible for release on
2 discretionary [OR ADMINISTRATIVE] parole;

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

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

7 (A) the financial, emotional, and medical effects of the offense
8 on the victim;

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

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

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

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

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

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

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

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

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

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

10 (3) the court has received a written report from the director of the
11 program that

12 (A) states that the defendant has participated in the treatment
13 plan prescribed for the defendant and has complied with the requirements of
14 the plan; and

15 (B) sets out the number of full days the defendant resided in the
16 facility of the treatment program and observed the rules of the treatment
17 program and facility.

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

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

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

24 (2) must be confined at all times to the grounds of the facility or be in
25 the physical custody of an employee of the facility, except for

26 (A) court appearances;

27 (B) meetings with counsel;

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

30 (D) periods during which the resident is permitted to leave the
31 facility for rehabilitative purposes directly related to the person's treatment, so

long as the periods during which the resident is permitted to leave the facility are expressly limited as to both time and purpose by the treatment program;

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

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

* **Sec. 60.** AS 12.55.035(b) is amended to read:

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than

(1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in the first degree;

(2) \$250,000 for a class A felony;

(3) \$100,000 for a class B felony;

(4) \$50,000 for a class C felony;

(5) **\$10,000** [\$25,000] for a class A misdemeanor;

(6) \$2,000 for a class B misdemeanor;

(7) \$500 for a violation.

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

(a) If the defendant defaults in the payment of a fine or any installment or of restitution or any installment, the court may order the defendant to show cause why the defendant should not be sentenced to imprisonment for nonpayment and, if the payment was made a condition of the defendant's probation, may revoke the probation of the defendant [SUBJECT TO THE LIMITS SET OUT IN AS 12.55.110]. In a contempt or probation revocation proceeding brought as a result of failure to pay a fine or restitution, it is an affirmative defense that the defendant was unable to pay despite having made continuing good faith efforts to pay the fine or restitution. If the

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

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

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

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

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

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

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

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

30 (c) The period of probation, together with any extension, may not exceed
 31 (1) **25** [15] years for a felony sex offense; **or**

1 (2) 10 years for any other offense [AN UNCLASSIFIED FELONY
2 UNDER AS 11;

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

5 (4) THREE YEARS FOR A MISDEMEANOR OFFENSE

6 (A) UNDER AS 11.41;

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

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

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

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

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

18 (f) Unless the defendant and the prosecuting authority agree at the probation
19 revocation proceeding or other proceeding [RELATED TO A PROBATION
20 VIOLATION, THE PERSON QUALIFIES FOR A REDUCTION UNDER
21 AS 33.05.020(h), OR A PROBATION OFFICER RECOMMENDS TO THE COURT
22 THAT PROBATION BE TERMINATED AND THE DEFENDANT BE
23 DISCHARGED FROM PROBATION UNDER (g) OF THIS SECTION OR
24 AS 33.05.040], the court may not reduce the specific period of probation or the
25 specific term of suspended incarceration except by the amount of incarceration
26 imposed for a probation violation, if

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

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

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

1 **Sec. 12.55.115. Fixing eligibility for discretionary** [OR
 2 ADMINISTRATIVE] **parole at sentencing.** The court may, as part of a sentence of
 3 imprisonment, further restrict the eligibility of a prisoner for discretionary [OR
 4 ADMINISTRATIVE] parole for a term greater than that required under **AS 33.16.090**
 5 [AS 33.16.089, 33.16.090,] and 33.16.100.

6 * **Sec. 68.** AS 12.55.125(a) is amended to read:

7 (a) A defendant convicted of murder in the first degree or murder of an unborn
 8 child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment
 9 of at least **20** [30] years but not more than 99 years. A defendant convicted of murder
 10 in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years
 11 when

12 (1) the defendant is convicted of the murder of a uniformed or
 13 otherwise clearly identified peace officer, firefighter, or correctional employee who
 14 was engaged in the performance of official duties at the time of the murder;

15 (2) the defendant has been previously convicted of

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

18 (B) murder in the second degree under AS 11.41.110 or former
 19 AS 11.15.030; or

20 (C) homicide under the laws of another jurisdiction when the
 21 offense of which the defendant was convicted contains elements similar to first
 22 degree murder under AS 11.41.100 or second degree murder under
 23 AS 11.41.110;

24 (3) the defendant subjected the murder victim to substantial physical
 25 torture;

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

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

30 * **Sec. 69.** AS 12.55.125(b) is amended to read:

31 (b) A defendant convicted of attempted murder in the first degree, solicitation

to commit murder in the first degree, conspiracy to commit murder in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years. A defendant convicted of murder in the second degree or murder of an unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of imprisonment of at least **10** [15] years but not more than 99 years. A defendant convicted of murder in the second degree shall be sentenced to a definite term of imprisonment of at least 20 years but not more than 99 years when the defendant is convicted of the murder of a child under 16 years of age and the court finds by clear and convincing evidence that the defendant (1) was a natural parent, a stepparent, an adoptive parent, a legal guardian, or a person occupying a position of authority in relation to the child; or (2) caused the death of the child by committing a crime against a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and "position of authority" have the meanings given in AS 11.41.470.

* **Sec. 70.** 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 possessed a firearm, used a dangerous instrument, or caused serious physical injury or death during the commission of the offense, or 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** [FIVE] to **11** [NINE] years;

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

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

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

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

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

* Sec. 71. AS 12.55.125(d) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(1) if the offense is a first felony conviction and does not involve circumstances described in (4) of this subsection, [PROBATION, WITH A SUSPENDED TERM OF IMPRISONMENT OF] zero to two years [18 MONTHS]; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085, and the court may, as a condition of probation under AS 12.55.086, require the defendant to serve an active term of imprisonment within the range specified in this paragraph;

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

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

(4) if the offense is a first felony conviction, and the defendant violated [(A)] AS 08.54.720(a)(15), one to two years [;

(B) AS 28.35.030(n)(1)(A) OR 28.35.032(p)(1)(A), 120 DAYS
TO 239 DAYS;

(C) AS 28.35.030(n)(1)(B) OR 28.35.032(p)(1)(B), 240 DAYS
TO 359 DAYS;

(D) AS 28.35.030(n)(1)(C) OR 23.35.032(p)(1)(C), 360 DAYS
TO TWO YEARS].

*** Sec. 73.** AS 12.55 is amended by adding a new subsection to read:

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

*** Sec. 74.** AS 12.55.135(a) is amended to read:

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

[(1)] one year [, IF THE

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

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

(C) DEFENDANT HAS PAST CRIMINAL CONVICTIONS

FOR CONDUCT VIOLATIVE OF CRIMINAL LAWS, PUNISHABLE AS FELONIES OR MISDEMEANORS, SIMILAR IN NATURE TO THE OFFENSE FOR WHICH THE DEFENDANT IS BEING SENTENCED;

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

(E) CONVICTION IS FOR A VIOLATION OF

(i) AS 11.41.427;

(ii) AS 11.41.440;

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

(iv) AS 11.61.118(a)(2);

(2) 30 DAYS].

