

**CS FOR HOUSE BILL NO. 49(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**THIRTY-FIRST LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 4/30/19**

**Referred: Finance**

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

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to criminal law and procedure; establishing the crime of possession of**  
2   **motor vehicle theft tools; relating to electronic monitoring; relating to controlled**  
3   **substances; relating to probation; relating to sentencing; relating to registration of sex**  
4   **offenders; relating to operating under the influence; relating to refusal to submit to a**  
5   **chemical test; relating to the duties of the commissioner of corrections; relating to the**  
6   **Alaska Criminal Justice Commission; relating to the duties of the attorney general and**  
7   **the Department of Law; relating to testing of sexual assault examination kits; relating to**  
8   **public disclosure of information relating to certain minors; amending Rule 6(r)(6),**  
9   **Alaska Rules of Criminal Procedure; and providing for an effective date."**

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

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

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

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

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

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

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

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

24 (A) a felony violation of AS 11.41;

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

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

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

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

31 (1) with intent to cause the death of an unborn child or of another

1 person, causes the death of an unborn child;

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

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

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

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

21 (a) It is a defense to a crime charged under [AS 11.41.410(a)(3),  
22 11.41.420(a)(2), 11.41.420(a)(3), 11.41.425, OR 11.41.427 THAT THE OFFENDER  
23 IS]

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

26 (2) AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.420(a)(3)(A),  
27 11.41.425(a)(1)(A), 11.41.425(a)(2) - (6), or 11.41.427 that the offender is married  
28 to the person and neither party has filed with the court for a separation, divorce, or  
29 dissolution of the marriage.

30 \* **Sec. 4.** AS 11.41.452(a) is amended to read:

31 (a) A person commits the crime of [ONLINE] enticement of a minor if the

1 person, being 18 years of age or older, knowingly **communicates** [USES A  
2 COMPUTER TO COMMUNICATE] with another person to entice, solicit, or  
3 encourage the person to engage in an act described in AS 11.41.455(a)(1) - (7) and

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

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

7 \* **Sec. 5.** AS 11.41.452(d) is amended to read:

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

10 \* **Sec. 6.** AS 11.41.452(e) is amended to read:

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

14 \* **Sec. 7.** AS 11.46.130(a) is amended to read:

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

17 (1) the value of the property or services [, ADJUSTED FOR  
18 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than  
19 \$25,000;

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

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

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

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

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

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

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

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

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

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

\* **Sec. 8.** AS 11.46.140(a) is amended to read:

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

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

(2) [REPEALED]

(3) [REPEALED]

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

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

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

\* **Sec. 10.** AS 11.46.220(c) is amended to read:

(c) Concealment of merchandise is

(1) a class C felony if

(A) the merchandise is a firearm;

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

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

1           \$750 and, within the preceding five years, the person has been convicted and  
2           sentenced on two or more separate occasions in this or another jurisdiction of

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

6                       (ii) an offense under AS 11.46.120, 11.46.130, or  
7           11.46.140(a)(1), or an offense under another law or ordinance with  
8           similar elements;

9           (2) a class A misdemeanor if

10                      (A) the value of the merchandise [, ADJUSTED FOR  
11           INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than  
12           \$750; or

13                      (B) [REPEALED]

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

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

21   \* **Sec. 11.** AS 11.46.260(b) is amended to read:

22                      (b) Removal of identification marks 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 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;

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. 12.** AS 11.46.270(b) is amended to read:

2 (b) Unlawful possession is

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

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

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

12 \* **Sec. 13.** AS 11.46.280(d) is amended to read:

13 (d) Issuing a bad check is

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

15 (2) a class C felony if the face amount of the check [, ADJUSTED  
16 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than  
17 \$25,000;

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

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

23 \* **Sec. 14.** AS 11.46.285 is amended to read:

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

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

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

31 (3) for any other reason, that person's use of the access device **or**

1 **identification document** is unauthorized by either the issuer or the person to whom  
 2 the access device **or identification document** is issued.

