

CS FOR HOUSE BILL NO. 49(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/7/19
Referred: Rules

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; eliminating marriage as a defense to
2 certain crimes of sexual assault; establishing the crime of possession of motor vehicle
3 theft tools; relating to electronic monitoring; relating to controlled substances; relating
4 to probation and parole; relating to sentencing; amending the definitions of 'most
5 serious felony,' 'sex offense,' and 'sex offender'; relating to registration of sex offenders;
6 relating to operating under the influence; relating to refusal to submit to a chemical test;
7 relating to the duties of the commissioner of corrections; relating to testing of sexual
8 assault examination kits; relating to reports of involuntary commitment; amending
9 Rules 6(r)(6) and 38.2, Alaska Rules of Criminal Procedure; and providing for an
10 effective date."

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

12 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section

1 to read:

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

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

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

15 (d) The legislature finds that the legislature did not intend, by enacting ch. 90, SLA
16 2003, and the legislature does not now intend by enacting this Act, to place a limitation on
17 which previous convictions may be considered when imposing a sentence under
18 AS 12.55.125(i), as amended by sec. 64 of this Act.

19 (e) It is the intent of the legislature that AS 12.55.145(a), as amended by sec. 68 of
20 this Act, overturn the decision of the Alaska Court of Appeals in *Williams v. State*, 418 P.3d
21 870 (Alaska Ct. App. 2018) to the extent that the decision held that, when imposing a
22 sentence under AS 12.55.125(i), as amended by sec. 64 of this Act, a prior felony conviction
23 should not be considered if 10 or more years has elapsed between the date of the defendant's
24 unconditional discharge on the immediately preceding offense and the date the defendant
25 committed the present offense unless the prior conviction was for an unclassified or class A
26 felony.

27 (f) It is the intent of the legislature that all prior felony convictions be considered
28 when imposing a sentence under AS 12.55.125(i), as amended by sec. 64 of this Act,
29 regardless of the amount of time that has passed since each conviction.

30 (g) The legislature finds that

31 (1) protecting the public from sex offenders serves a compelling governmental

1 interest, and that the release of certain information about sex offenders to public agencies and
2 the general public assists in protecting the public;

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

5 (3) the Alaska Supreme Court's narrow interpretation of the state's sex
6 offender registration requirements in its decision in *State, Department of Public Safety v.*
7 *Doe*, 425 P.3d 115 (Alaska 2018) hinders the state's ability to protect the public from sex
8 offenders who may come to this state in that it requires a person to register as a sex offender
9 in this state only if that person has been convicted of an offense that is similar to a sex offense
10 as defined in AS 12.63.100, as amended by sec. 73 of this Act.

11 (h) It is the intent of the legislature to overturn *State, Department of Public Safety v.*
12 *Doe*, 425 P.3d 115 (Alaska 2018) to the extent that the decision held that a sex offender
13 required to register in another jurisdiction is not required to register in the state unless the
14 person's underlying conviction is similar to a sex offense as defined in AS 12.63.100, as
15 amended by sec. 73 of this Act. Additionally, it is the intent of the legislature to give
16 reciprocity to other jurisdictions and require a sex offender who is physically present in the
17 state and is required to register as a sex offender in another jurisdiction to register as a sex
18 offender in the state regardless of whether the person's underlying conviction is similar to a
19 sex offense as defined in AS 12.63.100, as amended by sec. 73 of this Act.

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

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

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

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

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

30 (3) under circumstances not amounting to murder in the first degree
31 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the

1 person commits or attempts to commit arson in the first degree, kidnapping, sexual
 2 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
 3 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
 4 degree, escape in the first or second degree, robbery in any degree, or misconduct
 5 involving a controlled substance under AS 11.71.010(a), **11.71.021(a),**
 6 **11.71.030(a)(2) or (9)** [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2)
 7 and, in the course of or in furtherance of that crime or in immediate flight from that
 8 crime, any person causes the death of a person other than one of the participants;

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

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

16 (A) a felony violation of AS 11.41;

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

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

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

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

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

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

29 (3) while acting alone or with one or more persons, commits or
 30 attempts to commit arson in the first degree, kidnapping, sexual assault in the first
 31 degree, sexual assault in the second degree, sexual abuse of a minor in the first degree,