* **Sec. 75.** AS 12.55.135(b) is amended to read:

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

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

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

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

(B) AS 11.61.120(a)(6) AND THE PERSON IS 21 YEARS OF AGE OR OLDER].

* **Sec. 76.** AS 12.55.135 is amended by adding a new subsection to read:

(q) A court may not impose a sentence of imprisonment or suspended imprisonment for possession of marijuana in violation of AS 11.71.060 if the defendant alleges, and the court finds, that the defendant was not under formal or informal probation or parole conditions in this or another jurisdiction at the time of the offense; that the defendant possessed the marijuana for the defendant's personal use within the defendant's permanent or temporary residence; and that the defendant has not been previously convicted more than once in this or another jurisdiction for possession of marijuana. If the defendant has not been previously convicted as

described in this subsection, the maximum unsuspended fine that the court may impose is \$500. If the defendant has been previously convicted once as described in this subsection, the maximum unsuspended fine that the court may impose is \$1,000. In this subsection,

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

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

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

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

* **Sec. 77.** AS 12.61.015(a) is amended to read:

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

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

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

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

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

1 or an unsworn oral presentation;

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

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

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

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

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

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

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

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

15 * **Sec. 78.** AS 12.61.017(a) is amended to read:

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

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

22 (1) demotion or suspension;

23 (2) dismissal from employment;

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

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

30 * **Sec. 79.** AS 12.70.130, as amended by sec. 98, ch. 36, SLA 2016, 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 48 [24] hours after arrest, [ABSENT
 6 COMPELLING CIRCUMSTANCES,] including Sundays and holidays, and
 7 complaint shall be made against the accused under oath setting out the ground for the
 8 arrest as in AS 12.70.120. [THE HEARING BEFORE THE JUDGE OR
 9 MAGISTRATE MAY NOT TAKE PLACE MORE THAN 48 HOURS AFTER
 10 ARREST.] Thereafter the answer of the accused shall be heard as if the accused had
 11 been arrested on a warrant.

12 * **Sec. 80.** AS 18.67.020(a) is amended to read:

13 (a) The Violent Crimes Compensation Board is established in the
 14 Department of Administration. The board is composed of three members to be
 15 appointed by the governor. One of the members shall be designated as chair by the
 16 governor. At least one member must be a medical or osteopathic physician [, A
 17 PHYSICIAN ASSISTANT, OR AN ADVANCED NURSE PRACTITIONER]
 18 licensed to practice in this state or holding a retired status license [FROM
 19 PRACTICE] in this state, and one member must be an attorney licensed to practice in
 20 this state or retired from practice in this state.

21 * **Sec. 81.** AS 28.15.191(g) is amended to read:

22 (g) A court that has ordered a person to refrain from consuming alcoholic
 23 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
 24 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
 25 following a conviction under those sections or a similar municipal ordinance [, OR AS
 26 A CONDITION OF PROBATION OR PAROLE FOR ANY OTHER CRIME] shall

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

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

30 (3) inform the person that the person's license and identification card
 31 are subject to cancellation under AS 28.15.161 and AS 18.65.310 and, if the person is

1 otherwise qualified to receive a license or identification card, when the person obtains
 2 a new license or identification card, the license or identification card must list the
 3 restriction imposed by AS 04.16.160 for the period of probation or parole.

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

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

6 (1) drives a motor vehicle on a highway or vehicular way or area at a
 7 time when that person's driver's license, privilege to drive, or privilege to obtain a
 8 license has been canceled, suspended, or revoked in this or another jurisdiction; or

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

11 * **Sec. 83.** AS 28.15.291(b) is repealed and reenacted to read:

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

13 (1) shall impose a minimum sentence of imprisonment

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

18 (B) if the person has been previously convicted, of not less than
 19 10 days;

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

28 (D) if the person's driver's license, privilege to drive, or
 29 privilege to obtain a license was revoked under circumstances described in
 30 AS 28.15.181(c)(2), (3), or (4), if the person was driving in violation of a
 31 limited license issued under AS 28.15.201(d) following that revocation, or if

the person was driving in violation of an ignition interlock device requirement following that revocation, of not less than 30 days and a fine of not less than \$1,000;

(2) may impose additional conditions of probation;

(3) may not

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

(B) suspend imposition of sentence;

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

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

* **Sec. 84.** AS 28.35.028(b) is amended to read:

(b) Once the court elects to proceed under this section, the defendant shall enter a no contest or guilty plea to the offense or shall admit to a probation violation, as appropriate. The state and the defendant may enter into a plea agreement to determine the offense or offenses to which the defendant is required to plead. If the court accepts the agreement, the court shall enforce the terms of the agreement. The court shall enter a judgment of conviction for the offense or offenses for which the defendant has pleaded or an order finding that the defendant has violated probation, as appropriate. A judgment of conviction or an order finding a probation violation must set a schedule for payment of restitution owed by the defendant. In a judgment of conviction and on probation conditions that the court considers appropriate, the court may withhold pronouncement of a period of imprisonment or a fine to provide an incentive for the defendant to complete recommended treatment successfully. Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any mandatory minimum or other sentencing provision applicable to the offense.

1 However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any
 2 other provision of law, the court, at any time after the period when a reduction of
 3 sentence is normally available, may consider and reduce the defendant's sentence [,
 4 INCLUDING IMPRISONMENT, FINE, OR LICENSE REVOCATION,] based on
 5 the defendant's compliance with the treatment plan; when reducing a sentence, the
 6 court (1) may not reduce the sentence below the mandatory minimum sentence for the
 7 offense unless the court finds that the defendant has successfully complied with and
 8 completed the treatment plan and that the treatment plan approximated the severity of
 9 the minimum period of imprisonment, and (2) may consider the defendant's
 10 compliance with the treatment plan as a mitigating factor allowing a reduction of a
 11 sentence under AS 12.55.155(a). A court entering an order finding the defendant has
 12 violated probation may withhold pronouncement of disposition to provide an incentive
 13 for the defendant to complete the recommended treatment successfully.

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

15 (k) Imprisonment required under (b)(1)(A) of this section shall be served **at a**
 16 **community residential center or** by electronic monitoring at a private residence
 17 [UNDER AS 33.30.065]. If electronic monitoring is not available, imprisonment
 18 required under (b)(1)(A) of this section **may** [SHALL] be served at **another**
 19 **appropriate place determined by the commissioner of corrections** [A PRIVATE
 20 RESIDENCE BY OTHER MEANS DETERMINED BY THE COMMISSIONER OF
 21 CORRECTIONS. A PERSON WHO IS SERVING A SENTENCE OF
 22 IMPRISONMENT REQUIRED UNDER (b)(1)(A) OF THIS SECTION BY
 23 ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY NOT BE
 24 SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A PEACE
 25 OFFICER OR A PERSON REQUIRED TO ADMINISTER THE ELECTRONIC
 26 MONITORING UNDER AS 33.30.065(a), EXCEPT UPON PROBABLE CAUSE].
 27 Imprisonment required under (b)(1)(B) - (F) of this section may be served at a
 28 community residential center or at a private residence if approved by the
 29 commissioner of corrections. Imprisonment served at a private residence must include
 30 electronic monitoring [UNDER AS 33.30.065 OR, IF ELECTRONIC MONITORING
 31 IS NOT AVAILABLE, BY OTHER MEANS AS DETERMINED BY THE