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

4 (1) a class B felony if the value of the property or services obtained is  
 5 \$25,000 or more;

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

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

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

13 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior  
 14 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) **or**  
 15 **11.46.140(a)(4)** or in prosecuting the crime of concealment of merchandise under  
 16 AS 11.46.220(c),

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

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

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

25 \* **Sec. 16.** AS 11.46.360(a) is amended to read:

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

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

31 (2) the propelled vehicle of another and



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

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

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

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

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

(A) this section or AS 11.46.365;

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

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

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

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

\* **Sec. 17.** AS 11.46 is amended by adding a new section to article 3 to read:

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

(b) In this section,

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

(2) "motor vehicle theft tool" includes a slim jim, master key, altered or shaved key, trial or jiggle key, lock puller, electronic unlocking device, or similar

1 device adapted or designed for use in committing vehicle theft;

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

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

6 \* **Sec. 18.** AS 11.46.482(a) is amended to read:

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

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

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

15 (3) the person knowingly

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

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

23 \* **Sec. 19.** AS 11.46.484(a) is amended to read:

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

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

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

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

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

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

10 \* **Sec. 20.** AS 11.46.486(a) is amended to read:

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

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

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

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

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

24 (b) Criminal simulation is

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

28 (2) a class A misdemeanor if the value of what the object purports to  
29 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is  
30 \$250 or more but less than \$750;

31 (3) a class B misdemeanor if the value of what the object purports to

1 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less  
2 than \$250.

3 \* **Sec. 22.** AS 11.46.620(d) is amended to read:

4 (d) Misapplication of property is

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

6 (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.

7 \* **Sec. 23.** AS 11.46.730(c) is amended to read:

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

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

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

15 \* **Sec. 24.** AS 11.46.980 is amended by adding a new subsection to read:

16 (e) In determining the degree or classification of a crime under this chapter, if  
17 the combined value of the property or services taken from one or more persons or  
18 commercial establishments within a period of 180 days is \$750 or more but less than  
19 \$25,000, the value may be aggregated.

20 \* **Sec. 25.** AS 11.56.810(a) is amended to read:

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

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

27 (A) **causing the** [A PERSON IS PLACED IN REASONABLE  
28 FEAR OF PHYSICAL INJURY TO ANY PERSON; (B) CAUSES]  
29 evacuation of a building, public place or area, business premises, or mode of  
30  
31

public transportation;

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

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

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

\* **Sec. 26.** AS 11.61.120(a) is amended to read:

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

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

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

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

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

(5) subjects another person to offensive physical contact;

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

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

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

\* **Sec. 27.** AS 11.71 is amended by adding a new section to read:

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

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

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

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

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

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

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

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

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

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

(B) 25 or more **but less than 200** tablets, ampules, or syrettes

1 containing a schedule IA controlled substance;

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

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

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

8 (D) 50 or more

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

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

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

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

17 (A) with reckless disregard that the possession occurs

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

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

20 or

21 (B) on a school bus;

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

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

25 or

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

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

\* **Sec. 29.** 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. 30.** AS 11.71.040(a) is amended to read:

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



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

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

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

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

11 (A) with reckless disregard that the possession occurs

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

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

14 or

15 (B) on a school bus;

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

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

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

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

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

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

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

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

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

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

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

**(12) under circumstances not proscribed under AS 11.71.030(a)(3) or (3) of this subsection, possesses any amount of a schedule IA or IIA controlled substance and, within the preceding 10 years, has been convicted on two or more separate occasions of a crime under**

**(A) this paragraph;**

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

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

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

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

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

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

(1) manufactures or delivers, or possesses with the intent to

1 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
 2 of an aggregate weight of less than one ounce containing a schedule VIA controlled  
 3 substance;

4 (2) [REPEALED]

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

7 (4) under circumstances not proscribed under AS 11.71.030(a)(3),  
 8 11.71.040(a)(3), (4), or (12) [11.71.040(a)(4)], or 11.71.060(a)(2), possesses any  
 9 amount of a schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance.