1 sexual abuse of a minor in the second degree, burglary in the first degree, escape in the
 2 first or second degree, robbery in any degree, or misconduct involving a controlled
 3 substance under AS 11.71.010(a), **11.71.021(a), 11.71.030(a)(2) or (9)**
 4 [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2), and, in the course of or
 5 in furtherance of that crime or in immediate flight from that crime, any person causes
 6 the death of an unborn child;

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

13 * **Sec. 4.** AS 11.41.432(b) is amended to read:

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

17 * **Sec. 5.** AS 11.41.432 is amended by adding a new subsection to read:

18 (d) It is a defense to a crime charged under AS 11.41.425(a)(2) - (5) or
 19 11.41.427 that the offender is married to the person and neither party has filed with the
 20 court for separation, divorce, or dissolution of the marriage.

21 * **Sec. 6.** AS 11.41.438(b) is amended to read:

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

25 * **Sec. 7.** AS 11.41.438 is amended by adding a new subsection to read:

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

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

30 (a) A person commits the crime of [ONLINE] enticement of a minor if the
 31 person, being 18 years of age or older, knowingly **communicates** [USES A

1 COMPUTER TO COMMUNICATE] with another person to entice, solicit, or
2 encourage the person to engage in an act described in AS 11.41.455(a)(1) - (7) and

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

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

6 * **Sec. 9.** AS 11.41.452(d) is amended to read:

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

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

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

13 * **Sec. 11.** AS 11.46.130(a) is amended to read:

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

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

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

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

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

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

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

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

31 (B) a crime set out in this subsection or an offense under

1 another law or ordinance with similar elements;

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

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

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

7 * **Sec. 12.** AS 11.46.140(a) is amended to read:

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

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

13 (2) [REPEALED]

14 (3) [REPEALED]

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

19 * **Sec. 13.** AS 11.46.150(a) is amended to read:

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

23 * **Sec. 14.** AS 11.46.220(c) is amended to read:

24 (c) Concealment of merchandise is

25 (1) a class C felony if

26 (A) the merchandise is a firearm;

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

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

1 sentenced on two or more separate occasions in this or another jurisdiction of

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

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

8 (2) a class A misdemeanor if

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

12 (B) [REPEALED]

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

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

20 * **Sec. 15.** AS 11.46.260(b) is amended to read:

21 (b) Removal of identification marks is

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

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

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

31 * **Sec. 16.** AS 11.46.270(b) is amended to read:

1 (b) Unlawful possession is

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

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

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

11 * **Sec. 17.** AS 11.46.280(d) is amended to read:

12 (d) Issuing a bad check is

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

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

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

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

22 * **Sec. 18.** AS 11.46.285 is amended to read:

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

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

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

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

1 the access device **or identification document** is issued.

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

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

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

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

11 * **Sec. 19.** AS 11.46.295 is amended to read:

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

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

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

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

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

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

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

30 (2) the propelled vehicle of another and

31 (A) the vehicle or any other property of another is damaged in a

1 total amount [, ADJUSTED FOR INFLATION AS PROVIDED IN
2 AS 11.46.982,] of \$750 or more;

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

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

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

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

12 (A) this section or AS 11.46.365;

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

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

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

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

20 * **Sec. 21.** AS 11.46 is amended by adding a new section to article 3 to read:

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

25 (b) In this section,

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

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

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

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

5 * **Sec. 22.** AS 11.46.482(a) is amended to read:

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

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

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

14 (3) the person knowingly

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

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

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

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

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

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

31 (3) the person knowingly accesses a computer, computer system,

1 computer program, computer network, or part of a computer system or network;

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

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

9 * **Sec. 24.** AS 11.46.486(a) is amended to read:

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

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

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

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

22 * **Sec. 25.** AS 11.46.530(b) is amended to read:

23 (b) Criminal simulation is

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

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

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

1 than \$250.

2 * **Sec. 26.** AS 11.46.620(d) is amended to read:

3 (d) Misapplication of property is

4 (1) a class C felony if the value of the property misapplied [,
5 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 [,
7 ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less than \$750.