COMMISSIONER OF CORRECTIONS]. The cost of imprisonment resulting from the sentence imposed under (b)(1) of this section shall be paid to the state by the person being sentenced **provided, however, that the** [. THE] cost of imprisonment required to be paid under this subsection may not exceed \$2,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065. **While at the community residential center or other appropriate place, a person sentenced under (b)(1)(A) of this section shall perform at least 24 hours of community service work.** A person sentenced under (b)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place, or as required by the commissioner of corrections if the sentence is being served at a private residence. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center, residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

* **Sec. 86.** AS 28.35.030(l) is amended to read:

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

* **Sec. 87.** 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
 [(1)] may restore the driver's license if
(1) [(A)] the license has been revoked for a period of at least 10 years;

1 (2) [(B)] the person has not been convicted of a [DRIVING-
2 RELATED] criminal offense since the license was revoked; and

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

4 (2) SHALL RESTORE THE DRIVER'S LICENSE IF

5 (A) THE PERSON HAS BEEN GRANTED LIMITED
6 LICENSE PRIVILEGES UNDER AS 28.15.201(g) AND HAS
7 SUCCESSFULLY DRIVEN UNDER THAT LIMITED LICENSE FOR
8 THREE YEARS WITHOUT HAVING THE LIMITED LICENSE
9 PRIVILEGES REVOKED;

10 (B) THE PERSON HAS SUCCESSFULLY COMPLETED A
11 COURT-ORDERED TREATMENT PROGRAM UNDER AS 28.35.028 OR
12 A REHABILITATIVE TREATMENT PROGRAM UNDER AS 28.15.201(h);

13 (C) THE PERSON HAS NOT BEEN CONVICTED OF A
14 VIOLATION OF AS 28.35.030 OR 28.35.032 OR A SIMILAR LAW OR
15 ORDINANCE OF THIS OR ANOTHER JURISDICTION SINCE THE
16 LICENSE WAS REVOKED;

17 (D) THE PERSON IS OTHERWISE ELIGIBLE TO HAVE
18 THE PERSON'S DRIVING PRIVILEGES RESTORED AS PROVIDED IN
19 AS 28.15.211; IN AN APPLICATION UNDER THIS SUBSECTION, A
20 PERSON WHOSE LICENSE WAS REVOKED FOR A VIOLATION OF
21 AS 28.35.030(n) OR 28.35.032(p) IS NOT REQUIRED TO SUBMIT
22 COMPLIANCE AS REQUIRED UNDER AS 28.35.030(h) OR 28.35.032(l);
23 AND

24 (E) THE PERSON PROVIDES PROOF OF FINANCIAL
25 RESPONSIBILITY].

26 * **Sec. 88.** AS 28.35.032(o) is amended to read:

27 (o) Imprisonment required under (g)(1)(A) of this section shall be served at a
28 community residential center, or if a community residential center [PRIVATE
29 RESIDENCE BY ELECTRONIC MONITORING UNDER AS 33.30.065. IF
30 ELECTRONIC MONITORING] is not available, at another appropriate place as
31 determined by the commissioner of corrections [IMPRISONMENT UNDER

(g)(1)(A) OF THIS SECTION SHALL BE SERVED AT A PRIVATE RESIDENCE BY OTHER MEANS AS DETERMINED BY THE COMMISSIONER OF CORRECTIONS. A PERSON WHO IS SERVING A SENTENCE OF IMPRISONMENT REQUIRED UNDER (g)(1)(A) OF THIS SECTION BY ELECTRONIC MONITORING AT A PRIVATE RESIDENCE MAY NOT BE SUBJECT TO A SEARCH OF THE PERSON'S DWELLING BY A PEACE OFFICER OR A PERSON REQUIRED TO ADMINISTER THE ELECTRONIC MONITORING UNDER AS 33.30.065(a), EXCEPT UPON PROBABLE CAUSE.]

Imprisonment required under (g)(1)(B) - (F) of this section may be served at a community residential center or at a private residence if approved by the commissioner of corrections. Imprisonment served at a private residence must include electronic monitoring [UNDER AS 33.30.065 OR, IF ELECTRONIC MONITORING IS NOT AVAILABLE, SHALL BE SERVED BY OTHER MEANS AS DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. The cost of imprisonment resulting from the sentence imposed under (g)(1) of this section shall be paid to the state by the person being sentenced **provided, however, that the** [. THE] cost of imprisonment required to be paid under this subsection may not exceed \$2,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065. **While at the community residential center or another appropriate place, a person sentenced under (g)(1)(A) of this section shall perform at least 24 hours of community service work.** A person sentenced under (g)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place, or as required by the commissioner of corrections if the sentence is being served at a private residence. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a

1 correctional center, residential treatment facility, hospital, halfway house, group home,
2 work farm, work camp, or other place that provides varying levels of restriction.

3 * **Sec. 89.** AS 29.10.200(21) is amended to read:

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

6 * **Sec. 90.** AS 29.25.070(a) is amended to read:

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

13 * **Sec. 91.** AS 33.05.040 is amended to read:

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

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

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

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

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

31 (5) perform duties with respect to persons on parole as the

commissioner shall request, and in that service shall be termed a parole officer;

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

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

(8) FOR EACH PROBATIONER WHO OWES RESTITUTION AND WHO IS UNDER THE SUPERVISION OF THE OFFICER, CREATE A RESTITUTION PAYMENT SCHEDULE BASED ON THE PROBATIONER'S INCOME AND ABILITY TO PAY IF THE COURT HAS NOT ALREADY SET A RESTITUTION PAYMENT SCHEDULE.

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

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

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

(c) A prisoner who is not eligible for [SPECIAL MEDICAL, ADMINISTRATIVE, OR] discretionary parole, or who is not released on [SPECIAL MEDICAL, ADMINISTRATIVE, OR] discretionary parole, shall be released on mandatory parole for the term of good time deductions credited under AS 33.20, if the term or terms of imprisonment are two years or more.

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

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

5 * **Sec. 94.** AS 33.16.060(a) is amended to read:

6 (a) The board shall

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

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

13 (3) impose parole conditions on all prisoners released under
14 [SPECIAL MEDICAL, ADMINISTRATIVE,] discretionary [,] or mandatory parole;

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

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

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

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

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

25 (9) execute other responsibilities prescribed by law.

26 * **Sec. 95.** AS 33.16.090(a) is amended to read:

27 (a) A prisoner sentenced to an active term of imprisonment of at least 181
28 days [AND WHO HAS NOT BEEN RELEASED ON ADMINISTRATIVE PAROLE
29 AS PROVIDED IN AS 33.16.089] may, in the discretion of the board, be released on
30 discretionary parole if the prisoner

31 [(1)] has served the amount of time specified under (b) of this section,

except that

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

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

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

(2) IS AT LEAST 60 YEARS OF AGE, HAS SERVED AT LEAST 10 YEARS OF A SENTENCE FOR ONE OR MORE CRIMES IN A SINGLE JUDGMENT, AND HAS NOT BEEN CONVICTED OF AN UNCLASSIFIED FELONY OR A SEXUAL FELONY AS DEFINED IN AS 12.55.185].