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

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

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

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

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

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

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

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

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

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

31 (a) A person may not be prosecuted for a violation of AS 11.71.025(a),

1 **11.71.030(a)(3), 11.71.040(a)(3), (4), or (12)** [AS 11.71.030(a)(3), 11.71.040(a)(3)  
2 OR (4)], 11.71.050(a)(4), or 11.71.060(a)(1) or (2) if that person

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

6 (A) the evidence supporting the prosecution for an offense  
7 under **AS 11.71.025(a), 11.71.030(a)(3), 11.71.040(a)(3), (4), or (12)**  
8 [AS 11.71.030(a)(3), 11.71.040(a)(3) OR (4)], 11.71.050(a)(4), or  
9 11.71.060(a)(1) or (2) was obtained or discovered as a result of the person  
10 seeking medical or law enforcement assistance;

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

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

15 (2) was experiencing a drug overdose and sought medical assistance,  
16 and the evidence supporting a prosecution for an offense under **AS 11.71.025(a),**  
17 **11.71.030(a)(3), 11.71.040(a)(3), (4), or (12)** [AS 11.71.030(a)(3), 11.71.040(a)(3)  
18 OR (4)], 11.71.050(a)(4), or 11.71.060(a)(1) or (2) was obtained as a result of the  
19 overdose and the need for medical assistance.

20 \* **Sec. 35.** AS 12.55.015 is amended by adding a new subsection to read:

21 (l) At sentencing for a defendant convicted of a crime involving a sex offense  
22 as defined in AS 12.63.100 or a crime involving domestic violence as defined in  
23 AS 18.66.990, there is a presumption that, unless the court finds on the record that  
24 contact between a defendant and the victim of the offense is necessary, the court shall  
25 order the defendant to have no contact, either directly or indirectly, with the victim  
26 until the defendant is unconditionally discharged.

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

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

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

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

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

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

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

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

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

17                    **(A) the manufacture or possession with intent to**  
18    **manufacture occurred in a building with reckless disregard that the**  
19    **building was used as a permanent or temporary home or place of lodging**  
20    **for one or more children under 18 years of age, or a place frequented by**  
21    **children, two to four years; or**

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

25                    **(4)** [(3)] if the offense is a second felony conviction, two to five years;

26                    **(5)** [(4)] if the offense is a third felony conviction, four to 10 years.

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

28             (i) A defendant convicted of

29             (1) sexual assault in the first degree, sexual abuse of a minor in the  
30     first degree, or sex trafficking in the first degree under AS 11.66.110(a)(2) may be  
31     sentenced to a definite term of imprisonment of not more than 99 years and shall be

1 sentenced to a definite term within the following presumptive ranges, subject to  
2 adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (3) sexual assault in the second degree, sexual abuse of a minor in the  
16 second degree, [ONLINE] enticement of a minor under AS 11.41.452(d), unlawful  
17 exploitation of a minor under AS 11.41.455(c)(1), or distribution of child pornography  
18 under AS 11.61.125(e)(2) may be sentenced to a definite term of imprisonment of not  
19 more than 99 years and shall be sentenced to a definite term within the following  
20 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

30 (4) sexual assault in the third degree, incest, indecent exposure in the  
31 first degree, possession of child pornography, distribution of child pornography under

AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual assault in the second degree, sexual abuse of a minor in the second degree, unlawful exploitation of a minor, or distribution of child pornography, may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

(1) 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;

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

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

**(F) conviction is for a crime involving domestic violence; or**

(2) 90 [30] days.