8 * **Sec. 27.** AS 11.46.730(c) is amended to read:

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

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

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

16 * **Sec. 28.** AS 11.46.980 is amended by adding a new subsection to read:

17 (e) In determining the degree or classification of a crime under this chapter, if
18 the combined value of the property or services taken from one or more persons or
19 commercial establishments within a period of 180 days is \$750 or more but less than
20 \$25,000, the value may be aggregated.

21 * **Sec. 29.** AS 11.56.310(a) is amended to read:

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

24 (1) removes oneself from

25 (A) a secure correctional facility while under official detention
26 for a misdemeanor;

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

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

31 (2) violates AS 11.56.335 or 11.56.340 and, during the time of the

1 unlawful evasion or at any time before being restored to official detention, one
2 possesses on or about oneself a firearm; or

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

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

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

10 * **Sec. 30.** AS 11.56.320(a) is amended to read:

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

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

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

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

18 (A) **removes, tampers with, or disables the electronic**
19 **monitoring equipment; or**

20 (B) **without prior authorization, leaves one's residence or**
21 **other place designated by the commissioner of corrections or the**
22 **commissioner of health and social services for service by electronic**
23 **monitoring; or**

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

25 (A) **removes, tampers with, or disables the electronic**
26 **monitoring equipment; or**

27 (B) **without prior authorization, leaves one's residence or**
28 **other place designated by a judicial officer as a condition of release.**

29 * **Sec. 31.** AS 11.56.730(a) is amended to read:

30 (a) A person commits the **crime** [OFFENSE] of failure to appear if the person

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

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

3 (3) with criminal negligence does not appear before the court or
4 judicial officer at the time and place of the scheduled hearing.

5 * **Sec. 32.** AS 11.56.730(d) is amended to read:

6 (d) Failure to appear is a

7 (1) class C felony if the person was released in connection with a
8 charge of a felony or while awaiting sentence or appeal after conviction of a felony

9 [AND THE PERSON

10 (A) DOES NOT MAKE CONTACT WITH THE COURT OR
11 A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES
12 NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED
13 HEARING; OR

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

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

17 a

18 (A) charge of a misdemeanor, while awaiting sentence or
19 appeal after conviction of a misdemeanor; or

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

22 (A) DOES NOT MAKE CONTACT WITH THE COURT OR
23 A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES
24 NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED
25 HEARING; OR

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

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

29 * **Sec. 33.** AS 11.56.757(b) is amended to read:

30 (b) Violation of condition of release is a

31 (1) class A misdemeanor if the person is released from a charge or

1 **conviction of a felony;**

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

4 * **Sec. 34.** AS 11.56.810(a) is amended to read:

5 (a) A person commits the crime of terroristic threatening in the second degree
 6 if the person **makes a threat that**

7 **(1) places** [KNOWINGLY MAKES A FALSE REPORT THAT A
 8 CIRCUMSTANCE (1) DANGEROUS TO HUMAN LIFE EXISTS OR IS ABOUT
 9 TO EXIST AND (A)] a person [IS PLACED] in reasonable fear of **serious** physical
 10 injury to any person **with reckless disregard that the threat may cause**

11 **(A) the** [; (B) CAUSES] evacuation of **or initiation of an**
 12 **emergency protocol for** a building, public place or area, business premises, or
 13 mode of public transportation;

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

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

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

27 * **Sec. 35.** AS 11.61.123(a) is amended to read:

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

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

1 **(2) produces a picture of the private exposure of the genitals, anus,**
 2 **or female breast of another person** [AND THE VIEW OR PRODUCTION IS
 3 WITHOUT THE KNOWLEDGE OR CONSENT OF

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

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

9 * **Sec. 36.** AS 11.61.123(c) is amended to read:

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

13 * **Sec. 37.** AS 11.61.123(d) is amended to read:

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

19 * **Sec. 38.** AS 11.61.123(f) is amended to read:

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

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

24 **(2)** [(1)] class C felony if the person

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

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

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

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

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

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

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

7 * **Sec. 39.** AS 11.61.123 is amended by adding a new subsection to read:

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

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

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

14 * **Sec. 40.** AS 11.61 is amended by adding a new section to read:

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

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

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

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

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

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

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

31 (b) In a prosecution under (a) of this section, it is not a defense that the person

1 solicited or shown in the picture was not actually a child under 16 years of age and at
2 least four years younger than the offender.