* **Sec. 96.** AS 33.16.090(b) is amended to read:

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

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

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

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

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

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

board determines that

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

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

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

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

(B) any term set under AS 12.55.115;

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

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

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

(B) any term set under AS 12.55.115; or

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

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

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

(B) any term set under AS 12.55.115; or

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

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

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

* **Sec. 97.** AS 33.16.100(a) is amended to read:

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

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

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

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

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

* **Sec. 98.** AS 33.16.100(b) is amended to read:

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

1 * **Sec. 99.** AS 33.16.100 is amended by adding a new subsection to read:

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

7 * **Sec. 100.** AS 33.16.120(a) is amended to read:

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

17 * **Sec. 101.** AS 33.16.120(f) is amended to read:

18 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c),
19 [33.16.089, OR 33.16.090,] the board shall make every reasonable effort to notify the
20 victim before the prisoner's release date. Notification under this subsection must
21 include the expected date of the prisoner's release, the geographic area in which the
22 prisoner is required to reside, and other pertinent information concerning the prisoner's
23 conditions of parole that may affect the victim.

24 * **Sec. 102.** AS 33.16.120(g) is amended to read:

25 (g) A victim of a crime involving domestic violence [OR OF A SEXUAL
26 ASSAULT UNDER AS 11.41.410 - 11.41.427] shall be informed by the board at least
27 30 days in advance of a scheduled hearing to review or consider discretionary parole
28 for a prisoner. The board shall inform the victim of any decision to grant or deny
29 discretionary parole or to release the prisoner under AS 33.16.010(c). If the prisoner
30 is to be released, the victim shall be notified of the expected date of the release, the
31 geographic area in which the prisoner will reside, and any other information

concerning conditions of parole that may affect the victim. The victim shall also be informed of any changes in the conditions of parole that may affect the victim. The board shall send the notice required to the last known address of the victim. A person may not bring a civil action for damages for a failure to comply with the provisions of this subsection.

* **Sec. 103.** AS 33.16.130 is repealed and reenacted to read:

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

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

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

* **Sec. 104.** AS 33.16.140 is amended to read:

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

* **Sec. 105.** AS 33.16.150(a) is amended to read:

(a) As a condition of parole, a prisoner released on special medical, [ADMINISTRATIVE,] discretionary, or mandatory parole

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

(2) shall make diligent efforts to maintain steady employment or meet

1 family obligations;

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

5 (4) shall report

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

7 (B) at other times, and in the manner, prescribed by the board
8 or the parole officer assigned to the parolee that accommodate the diligent
9 efforts of the parolee to secure and maintain steady employment or to
10 participate in educational courses or training programs;

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

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

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

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

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

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

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

29 (12) shall provide a blood sample, an oral sample, or both, when
30 requested by a health care professional acting on behalf of the state to provide the
31 sample or samples, or an oral sample when requested by a juvenile or adult

1 correctional, probation, or parole officer, or a peace officer, if the prisoner is being
2 released after a conviction of an offense requiring the state to collect the sample or
3 samples for the deoxyribonucleic acid identification registration, per state editorial
4 review of AS 33 system under AS 41.41.035;

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

8 * **Sec. 106.** AS 33.16.150(b) is amended to read:

9 (b) The board may require as a condition of special medical,
10 [ADMINISTRATIVE,] discretionary, or mandatory parole, or a member of the board
11 acting for the board under (e) of this section may require as a condition of
12 [ADMINISTRATIVE OR] mandatory parole, that a prisoner released on parole

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

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

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

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

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

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

29 (7) refrain from opening, maintaining, or using a checking account or
30 charge account;

31 (8) refrain from entering into a contract other than a prenuptial contract

1 or a marriage contract;

2 (9) refrain from operating a motor vehicle;

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

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

12 (12) refrain from traveling in the state to make diligent efforts to
13 secure or maintain steady employment or to participate in educational courses or
14 training programs only if the travel violates other conditions of parole.

15 * **Sec. 107.** AS 33.16.150(e) is amended to read:

16 (e) The board may designate a member of the board to act on behalf of the
17 board in imposing conditions of [ADMINISTRATIVE OR] mandatory parole under
18 (a) and (b) of this section, in delegating imposition of conditions of
19 [ADMINISTRATIVE OR] mandatory parole under (c) of this section, and in setting
20 the period of compliance with the conditions of [ADMINISTRATIVE OR] mandatory
21 parole under (d) of this section. The decision of a member of the board under this
22 section is the decision of the board. A prisoner or parolee aggrieved by a decision of a
23 member of the board acting for the board under this subsection may apply to the board
24 under AS 33.16.160 for a change in the conditions of [ADMINISTRATIVE OR]
25 mandatory parole.

26 * **Sec. 108.** AS 33.16.150(f) is amended to read:

27 (f) In addition to other conditions of parole imposed under this section, the
28 board may impose as a condition of special medical, [ADMINISTRATIVE,]
29 discretionary, or mandatory parole for a prisoner serving a term for a crime involving
30 domestic violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) -
31 (7); (2) a requirement that, at the prisoner's expense, the prisoner participate in and

complete, to the satisfaction of the board, a program for the rehabilitation of perpetrators of domestic violence that meets the standards set by, and that is approved by, the department under AS 44.28.020(b); and (3) any other condition necessary to rehabilitate the prisoner. The board shall establish procedures for the exchange of information concerning the parolee with the victim and for responding to reports of nonattendance or noncompliance by the parolee with conditions imposed under this subsection. The board may not under this subsection require a prisoner to participate in and complete a program for the rehabilitation of perpetrators of domestic violence unless the program meets the standards set by, and is approved by, the department under AS 44.28.020(b).

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

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

* **Sec. 110.** AS 33.16.180 is amended to read:

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

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

(2) supervise the conduct of parolees;