\* **Sec. 40.** 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

(1) 30 [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; or

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

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

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

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

(2) a sentence of suspended imprisonment greater than

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

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

\* **Sec. 42.** AS 12.55.185(10) is amended to read:

(10) "most serious felony" means

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

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

\* **Sec. 43.** AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in the second degree, sexual abuse of a minor in the second degree, unlawful exploitation of a minor, distribution of child pornography, sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, [ONLINE] enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes;

\* **Sec. 44.** AS 12.61.050 is amended by adding a new subsection to read:

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

1 \* **Sec. 45.** AS 12.63.010(d) is amended to read:

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

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

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

15 \* **Sec. 46.** AS 12.63.010 is amended by adding a new subsection to read:

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

25 \* **Sec. 47.** AS 12.63.020 is amended to read:

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

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

31 **(A)** [(1)] continues for the lifetime of a sex offender or child

1 kidnapper convicted of

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

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

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

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

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

26 (iii) [(C)] continues for a sex offender or child  
27 kidnapper who has not supplied proof acceptable to the department of  
28 the offender's or kidnapper's unconditional discharge for the sex  
29 offense or child kidnapping requiring registration;

30 (2) for a sex offender or child kidnapper, as that term is defined in  
31 AS 12.63.100(6)(B), the duty continues for the period determined by the

**department under (b) of this section.**

(b) The department shall adopt, by regulation,

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

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

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

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

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

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

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

\* Sec. 48. AS 12.63.100(6) is amended to read:

(6) "sex offender or child kidnapper" means

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

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

1                   **another jurisdiction;**

2       \* **Sec. 49.** AS 18.65.087(d) is amended to read:

3                   (d) The Department of Public Safety

4                         (1) shall adopt regulations to

5                                 (A) allow a sex offender or child kidnapper to review sex  
6                                 offender or child kidnapper registration information that refers to that sex  
7                                 offender or child kidnapper, and if the sex offender or child kidnapper believes  
8                                 the information is inaccurate or incomplete, to request the department to  
9                                 correct the information; if the department finds the information is inaccurate or  
10                                incomplete, the department shall correct or supplement the information;

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

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

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

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

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

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

30                               **(B) who has successfully petitioned the Department of**  
31                               **Public Safety to be removed from the central registry of sex offenders and**

1           **child kidnappers under AS 12.63.010(g)** [IN THIS PARAGRAPH, "SEX  
2           OFFENSE" AND "CHILD KIDNAPPING" HAVE THE MEANINGS GIVEN  
3           IN AS 12.63.100].

4       \* **Sec. 50.** AS 18.65.087 is amended by adding a new subsection to read:

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

7       \* **Sec. 51.** AS 28.35.030(k) is amended to read:

8           (k) Imprisonment required under (b)(1)(A) of this section shall be served **at a**  
9           **community residential center or** by electronic monitoring at a private residence  
10          under AS 33.30.065. If **a community residential center or** electronic monitoring **at a**  
11          **private residence** is not available, imprisonment required under (b)(1)(A) of this  
12          section **may** [SHALL] be served at **another appropriate place** [A PRIVATE  
13          RESIDENCE BY OTHER MEANS] determined by the commissioner of corrections.  
14          [A PERSON WHO IS SERVING A SENTENCE OF IMPRISONMENT REQUIRED  
15          UNDER (b)(1)(A) OF THIS SECTION BY ELECTRONIC MONITORING AT A  
16          PRIVATE RESIDENCE MAY NOT BE SUBJECT TO A SEARCH OF THE  
17          PERSON'S DWELLING BY A PEACE OFFICER OR A PERSON REQUIRED TO  
18          ADMINISTER THE ELECTRONIC MONITORING UNDER AS 33.30.065(a),  
19          EXCEPT UPON PROBABLE CAUSE.] Imprisonment required under (b)(1)(B) - (F)  
20          of this section may be served at a community residential center or at a private  
21          residence if approved by the commissioner of corrections. Imprisonment served at a  
22          private residence must include electronic monitoring under AS 33.30.065 [OR, IF  
23          ELECTRONIC MONITORING IS NOT AVAILABLE, BY OTHER MEANS AS  
24          DETERMINED BY THE COMMISSIONER OF CORRECTIONS]. The cost of  
25          imprisonment resulting from the sentence imposed under (b)(1) of this section shall be  
26          paid to the state by the person being sentenced. The cost of imprisonment required to  
27          be paid under this subsection may not exceed \$2,000. Upon the person's conviction,  
28          the court shall include the costs of imprisonment as a part of the judgment of  
29          conviction. Except for reimbursement from a permanent fund dividend as provided in  
30          this subsection, payment of the cost of imprisonment is not required if the court  
31          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 43.23.140. 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. 52.** AS 28.35.030(o) is amended to read:

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

(1) may restore the driver's license if

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

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

(C) the person provides proof of financial responsibility;

(2) shall restore the driver's license if

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

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

(C) the person has not been convicted of a violation of AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another



jurisdiction since the license was revoked;

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

(E) the person provides proof of financial responsibility.

\* **Sec. 53.** AS 28.35.032(o) is amended to read:

(o) Imprisonment required under (g)(1)(A) of this section shall be served at a community residential center, or if a community residential center [PRIVATE RESIDENCE BY ELECTRONIC MONITORING UNDER AS 33.30.065. IF ELECTRONIC MONITORING] is not available, at another appropriate place [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. 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,

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

12 \* **Sec. 54.** AS 28.35.032(q) is amended to read:

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

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

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

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

23 \* **Sec. 55.** AS 33.30.011(a) is amended to read:

24 (a) The commissioner shall

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

30 (2) classify prisoners;

31 (3) for persons committed to the custody of the commissioner,

1 establish programs, including furlough programs that are reasonably calculated to

2 (A) protect the public and the victims of crimes committed by  
3 prisoners;

4 (B) maintain health;

5 (C) create or improve occupational skills;

6 (D) enhance educational qualifications;

7 (E) support court-ordered restitution; and

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

10 (4) provide necessary

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

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

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

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

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

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

27 (6) provide for fingerprinting in correctional facilities in accordance  
28 with AS 12.80.060;

29 (7) establish a program to conduct assessments of the risks and needs  
30 of offenders sentenced to serve a term of incarceration of 90 [30] days or more [AND  
31 PROVIDE TO THE LEGISLATURE, BY ELECTRONIC MEANS, BY JANUARY

1 15, 2017, AND THEREAFTER BY JANUARY 15, PRECEDING THE FIRST  
 2 REGULAR SESSION OF EACH LEGISLATURE, A REPORT SUMMARIZING  
 3 THE FINDINGS AND RESULTS OF THE PROGRAM]; the program must include a  
 4 requirement for an assessment before a prisoner's release on parole, furlough, or  
 5 electronic monitoring from a correctional facility;

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

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

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

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

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

15 (E) includes participation in programming that addresses the  
 16 needs identified in the assessment;

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

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

24 (i) residence;

25 (ii) employment or alternative means of support;

26 (iii) treatment options;

27 (iv) counseling services;

28 (v) education or job training services;

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

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

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

(10) for offenders under electronic monitoring, establish

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

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

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

**(12) provide to the legislature, by electronic means, by January 10 preceding the first regular session of each legislature, a report summarizing the findings and results of the program established under (7) of this subsection; the report must include**

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

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

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

\* **Sec. 56.** AS 34.03.360(7) is amended to read:

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

\* **Sec. 57.** 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 (1) a description of its proceedings for the previous calendar year;
- 2 (2) a summary of savings and recommendations on how savings from
- 3 criminal justice reform should be reinvested to reduce recidivism;
- 4 (3) performance metrics and outcomes from the recommendations the
- 5 commission made in its December 2015 report, including recidivism rates, defined as
- 6 (A) the percentage of inmates who return to prison within three
- 7 years after release, broken down by offense type and risk level; and
- 8 (B) the percentage of inmates who return to prison within three
- 9 years after release for a new criminal conviction, broken down by offense type
- 10 and risk level; [AND]
- 11 (4) recommendations for additional reforms, which may include
- 12 recommendations for legislative and administrative action; and
- 13 (5) data reported by the Department of Law under AS 44.23.040.