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

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

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

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

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

12 (1) class C felony if an offender

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

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

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

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

19 * **Sec. 41.** AS 11.71 is amended by adding a new section to read:

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

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

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

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

29 or

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

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

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

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

8 or

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

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

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

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

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

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

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

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

29 (b) In a prosecution under (a) of this section, possession of more than six
30 grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or
31 the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that

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

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

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

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

12 (i) retailer or as a wholesaler;

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

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

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

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

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

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

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

30 * **Sec. 42.** AS 11.71.030(a) is amended to read:

31 (a) Except as authorized in AS 17.30, a person commits the crime of

1 misconduct involving a controlled substance in the **third** [SECOND] degree if the
2 person

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

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

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

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

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

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

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

19 (A) with reckless disregard that the possession occurs

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

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

22 or

23 (B) on a school bus;

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

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

27 or

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

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

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

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

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

6 or

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

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

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

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

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

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

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

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

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

31 * Sec. 43. AS 11.71.030(d) is amended to read:

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

3 * **Sec. 44.** AS 11.71.040(a) is amended to read:

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

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

10 (2) 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 one ounce or more containing a schedule VIA controlled
 13 substance;

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

16 (4) possesses a schedule IIIA, IVA, VA, or VIA 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 (5) knowingly keeps or maintains any store, shop, warehouse,
 23 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for
 24 keeping or distributing controlled substances in violation of a felony offense under this
 25 chapter or AS 17.30;

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

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

1 issued to another person;

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

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

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

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

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

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

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

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

21 **(12) violates AS 11.71.050(a)(4) and, within the preceding 10 years,**
22 **has been convicted on two or more separate occasions of a crime under**

23 **(A) this paragraph;**

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

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

27 * **Sec. 45.** AS 11.71.040(d) is amended to read:

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

30 * **Sec. 46.** AS 11.71.050 is amended to read:

31 **Sec. 11.71.050. Misconduct involving a controlled substance in the fifth**

1 **[FOURTH] degree.** (a) Except as authorized in AS 17.30 **or AS 17.38**, a person
 2 commits the crime of misconduct involving a controlled substance in the **fifth**
 3 **[FOURTH]** degree if the person

4 (1) 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 less than one ounce containing a schedule VIA controlled
 7 substance;

8 (2) [REPEALED]

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

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

15 **(5) under circumstances not proscribed under AS 11.71.030(a)(3),**
 16 **11.71.040(a)(3), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a**
 17 **schedule VIA controlled substance.**

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

20 * **Sec. 47.** AS 11.71.060 is amended to read:

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

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

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

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

31 (B) six grams or less containing a schedule IIIA controlled

1 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or
 2 otherwise applied to tobacco, an herb, or another organic material; or

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

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

7 * **Sec. 48.** AS 11.71.311(a) is amended to read:

8 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),
 9 11.71.040(a)(3), (4), or (12) [11.71.040(a)(3) OR (4)], 11.71.050(a)(4), or
 10 11.71.060(a)(1) or (2) if that person

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

14 (A) the evidence supporting the prosecution for an offense
 15 under AS 11.71.030(a)(3), 11.71.040(a)(3), (4), or (12) [11.71.040(a)(3) OR
 16 (4)], 11.71.050(a)(4), or 11.71.060(a)(1) or (2) was obtained or discovered as a
 17 result of the person seeking medical or law enforcement assistance;

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

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

22 (2) was experiencing a drug overdose and sought medical assistance,
 23 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),
 24 11.71.040(a)(3), (4), or (12) [11.71.040(a)(3) OR (4)], 11.71.050(a)(4), or
 25 11.71.060(a)(1) or (2) was obtained as a result of the overdose and the need for
 26 medical assistance.