- 1 (3) appoint and assign parole officers and personnel;
- 2 (4) provide the board, within 30 days after sentencing, information on
- 3 a sentenced prisoner who may be eligible for [ADMINISTRATIVE PAROLE
- 4 UNDER AS 33.16.089 OR] discretionary parole under AS 33.16.090;
- 5 (5) notify the board and provide information on a prisoner 120 days
- 6 before the prisoner's mandatory release date, if the prisoner is to be released on
- 7 mandatory parole; and
- 8 (6) maintain records, files, and accounts as requested by the board [;
- 9 (7) PREPARE PREPAROLE REPORTS UNDER AS 33.16.110(a);
- 10 (8) NOTIFY THE BOARD IN WRITING OF A PRISONER'S
- 11 COMPLIANCE OR NONCOMPLIANCE WITH THE PRISONER'S CASE PLAN
- 12 CREATED UNDER AS 33.30.011(8) NOT LESS THAN 30 DAYS BEFORE THE
- 13 PRISONER'S NEXT PAROLE ELIGIBILITY DATE OR THE PRISONER'S
- 14 PAROLE HEARING DATE, WHICHEVER IS EARLIER;
- 15 (9) ESTABLISH AN ADMINISTRATIVE SANCTION AND
- 16 INCENTIVE PROGRAM TO FACILITATE A SWIFT AND CERTAIN RESPONSE
- 17 TO A PAROLEE'S COMPLIANCE WITH OR VIOLATION OF THE
- 18 CONDITIONS OF PAROLE AND SHALL ADOPT REGULATIONS TO
- 19 IMPLEMENT THE PROGRAM; AT A MINIMUM, THE REGULATIONS MUST
- 20 INCLUDE
- 21 (A) A DECISION-MAKING PROCESS TO GUIDE PAROLE
- 22 OFFICERS IN DETERMINING THE SUITABLE RESPONSE TO
- 23 POSITIVE AND NEGATIVE OFFENDER BEHAVIOR THAT INCLUDES
- 24 A LIST OF SANCTIONS FOR THE MOST COMMON TYPES OF
- 25 NEGATIVE BEHAVIOR, INCLUDING TECHNICAL VIOLATIONS OF
- 26 CONDITIONS OF PAROLE, AND A LIST OF INCENTIVES FOR
- 27 COMPLIANCE WITH CONDITIONS AND POSITIVE BEHAVIOR THAT
- 28 EXCEEDS THOSE CONDITIONS;
- 29 (B) POLICIES AND PROCEDURES THAT ENSURE
- 30 (i) A PROCESS FOR RESPONDING TO NEGATIVE
- 31 BEHAVIOR THAT INCLUDES A REVIEW OF PREVIOUS

1 VIOLATIONS AND SANCTIONS;

2 (ii) THAT ENHANCED SANCTIONS FOR CERTAIN
3 NEGATIVE CONDUCT ARE APPROVED BY THE
4 COMMISSIONER OR THE COMMISSIONER'S DESIGNEE; AND

5 (iii) THAT APPROPRIATE DUE PROCESS
6 PROTECTIONS ARE INCLUDED IN THE PROCESS, INCLUDING
7 NOTICE OF NEGATIVE BEHAVIOR, AN OPPORTUNITY TO
8 DISPUTE THE ACCUSATION AND THE SANCTION, AND AN
9 OPPORTUNITY TO REQUEST A REVIEW OF THE
10 ACCUSATION AND THE SANCTION; AND

11 (10) WITHIN 30 DAYS AFTER SENTENCING OF AN
12 OFFENDER, PROVIDE THE VICTIM OF A CRIME INFORMATION ON THE
13 EARLIEST DATES THE OFFENDER COULD BE RELEASED ON FURLOUGH,
14 PROBATION, OR PAROLE, INCLUDING DEDUCTIONS OR REDUCTIONS
15 FOR GOOD TIME OR OTHER GOOD CONDUCT INCENTIVES, AND THE
16 PROCESS FOR RELEASE, INCLUDING CONTACT INFORMATION FOR THE
17 DECISION-MAKING BODIES].

18 * **Sec. 111.** AS 33.16.200 is amended to read:

19 Sec. 33.16.200. Custody of parolee. Except as provided in AS 33.16.210, the
20 board retains custody of special medical, [ADMINISTRATIVE,] discretionary, and
21 mandatory parolees until the expiration of the maximum term or terms of
22 imprisonment to which the parolee is sentenced.

23 * **Sec. 112.** AS 33.16.210(a) is amended to read:

24 (a) The board may unconditionally discharge a parolee from the jurisdiction
25 and custody of the board after the parolee has completed two years [ONE YEAR] of
26 parole. A discretionary parolee with a residual period of probation may, after two
27 years [ONE YEAR] of parole, be discharged by the board to immediately begin
28 serving the residual period of probation.

29 * **Sec. 113.** AS 33.16.210(b) is amended to read:

30 (b) Notwithstanding (a) of this section, the board may unconditionally
31 discharge a mandatory parolee before the parolee has completed two years [ONE

1 YEAR] of parole if the parolee is serving a concurrent period of residual probation
 2 under AS 33.20.040(c), and the period of residual probation and the period of
 3 suspended imprisonment each equal or exceed the period of mandatory parole.

4 * **Sec. 114.** AS 33.16.220(b) is amended to read:

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

14 * **Sec. 115.** AS 33.16.220(f) is amended to read:

15 (f) The [IF A PAROLEE HAS HAD A PRELIMINARY HEARING UNDER
 16 (b) OF THIS SECTION, THE] board shall hold a final revocation hearing not later
 17 than 120 days after a parolee's arrest, subject to restrictions arising under
 18 AS 33.36.110 and (g) of this section.

19 * **Sec. 116.** AS 33.16.220(i) is amended to read:

20 (i) If, after the final revocation hearing, the board finds that the parolee has
 21 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or
 22 ordinance, the board may revoke all or a portion of the [REMAINING PERIOD OF]
 23 parole [SUBJECT TO THE LIMITS SET OUT IN AS 33.16.215], or change any
 24 condition of parole. [A PAROLEE'S PERIOD OF PAROLE IS TOLLED FROM THE
 25 DATE OF FILING WITH THE PAROLE BOARD OF A VIOLATION REPORT
 26 FOR ABSCONDING AND THE DATE OF THE PAROLEE'S ARREST, IF THE
 27 PAROLE BOARD FINDS, AFTER A HEARING, THAT THE PAROLEE
 28 VIOLATED PAROLE BY ABSCONDING, AS DEFINED IN AS 33.16.215(f). THE
 29 BOARD MAY NOT EXTEND THE PERIOD OF PAROLE BEYOND THE
 30 MAXIMUM RELEASE DATE CALCULATED BY THE DEPARTMENT ON THE
 31 PAROLEE'S ORIGINAL SENTENCE PLUS ANY TIME THAT HAS BEEN

1 TOLLED AS DESCRIBED IN THIS SECTION.]

2 * **Sec. 117.** AS 33.20.010(c) is repealed and reenacted to read:

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

6 * **Sec. 118.** AS 33.30.011(a) is amended to read:

7 (a) The commissioner shall

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

13 (2) classify prisoners;

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

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

18 (B) maintain health;

19 (C) create or improve occupational skills;

20 (D) enhance educational qualifications;

21 (E) support court-ordered restitution; and

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

24 (4) provide necessary

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

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

31 (i) a prisoner exhibits symptoms of a serious disease or

1 injury that is curable or may be substantially alleviated; and

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

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

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

10 (6) provide for fingerprinting in correctional facilities in accordance
11 with AS 12.80.060; **and**

12 (7) establish a program to conduct assessments of the risks and needs
13 of offenders sentenced to serve a term of incarceration of 30 days or more and provide
14 to the legislature, by electronic means, by January 15, 2017, and thereafter by
15 January 15, preceding the first regular session of each legislature, a report
16 summarizing the findings and results of the program [; THE PROGRAM MUST
17 INCLUDE A REQUIREMENT FOR AN ASSESSMENT BEFORE A PRISONER'S
18 RELEASE ON PAROLE, FURLOUGH, OR ELECTRONIC MONITORING FROM
19 A CORRECTIONAL FACILITY;