14 \* **Sec. 58.** AS 44.23.020 is amended by adding a new subsection to read:

15 (k) The attorney general, in consultation with the commissioner of public  
16 safety, shall

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

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

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

28 \* **Sec. 59.** AS 44.23.040 is amended by adding a new subsection to read:

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

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

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

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

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

(5) the number of crime victims that participated in the prosecution of and court process relating to the offense in which the person was a victim.

\* **Sec. 60.** AS 44.41 is amended by adding a new section to read:

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

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

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

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

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

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

1 section.

2 (d) In this section,

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

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

6 \* **Sec. 61.** AS 44.41.070(a) is amended to read:

7 (a) By September 1 of each year, each law enforcement agency and state  
8 department charged with the maintenance, storage, and preservation of sexual assault  
9 examination kits shall conduct an inventory of untested sexual assault examination kits  
10 and report, in writing, to the Department of Public Safety the number of untested  
11 sexual assault examination kits in the possession of the agency or department, the  
12 number of sexual assault examination kits that the law enforcement agency or  
13 state department has determined is ineligible for testing under (e) of this section,  
14 with the reason or reasons the untested sexual assault examination kits were  
15 determined to be ineligible for testing, and the date on which each untested sexual  
16 assault examination kit was collected.

17 \* **Sec. 62.** AS 44.41.070(b) is amended to read:

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

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

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

28 and

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

31 \* **Sec. 63.** AS 44.41.070 is amended by adding a new subsection to read:



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

(1) is scientifically unviable;

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

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

\* **Sec. 64.** AS 47.12.315(a) is amended to read:

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

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

(2) arson in the first or second degree;

(3) burglary in the first degree;

(4) distribution of child pornography;

(5) sex trafficking in the first degree;

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

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

\* **Sec. 65.** The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 6(r)(6), Alaska Rules of Criminal Procedure, is amended to read:

(6) When a prior conviction is an element of an offense [IN A PROSECUTION FOR DRIVING WHILE INTOXICATED UNDER AS 28.35.030(n) OR FOR REFUSAL TO SUBMIT TO A CHEMICAL TEST UNDER AS 28.35.032(p)], hearsay evidence received through the Alaska Public Safety Information Network or from other government agencies of prior convictions [OF DRIVING WHILE INTOXICATED OR REFUSAL TO SUBMIT TO A CHEMICAL TEST] may be presented to the grand jury.

\* **Sec. 66.** AS 11.46.980(d), 11.46.982; and AS 12.55.135(l) are repealed.

1     \* **Sec. 67.** The uncodified law of the State of Alaska is amended by adding a new section to  
 2 read:

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

- 5           (1) AS 11.41.110(a), as amended by sec. 1 of this Act;
- 6           (2) AS 11.41.150(a), as amended by sec. 2 of this Act;
- 7           (3) AS 11.41.432(a), as amended by sec. 3 of this Act;
- 8           (4) AS 11.41.452(a), as amended by sec. 4 of this Act;
- 9           (5) AS 11.41.452(d), as amended by sec. 5 of this Act;
- 10          (6) AS 11.41.452(e), as amended by sec. 6 of this Act;
- 11          (7) AS 11.46.130(a), as amended by sec. 7 of this Act;
- 12          (8) AS 11.46.140(a), as amended by sec. 8 of this Act;
- 13          (9) AS 11.46.150(a), as amended by sec. 9 of this Act;
- 14          (10) AS 11.46.220(c), as amended by sec. 10 of this Act;
- 15          (11) AS 11.46.260(b), as amended by sec. 11 of this Act;
- 16          (12) AS 11.46.270(b), as amended by sec. 12 of this Act;
- 17          (13) AS 11.46.280(d), as amended by sec. 13 of this Act;
- 18          (14) AS 11.46.285, as amended by sec. 14 of this Act;
- 19          (15) AS 11.46.295, as amended by sec. 15 of this Act;
- 20          (16) AS 11.46.360(a), as amended by sec. 16 of this Act;
- 21          (17) AS 11.46.370, enacted by sec. 17 of this Act;
- 22          (18) AS 11.46.482(a), as amended by sec. 18 of this Act;
- 23          (19) AS 11.46.484(a), as amended by sec. 19 of this Act;
- 24          (20) AS 11.46.486(a), as amended by sec. 20 of this Act;
- 25          (21) AS 11.46.530(b), as amended by sec. 21 of this Act;
- 26          (22) AS 11.46.620(d), as amended by sec. 22 of this Act;
- 27          (23) AS 11.46.730(c), as amended by sec. 23 of this Act;
- 28          (24) AS 11.46.980(e), enacted by sec. 24 of this Act;
- 29          (25) AS 11.56.810(a), as amended by sec. 25 of this Act;
- 30          (26) AS 11.61.120(a), as amended by sec. 26 of this Act;
- 31          (27) AS 11.71.025, enacted by sec. 27 of this Act;

- (28) AS 11.71.030(a), as amended by sec. 28 of this Act;
- (29) AS 11.71.030(d), as amended by sec. 29 of this Act;
- (30) AS 11.71.040(a), as amended by sec. 30 of this Act;
- (31) AS 11.71.040(d), as amended by sec. 31 of this Act;
- (32) AS 11.71.050, as amended by sec. 32 of this Act;
- (33) AS 11.71.060, as amended by sec. 33 of this Act;
- (34) AS 11.71.311(a), as amended by sec. 34 of this Act;
- (35) AS 12.55.015(l); enacted by sec. 35 of this Act;
- (36) AS 28.35.030(o), as amended by sec. 52 of this Act;
- (37) AS 28.35.032(q), as amended by sec. 54 of this Act.

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

- (1) AS 12.55.027(i), enacted by sec. 36 of this Act;
- (2) AS 12.55.125(d), as amended by sec. 37 of this Act;
- (3) AS 12.55.135(a), as amended by sec. 39 of this Act;
- (4) AS 12.55.135(b), as amended by sec. 40 of this Act;
- (5) AS 12.55.135(n), as amended by sec. 41 of this Act;
- (6) AS 28.35.030(k), as amended by sec. 51 of this Act;
- (7) AS 28.35.032(o), as amended by sec. 53 of this Act.

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

- (1) AS 12.63.010(d), as amended by sec. 45 of this Act;
- (2) AS 12.63.010(g), enacted by sec. 46 of this Act;
- (3) AS 12.63.020, as amended by sec. 47 of this Act;
- (4) AS 12.63.100(6), as amended by sec. 48 of this Act.

\* **Sec. 68.** The uncoded law of the State of Alaska is amended by adding a new section to read:

REPORT TO LEGISLATURE; COMMISSIONER OF CORRECTIONS. On or before January 10, 2020, the commissioner of corrections shall provide a report to the legislature as described under AS 33.30.011(a)(12), enacted by sec. 55 of this Act. The commissioner shall submit the report to the senate secretary and chief clerk of the house of

1 representatives and notify the legislature that the report is available.

2 \* **Sec. 69.** The uncodified law of the State of Alaska is amended by adding a new section to  
3 read:

4       CONDITIONAL EFFECT. Section 65 of this Act takes effect only if sec. 65 of this  
5 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
6 Constitution of the State of Alaska.

7 \* **Sec. 70.** This Act takes effect July 1, 2019.