27 * **Sec. 49.** AS 12.25.150(a) is amended to read:

28 (a) A person arrested shall be taken before a judge or magistrate without
 29 unnecessary delay and in any event within **48** [24] hours after arrest, [ABSENT
 30 COMPELLING CIRCUMSTANCES,] including Sundays and holidays. [THE
 31 UNAVAILABILITY OF A REPORT PREPARED BY THE PRETRIAL SERVICES

1 OFFICER UNDER AS 33.07 OR A DELAY IN THE TRANSMITTAL OF THAT
 2 REPORT TO THE PARTIES OR TO THE COURT MAY NOT BE CONSIDERED
 3 A SUFFICIENT COMPELLING CIRCUMSTANCE TO JUSTIFY DELAYING A
 4 HEARING BEYOND 24 HOURS. THE HEARING BEFORE THE JUDGE OR
 5 MAGISTRATE MAY NOT TAKE PLACE MORE THAN 48 HOURS AFTER
 6 ARREST.] This requirement applies to municipal police officers to the same extent as
 7 it does to state troopers.

8 * **Sec. 50.** AS 12.30.006(b) is amended to read:

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

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

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

18 * **Sec. 51.** AS 12.30.006(c) is amended to read:

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

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

30 (2) SAFETY OF THE VICTIM, OTHER PERSONS, AND THE
 31 COMMUNITY.]

1 * **Sec. 52.** AS 12.30.006(d) is amended to read:

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

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

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

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

20 * **Sec. 53.** AS 12.30.006(f) is amended to read:

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

27 * **Sec. 54.** AS 12.30.011 is repealed and reenacted to read:

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

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

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

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

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

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

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

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

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

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

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

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

30 (10) require the person to refrain from the use of a controlled substance
31 as defined by AS 11.71, unless prescribed by a licensed health care provider with

1 prescriptive authority;

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

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

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

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

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

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

15 (17) order the person to submit to electronic monitoring administered
16 by a private organization;

17 (18) order the person to submit to a pretrial risk assessment by the
18 Department of Corrections under AS 33.05;

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

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

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

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

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

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

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

- 1 (5) the length and character of the person's past and present residence;
2 (6) the person's record of convictions and any pending criminal
3 charges;
4 (7) the person's record of appearance at court proceedings;
5 (8) assets available to the person to meet monetary conditions of
6 release;
7 (9) the person's reputation, character, and mental condition;
8 (10) the effect of the offense on the victim, any threats made to the
9 victim, and the danger that the person poses to the victim;
10 (11) any other facts that are relevant to the person's appearance or the
11 person's danger to the victim, other persons, or the community; and
12 (12) the pretrial risk assessment provided by the commissioner of
13 corrections.

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

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

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

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

23 (B) charged with a felony crime against a person under
24 AS 11.41, was previously convicted of a felony crime against a person under
25 AS 11.41 in this state or a similar offense in another jurisdiction, and less than
26 five years have elapsed between the date of the person's unconditional
27 discharge on the immediately preceding offense and the commission of the
28 present offense;

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

31 (D) charged with a crime involving domestic violence, and has

1 been convicted in the previous five years of a crime involving domestic
2 violence in this state or a similar offense in another jurisdiction;

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

6 (e) If the supreme court establishes a schedule of bail amounts or conditions of
7 release for misdemeanor offenses, the schedule must include a condition providing
8 that a correctional facility shall, at the time of release, conduct a chemical test of the
9 breath of a person who has been arrested and who is intoxicated and shall detain the
10 person until the test result indicates that the person's breath has less than 0.08 grams of
11 alcohol for each 210 liters of breath or, with the consent of the person, release the
12 person to another person who is willing and able to provide care for the person.

13 * **Sec. 55.** AS 12.30.021(a) is amended to read:

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

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

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

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

25 * **Sec. 56.** AS 12.30.021(c) is amended to read:

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

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

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

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

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

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

8 (6) the proposed custodian resides out of state; however, a nonresident
9 may serve as a custodian if the nonresident resides in the state while serving as
10 custodian.