20 (8) ESTABLISH A PROCEDURE THAT PROVIDES FOR EACH
21 PRISONER REQUIRED TO SERVE AN ACTIVE TERM OF IMPRISONMENT OF
22 30 DAYS OR MORE A WRITTEN CASE PLAN THAT

23 (A) IS PROVIDED TO THE PRISONER WITHIN 90 DAYS
24 AFTER SENTENCING;

25 (B) IS BASED ON THE RESULTS OF THE ASSESSMENT
26 OF THE PRISONER'S RISKS AND NEEDS UNDER (7) OF THIS
27 SUBSECTION;

28 (C) INCLUDES A REQUIREMENT TO FOLLOW THE
29 RULES OF THE INSTITUTION;

30 (D) IS MODIFIED WHEN NECESSARY FOR CHANGES IN
31 CLASSIFICATION, HOUSING STATUS, MEDICAL OR MENTAL

1 HEALTH, AND RESOURCE AVAILABILITY;

2 (E) INCLUDES PARTICIPATION IN PROGRAMMING
3 THAT ADDRESSES THE NEEDS IDENTIFIED IN THE ASSESSMENT;

4 (9) ESTABLISH A PROGRAM TO BEGIN REENTRY PLANNING
5 WITH EACH PRISONER SERVING AN ACTIVE TERM OF IMPRISONMENT
6 OF 90 DAYS OR MORE; REENTRY PLANNING MUST BEGIN AT LEAST 90
7 DAYS BEFORE RELEASE ON FURLOUGH OR PROBATION OR PAROLE; THE
8 REENTRY PROGRAM MUST INCLUDE

9 (A) A WRITTEN REENTRY PLAN FOR EACH PRISONER
10 COMPLETED UPON RELEASE ON FURLOUGH OR PROBATION OR
11 PAROLE THAT INCLUDES INFORMATION ON THE PRISONER'S
12 PROPOSED

13 (i) RESIDENCE;

14 (ii) EMPLOYMENT OR ALTERNATIVE MEANS OF
15 SUPPORT;

16 (iii) TREATMENT OPTIONS;

17 (iv) COUNSELING SERVICES;

18 (v) EDUCATION OR JOB TRAINING SERVICES;

19 (B) ANY OTHER REQUIREMENTS FOR SUCCESSFUL
20 TRANSITION BACK TO THE COMMUNITY, INCLUDING
21 ELECTRONIC MONITORING OR FURLOUGH FOR THE PERIOD
22 BETWEEN A SCHEDULED PAROLE HEARING AND PAROLE
23 ELIGIBILITY;

24 (C) COORDINATION WITH THE DEPARTMENT OF
25 LABOR AND WORKFORCE DEVELOPMENT TO PROVIDE ACCESS,
26 AFTER RELEASE, TO JOB TRAINING AND EMPLOYMENT
27 ASSISTANCE;

28 (10) FOR OFFENDERS UNDER ELECTRONIC MONITORING,
29 ESTABLISH

30 (A) MINIMUM STANDARDS FOR ELECTRONIC
31 MONITORING, WHICH MAY INCLUDE THE REQUIREMENT OF

1 ACTIVE, REAL-TIME MONITORING USING GLOBAL POSITIONING
2 SYSTEMS; AND

3 (B) PROCEDURES FOR OVERSIGHT AND APPROVING
4 ELECTRONIC MONITORING PROGRAMS AND SYSTEMS PROVIDED
5 BY PRIVATE CONTRACTORS; AND

6 (11) ASSIST A PRISONER IN OBTAINING A VALID STATE
7 IDENTIFICATION CARD IF THE PRISONER DOES NOT HAVE A VALID
8 STATE IDENTIFICATION CARD BEFORE THE PRISONER'S RELEASE; THE
9 DEPARTMENT SHALL PAY THE APPLICATION FEE FOR THE
10 IDENTIFICATION CARD].

11 * **Sec. 119.** AS 33.30.013(a) is amended to read:

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

13 [(1)] escapes from custody [;

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

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

17 * **Sec. 120.** AS 33.30.065(a) is amended to read:

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

27 * **Sec. 121.** AS 33.30.151, as amended by sec. 159, ch. 36, SLA 2016, is amended to read:

28 **Sec. 33.30.151. Correctional restitution centers.** (a) The commissioner shall
29 establish correctional restitution centers in the state. The purpose of the centers is to
30 provide certain offenders with rehabilitation through [COMPREHENSIVE
31 TREATMENT FOR SUBSTANCE ABUSE, COGNITIVE BEHAVIORAL

1 DISORDERS, AND OTHER CRIMINAL RISK FACTORS, INCLUDING
 2 AFTERCARE SUPPORT,] community service [,] and employment [,] while
 3 protecting the community through partial incarceration of the offender, and to create a
 4 means to provide restitution to victims of crimes.

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

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

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

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

13 (4) standards for classifying prisoners to centers;

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

16 (6) standards for periodic review of the performance of prisoners
 17 confined to the centers [AND QUALITY ASSURANCE MEASURES TO ENSURE
 18 CENTERS ARE MEETING STATE STANDARDS AND CONTRACTUAL
 19 OBLIGATIONS;

20 (7) STANDARDS FOR THE PROVISION OF TREATMENT,
 21 INCLUDING SUBSTANCE ABUSE TREATMENT, COGNITIVE BEHAVIORAL
 22 THERAPY, AND AFTERCARE DESIGNED TO ADDRESS AN OFFENDER'S
 23 INDIVIDUAL CRIMINOGENIC NEEDS; AND

24 (8) STANDARDS AND A PROCESS TO ASSESS AN
 25 OFFENDER'S RISK OF RECIDIVATING AND THE CRIMINAL RISK FACTORS
 26 AND NEEDS THAT REDUCE THE RISK OF RECIDIVATING AND ENSURE
 27 THAT

28 (A) HIGH RISK OFFENDERS WITH MODERATE TO
 29 HIGH NEEDS ARE A PRIORITY FOR ACCEPTANCE INTO A
 30 CORRECTIONAL RESTITUTION CENTER; AND

31 (B) CENTERS ESTABLISH INTERNAL PROCEDURES TO

LIMIT THE MIXING OF LOW AND HIGH RISK PRISONERS].

* **Sec. 122.** 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), 11.71.021(a), 11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1), (2), or (5);

* **Sec. 123.** AS 44.19.645(a) is amended to read:

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

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

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

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

(4) alternatives to traditional forms of incarceration;

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

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

(7) crime and incarceration rates, including the rate of violent crime and the abuse of controlled substances, in this state compared to other states, and best

practices adopted by other states that have proven to be successful in reducing recidivism;

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

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

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

* **Sec. 124.** AS 44.19.647(a) is amended to read:

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

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

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

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

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

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

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

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

1 * **Sec. 125.** AS 44.66.010(a)(12) is amended to read:

2 (12) Alaska Criminal Justice Commission (AS 44.19.641) - **June 30,**
 3 **2017** [JUNE 30, 2021];

4 * **Sec. 126.** AS 47.12.315(a) is amended to read:

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

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

10 (2) arson in the first or second degree;

11 (3) burglary in the first degree;

12 (4) distribution of child pornography;

13 (5) sex trafficking in the first degree;

14 (6) misconduct involving a controlled substance in the first, [OR]
 15 second, **or third** degrees involving distribution or possession with intent to deliver; or

16 (7) misconduct involving weapons in the first through fourth degrees.