11 * **Sec. 57.** 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 **the** 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. 58.** AS 12.55.027(g) is amended to read:

26 (g) A court **may not grant** [GRANTING] credit against a sentence of
27 imprisonment under (d) of this section [MAY GRANT CREDIT OF NOT MORE
28 THAN 360 DAYS AGAINST A TOTAL TERM OF IMPRISONMENT IMPOSED]
29 for

30 (1) a felony crime against a person under AS 11.41;

31 (2) a crime involving domestic violence as defined in AS 18.66.990;

- 1 (3) a sex offense as defined in AS 12.63.100;
- 2 (4) an offense under AS 11.71 involving the delivery of a controlled
3 substance [TO A PERSON UNDER 19 YEARS OF AGE];
- 4 (5) burglary in the first degree under AS 11.46.300; [OR]
- 5 (6) arson in the first degree under AS 11.46.400;
- 6 **(7) a theft offense under AS 11.46.100; or**
- 7 **(8) vehicle theft under AS 11.46.360 or 11.46.365.**

8 * **Sec. 59.** AS 12.55.051(a) is amended to read:

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

27 * **Sec. 60.** AS 12.55.090(c) is amended to read:

28 (c) The period of probation, together with any extension, may not exceed
29 (1) **25** [15] years for a felony sex offense; **or**
30 (2) 10 years for **any other offense** [AN UNCLASSIFIED FELONY
31 UNDER AS 11 NOT LISTED IN (1) OF THIS SUBSECTION];

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

3 (4) THREE YEARS FOR A MISDEMEANOR OFFENSE

4 (A) UNDER AS 11.41;

5 (B) THAT IS A CRIME INVOLVING DOMESTIC
6 VIOLENCE; OR

7 (C) THAT IS A SEX OFFENSE, AS THAT TERM IS
8 DEFINED IN AS 12.63.100;

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

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

15 * **Sec. 61.** AS 12.55.090(g) is amended to read:

16 (g) A probation officer may [SHALL] recommend to the court that probation
17 be terminated and a defendant be discharged from probation if the defendant

18 (1) has completed at least

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

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

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

25 (ii) under (5) of this subsection;

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

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

31 (4)] is currently in compliance with all conditions of probation for all

1 of the cases for which the person is on probation; and

2 **(4)** [(5)] has not been convicted of an unclassified felony offense, a
3 sexual felony as defined in AS 12.55.185, or a crime involving domestic violence as
4 defined in AS 18.66.990.

5 * **Sec. 62.** AS 12.55.125(c) is amended to read:

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

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

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

13 **(A)** and the defendant

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

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

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

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

29 **(ii) in the course of manufacturing or in preparation**
30 **for manufacturing, the defendant obtained the assistance of one or**
31 **more children under 18 years of age or one or more children were**

1 **present;**

2 (3) if the offense is a second felony conviction, **nine** [EIGHT] to **13**
3 [12] years;

4 (4) if the offense is a third felony conviction and the defendant is not
5 subject to sentencing under (l) of this section, **14** [13] to 20 years.

6 * **Sec. 63.** AS 12.55.125(d) is amended to read:

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

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

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

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

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

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

30 **(ii) in the course of an attempt to manufacture, the**
31 **defendant obtained the assistance of one or more children under 18**

1 years of age or one or more children were present [WAS 16 YEARS
2 OF AGE OR OLDER, ONE TO THREE YEARS];

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

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

6 * **Sec. 64.** AS 12.55.125(i) is amended to read:

7 (i) A defendant convicted of

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

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

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

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

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

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

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

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

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

31 (2) unlawful exploitation of a minor under AS 11.41.455(c)(2),

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

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

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

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

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

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

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

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

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

25 (3) sexual assault in the second degree, sexual abuse of a minor in the
 26 second degree, [ONLINE] enticement of a minor under AS 11.41.452(d), unlawful
 27 exploitation of a minor under AS 11.41.455(c)(1), **indecent viewing or production of**
 28 **a picture under AS 11.61.123(f)(1)**, or distribution of child pornography under
 29 AS 11.61.125(e)(2) may be sentenced to a definite term of imprisonment of not more
 30 than 99 years and shall be sentenced to a definite term within the following
 31 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

- 1 (A) if the offense is a first felony conviction, five to 15 years;
 2 (B) if the offense is a second felony conviction and does not
 3 involve circumstances described in (C) of this paragraph, 10 to 25 years;
 4 (C) if the offense is a second felony conviction and the
 5 defendant has a prior conviction for a sexual felony, 15 to 30 years;
 6 (D) if the offense is a third felony conviction and does not
 7 involve circumstances described in (E) of this paragraph, 20 to 35 years;
 8 (E) if the offense is a third felony conviction and the defendant
 9 has two prior convictions for sexual felonies, 99 years;

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

- 20 (A) if the offense is a first felony conviction, two to 12 years;
 21 (B) if the offense is a second felony conviction and does not
 22 involve circumstances described in (C) of this paragraph, eight to 15 years;
 23 (C) if the offense is a second felony conviction and the
 24 defendant has a prior conviction for a sexual felony, 12 to 20 years;
 25 (D) if the offense is a third felony conviction and does not
 26 involve circumstances described in (E) of this paragraph, 15 to 25 years;
 27 (E) if the offense is a third felony conviction and the defendant
 28 has two prior convictions for sexual felonies, 99 years.

29 * **Sec. 65.** AS 12.55.125(q) is amended to read:

- 30 (q) Other than for convictions subject to a mandatory 99-year sentence, the
 31 court shall impose, in addition to an active term of imprisonment imposed under (i) of

1 this section, a minimum period of (1) suspended imprisonment of five years and a
 2 minimum period of probation supervision of 15 years for conviction of an unclassified
 3 felony, (2) suspended imprisonment of three years and a minimum period of probation
 4 supervision of 10 years for conviction of a class A or class B felony, or (3) suspended
 5 imprisonment of two years and a minimum period of probation supervision of five
 6 years for conviction of a class C felony. The period of probation is in addition to any
 7 sentence received under (i) of this section **and may not be suspended or reduced.**
 8 **Upon a defendant's release from confinement in a correctional facility, the**
 9 **defendant is subject to the probation requirement under this subsection and shall**
 10 **submit and comply with the terms and requirements of the probation.**

11 * **Sec. 66.** AS 12.55.135(a) is amended to read:

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

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

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

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

22 (C) DEFENDANT HAS PAST CRIMINAL CONVICTIONS
 23 FOR CONDUCT VIOLATIVE OF CRIMINAL LAWS, PUNISHABLE AS
 24 FELONIES OR MISDEMEANORS, SIMILAR IN NATURE TO THE
 25 OFFENSE FOR WHICH THE DEFENDANT IS BEING SENTENCED;

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

28 (E) CONVICTION IS FOR A VIOLATION OF

29 (i) AS 11.41.427;

30 (ii) AS 11.41.440;

31 (iii) AS 11.41.460, IF THE INDECENT EXPOSURE

1 IS BEFORE A PERSON UNDER 16 YEARS OF AGE;

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

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

4 (2) 30 DAYS].

5 * **Sec. 67.** AS 12.55.135(b) is amended to read:

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

8 (1) 30 [10] days unless otherwise specified in the provision of law
9 defining the offense or in this section;

10 (2) 90 days if the conviction is for a violation of

11 (A) AS 11.61.116(c)(1) and the person is 21 years of age or
12 older; [OR]

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

15 **(C) AS 11.61.220(a)(4)(B) or (C); or**

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

17 * **Sec. 68.** AS 12.55.145(a) is amended to read:

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

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

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

24 (B) a conviction in this or another jurisdiction of an offense
25 having elements similar to those of a felony defined as such under Alaska law
26 at the time the offense was committed is considered a prior felony conviction;

27 (C) two or more convictions arising out of a single, continuous
28 criminal episode during which there was no substantial change in the nature of
29 the criminal objective are considered a single conviction unless the defendant
30 was sentenced to consecutive sentences for the crimes; offenses committed
31 while attempting to escape or avoid detection or apprehension after the

1 commission of another offense are not part of the same criminal episode or
2 objective;

3 (2) AS 12.55.125(l),

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

7 (B) commission of and conviction for offenses relied on as
8 prior most serious felony offenses must occur in the following order:
9 conviction for the first offense must occur before commission of the second
10 offense, and conviction for the second offense must occur before commission
11 of the offense for which the defendant is being sentenced;

12 (3) AS 12.55.135(g),

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

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

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

27 (4) AS 12.55.125(i),

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

31 (B) a felony conviction in another jurisdiction making it a

1 crime to commit any lewd and lascivious act **on** [UPON] a child under the age
 2 of 16 years, with the intent of arousing, appealing to, or gratifying the sexual
 3 desires of the defendant or the victim is a prior conviction for a sexual felony;