17 * **Sec. 127.** AS 47.37.040 is amended to read:

18 **Sec. 47.37.040. Duties of department.** The department shall

19 (1) develop, encourage, and foster statewide, regional, and local plans
 20 and programs for the prevention of alcoholism and drug abuse and treatment of
 21 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with
 22 public and private agencies, organizations, and individuals, and provide technical
 23 assistance and consultation services for these purposes;

24 (2) coordinate the efforts and enlist the assistance of all public and
 25 private agencies, organizations, and individuals interested in prevention of alcoholism,
 26 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug
 27 abusers, and inhalant abusers;

28 (3) cooperate with the Department of Corrections in establishing and
 29 conducting programs to provide treatment for alcoholics, intoxicated persons, drug
 30 abusers, and inhalant abusers in or on parole from penal institutions;

31 (4) cooperate with the Department of Education and Early

1 Development, school boards, schools, police departments, courts, and other public and
2 private agencies, organizations, and individuals in establishing programs for the
3 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
4 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
5 materials for use at all levels of school education;

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

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

13 (7) organize and foster training programs for all persons engaged in
14 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
15 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant
16 abuse workers;

17 (8) sponsor and encourage research into the causes and nature of
18 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
19 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse
20 for information relating to alcoholism, drug abuse, and inhalant abuse;

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

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

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

31 (12) assist in the development of, and cooperate with, alcohol, drug

1 abuse, and inhalant abuse education and treatment programs for employees of state
2 and local governments and businesses and industries in the state;

3 (13) use the support and assistance of interested persons in the
4 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to
5 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo
6 treatment;

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

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

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

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

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

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

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

31 (A) a court in connection with a charge or conviction of a

1 violation or misdemeanor related to the use of alcohol or a controlled
2 substance;

3 (B) the agency responsible for the administration of motor
4 vehicle laws in connection with a license action related to the use of alcohol or
5 a controlled substance; or

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

8 (21) develop and implement, or designate, in cooperation with other
9 state or local agencies, an alcohol safety action program that provides **alcohol and**
10 **substance abuse screening, referral, and monitoring** services to persons who have
11 been referred by a court **in connection with a charge or conviction of a**
12 **misdemeanor involving the use of a motor vehicle, aircraft, or watercraft and**
13 **alcohol or a controlled substance, referred by a court** under AS 28.35.028 [,
14 28.35.030, OR 28.35.032,] or referred by an agency of the state with the responsibility
15 for administering motor vehicle laws in connection with a driver's license action
16 involving the use of alcohol or a controlled substance;

17 (22) whenever possible, apply evidence-based, research-based, and
18 consensus-based substance abuse and co-occurring substance abuse and mental health
19 disorders treatment practices and remove barriers that prevent the use of those
20 practices;

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

26 * **Sec. 128.** AS 47.38.020 is amended to read:

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

1 beverages.

2 (b) The commissioner shall adopt regulations to implement the program.
 3 [THE REGULATIONS MUST INCLUDE REGULATIONS REGARDING
 4 PRODUCTS AND SERVICES THAT PROVIDE ALCOHOL AND SUBSTANCE
 5 ABUSE MONITORING.]

6 (c) The commissioner shall include in the program

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

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

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

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

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

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

29 * **Sec. 129.** AS 47.38.100(a) is amended to read:

30 (a) The recidivism reduction program is established to promote the
 31 rehabilitation through transitional re-entry programs of persons [ON PROBATION

1 OR PAROLE OR] incarcerated for offenses and recently released from correctional
2 facilities.

3 * **Sec. 130.** AS 47.38.100(b) is amended to read:

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

12 (1) include case management;

13 (2) require sober living;

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

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

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

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

28 * **Sec. 131.** Section 35, ch. 83, SLA 2014, as amended by sec. 177, ch. 36, SLA 2016, is
29 amended to read:

30 Sec. 35. AS 22.20.210 is repealed June 30, 2017 [JUNE 30, 2021].

31 * **Sec. 132.** AS 09.55.700; AS 11.46.980(d), 11.46.982; AS 11.56.730(e); AS 11.66.100(c),

1 11.66.130(b), 11.66.135(b); AS 11.71.030(a)(1), 11.71.030(a)(4), 11.71.030(a)(5),
 2 11.71.030(a)(6), 11.71.030(a)(7), 11.71.030(a)(8), 11.71.030(c), 11.71.030(e),
 3 11.71.040(a)(11), 11.71.050(a)(4); AS 12.25.180(c), 12.25.190(d); AS 12.30.055(b);
 4 AS 12.55.011(b), 12.55.027(f), 12.55.027(g), 12.55.055(g), 12.55.055(h), 12.55.078,
 5 12.55.090(g), 12.55.090(h), 12.55.090(i), 12.55.090(j), 12.55.090(k), 12.55.090(l),
 6 12.55.090(m), 12.55.090(n), 12.55.100(a)(1), 12.55.100(a)(2)(H), 12.55.110(c), 12.55.110(d),
 7 12.55.110(e), 12.55.110(f), 12.55.110(g), 12.55.110(h), 12.55.135(l), 12.55.135(m),
 8 12.55.135(n), 12.55.135(o), 12.55.135(p); AS 12.61.016, 12.61.017(d); AS 22.35.030(4);
 9 AS 28.15.165(e), 28.15.201(g), 28.15.201(h), 28.15.201(i), 28.15.201(j); AS 29.25.070(g);
 10 AS 33.05.020(g), 33.05.020(h), 33.05.080(1); AS 33.16.010(f), 33.16.089, 33.16.100(f),
 11 33.16.100(g), 33.16.110(a)(9), 33.16.110(a)(10), 33.16.120(h), 33.16.150(h), 33.16.150(i),
 12 33.16.210(c), 33.16.215, 33.16.220(j), 33.16.240(h), 33.16.240(i), 33.16.270, 33.16.900(1),
 13 33.16.900(2); AS 33.20.010(a)(4); AS 33.30.095; AS 43.23.065(b)(9); AS 43.61.010(c),
 14 43.61.010(d), 43.61.010(e); AS 44.19.645(b)(3), 44.19.645(b)(4), 44.19.645(c), 44.19.645(d),
 15 44.19.645(e), 44.19.645(f), 44.19.645(g), 44.19.647(b); AS 47.27.015(i); AS 47.37.130(h)(3),
 16 47.37.130(k); and AS 47.38.100(d) are repealed.

17 * **Sec. 133.** Section 117, ch. 36, SLA 2016, and sec. 178, ch. 36, SLA 2016, are repealed.

18 * **Sec. 134.** The uncodified law of the State of Alaska is amended by adding a new section
 19 to read:

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

- 22 (1) AS 11.46.130(a), as amended by sec. 4 of this Act;
- 23 (2) AS 11.46.140(a), as amended by sec. 5 of this Act;
- 24 (3) AS 11.46.150(a), as amended by sec. 6 of this Act;
- 25 (4) AS 11.46.220(c), as amended by sec. 7 of this Act;
- 26 (5) AS 11.46.260(b), as amended by sec. 8 of this Act;
- 27 (6) AS 11.46.270(b), as amended by sec. 9 of this Act;
- 28 (7) AS 11.46.280(d), as amended by sec. 10 of this Act;
- 29 (8) AS 11.46.285(b), as amended by sec. 11 of this Act;
- 30 (9) AS 11.46.295, as amended by sec. 12 of this Act;
- 31 (10) AS 11.46.360(a), as amended by sec. 13 of this Act;

- (11) AS 11.46.420(a), as amended by sec. 14 of this Act;
- (12) AS 11.46.460, as amended by sec. 15 of this Act;
- (13) AS 11.46.482(a), as amended by sec. 16 of this Act;
- (14) AS 11.46.484(a), as amended by sec. 17 of this Act;
- (15) AS 11.46.486(a), as amended by sec. 18 of this Act;
- (16) AS 11.46.530(b), as amended by sec. 19 of this Act;
- (17) AS 11.46.620(d), as amended by sec. 20 of this Act;
- (18) AS 11.46.730(c), as amended by sec. 21 of this Act;
- (19) AS 11.56.730(d), as amended by sec. 23 of this Act;
- (20) AS 11.56.757(b), as amended by sec. 25 of this Act;
- (21) AS 11.61.110(c), as amended by sec. 26 of this Act;
- (22) AS 11.61.150(c), as amended by sec. 29 of this Act;
- (23) AS 11.66.110(a), as amended by sec. 30 of this Act;
- (24) AS 11.66.130(a), as amended by sec. 31 of this Act;
- (25) AS 11.66.200(c), as amended by sec. 32 of this Act;
- (26) AS 11.71.021, enacted by sec. 33 of this Act;
- (27) AS 11.71.030(a), as amended by sec. 34 of this Act;
- (28) AS 11.71.030(d), as amended by sec. 35 of this Act;
- (29) AS 11.71.040(a), as amended by sec. 36 of this Act;
- (30) AS 11.71.040(d), as amended by sec. 37 of this Act;
- (31) AS 11.71.050, as amended by sec. 38 of this Act;
- (32) AS 11.71.060, as amended by sec. 39 of this Act;
- (33) AS 28.15.291(a), as repealed and reenacted by sec. 82 of this Act;
- (34) AS 29.10.200(21), as amended by sec. 89 of this Act; and
- (35) AS 29.25.070(a), as amended by sec. 90 of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (d) 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 12.55.025(a), as amended by sec. 55 of this Act;

16 (2) AS 12.55.025(c), as amended by sec. 56 of this Act;

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

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

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

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

21 (7) AS 12.55.115, as amended by sec. 67 of this Act;

22 (8) AS 12.55.125(c), as amended by sec. 70 of this Act;

23 (9) AS 12.55.125(d), as amended by sec. 71 of this Act;

24 (10) AS 12.55.125(e), as amended by sec. 72 of this Act;

25 (11) AS 12.55.125(q), enacted by sec. 73 of this Act;

26 (12) AS 12.55.135(a), as amended by sec. 74 of this Act;

27 (13) AS 12.55.135(b), as amended by sec. 75 of this Act;

28 (14) AS 12.55.135(q), enacted by sec. 76 of this Act;

29 (15) AS 28.15.291(b), as repealed and reenacted by sec. 83 of this Act;

30 (16) AS 28.35.030(k), as amended by sec. 85 of this Act; and

31 (17) AS 28.35.032(o), as amended by sec. 88 of this Act.

(e) AS 12.55.035(b), as amended by sec. 60 of this Act, applies to sentences imposed on or after the effective date of sec. 60 of this Act, for conduct occurring before, on, or after the effective date of sec. 60 of this Act.

(f) AS 12.55.055(a), as amended by sec. 62 of this Act, and AS 12.55.055(c), as amended by sec. 63 of this Act, apply to community work service imposed on or after the effective date of secs. 62 and 63 of this Act for conduct occurring on or after the effective date of secs. 62 and 63 of this Act.

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

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

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

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

(h) AS 12.55.125(a), as amended by sec. 68 of this Act, and AS 12.55.125(b), as amended by sec. 69 of this Act, apply to sentences imposed on or after the effective date of secs. 68 and 69 of this Act for conduct occurring before, on, or after the effective date of secs. 68 and 69 of this Act.

(i) AS 28.35.030(o), as amended by sec. 87 of this Act, applies to revocation of a driver's license, privilege to drive, privilege to obtain a driver's license, or an identification card or driver's license occurring on or after the effective date of sec. 87 of this Act.

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

(1) AS 33.16.010(c), as amended by sec. 92 of this Act;

(2) AS 33.16.010(d), as amended by sec. 93 of this Act;

(3) AS 33.16.060(a), as amended by sec. 94 of this Act;

(4) AS 33.16.090(a), as amended by sec. 95 of this Act;

(5) AS 33.16.090(b), as amended by sec. 96 of this Act;

(6) AS 33.16.100(h), enacted by sec. 99 of this Act;

(7) AS 33.16.140, as amended by sec. 104 of this Act;

(8) AS 33.16.150(a), as amended by sec. 105 of this Act;

(9) AS 33.16.150(b), as amended by sec. 106 of this Act;

(10) AS 33.16.150(e), as amended by sec. 107 of this Act;

- (11) AS 33.16.150(f), as amended by sec. 108 of this Act;
- (12) AS 33.16.150(g), as amended by sec. 109 of this Act;
- (13) AS 33.16.200, as amended by sec. 111 of this Act;
- (14) AS 33.16.210(a), as amended by sec. 112 of this Act;
- (15) AS 33.16.210(b), as amended by sec. 113 of this Act;
- (16) AS 33.16.220(b), as amended by sec. 114 of this Act;
- (17) AS 33.16.220(f), as amended by sec. 115 of this Act;
- (18) AS 33.16.220(i), as amended by sec. 116 of this Act; and
- (19) AS 33.20.010(c), as repealed and reenacted by sec. 117 of this Act.

(k) AS 33.16.100(a), as amended by sec. 97 of this Act, applies to parole granted on or after the effective date of sec. 97 of this Act, for conduct occurring before, on, or after the effective date of sec. 97 of this Act.

* **Sec. 135.** Section 193, ch. 36, SLA 2016, is repealed.

* **Sec. 136.** Section 121 of this Act takes effect July 1, 2017.

* **Sec. 137.** Sections 41, 45 - 51, 53, 54, and 79 of this Act take effect January 1, 2018.

* **Sec. 138.** Except as provided in sec. 137 of this Act, this Act takes effect immediately under AS 01.10.070(c).