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

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

15 [(5) AS 12.55.135(a),

16 (A) A PRIOR CONVICTION MAY NOT BE CONSIDERED
 17 IF A PERIOD OF FIVE OR MORE YEARS HAS ELAPSED BETWEEN
 18 THE DATE OF THE DEFENDANT'S UNCONDITIONAL DISCHARGE
 19 ON THE IMMEDIATELY PRECEDING OFFENSE AND COMMISSION
 20 OF THE PRESENT OFFENSE UNLESS THE PRIOR CONVICTION WAS
 21 FOR AN UNCLASSIFIED OR CLASS A FELONY;

22 (B) A CONVICTION IN THIS OR ANOTHER
 23 JURISDICTION OF AN OFFENSE HAVING ELEMENTS SIMILAR TO
 24 THOSE OF A FELONY OR MISDEMEANOR DEFINED AS SUCH
 25 UNDER ALASKA LAW AT THE TIME THE OFFENSE WAS
 26 COMMITTED IS CONSIDERED A PRIOR CONVICTION;

27 (C) TWO OR MORE CONVICTIONS ARISING OUT OF A
 28 SINGLE, CONTINUOUS CRIMINAL EPISODE DURING WHICH THERE
 29 WAS NO SUBSTANTIAL CHANGE IN THE NATURE OF THE
 30 CRIMINAL OBJECTIVE ARE CONSIDERED A SINGLE CONVICTION
 31 UNLESS THE DEFENDANT WAS SENTENCED TO CONSECUTIVE

1 SENTENCES FOR THE CRIMES; OFFENSES COMMITTED WHILE
 2 ATTEMPTING TO ESCAPE OR AVOID DETECTION OR
 3 APPREHENSION AFTER THE COMMISSION OF ANOTHER OFFENSE
 4 ARE NOT PART OF THE SAME CRIMINAL EPISODE OR OBJECTIVE].

5 * **Sec. 69.** AS 12.55.185(10) is amended to read:

6 (10) "most serious felony" means

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

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

14 * **Sec. 70.** AS 12.55.185(16) is amended to read:

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

23 * **Sec. 71.** AS 12.63.010(d) is amended to read:

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

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

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

6 * **Sec. 72.** AS 12.63.020 is amended to read:

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

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

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

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

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

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

26 **(i)** [PARAGRAPH (A)] is tolled for each year that a
 27 sex offender or child kidnapper [(i)] fails to comply with the
 28 requirements of this chapter **or** [(ii)] is incarcerated for the offense or
 29 kidnapping for which the offender or kidnapper is required to register
 30 or for any other offense;

31 **(ii)** [(B)] may include the time a sex offender or child

1 kidnapper was absent from this state if the sex offender or child
 2 kidnapper has complied with any sex offender or child kidnapper
 3 registration requirements of the jurisdiction in which the offender or
 4 kidnapper was located and if the sex offender or child kidnapper
 5 provides the department with proof of the compliance while the sex
 6 offender or child kidnapper was absent from this state; and

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

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

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

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

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

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

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

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

30 **(2) a requirement that an** [. AS A PART OF THE REGULATIONS,
 31 THE DEPARTMENT SHALL REQUIRE THE] offender or kidnapper [TO] supply

1 proof acceptable to the department of unconditional discharge and the date it occurred.

2 * **Sec. 73.** AS 12.63.100(6) is amended to read:

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

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

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

10 * **Sec. 74.** AS 12.63.100(7) is amended to read:

11 (7) "sex offense" means

12 (A) a crime under AS 11.41.100(a)(3), or a similar law of
13 another jurisdiction, in which the person committed or attempted to commit a
14 sexual offense, or a similar offense under the laws of the other jurisdiction; in
15 this subparagraph, "sexual offense" has the meaning given in
16 AS 11.41.100(a)(3);

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

20 (i) sexual assault in the first degree;

21 (ii) sexual assault in the second degree;

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

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

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

26 (i) AS 11.41.410 - 11.41.438;

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

28 (iii) AS 11.41.450 - 11.41.458;

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

1 (v) AS 11.61.125 - 11.61.128;

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

5 (vii) former AS 11.15.120, former 11.15.134, or assault
6 with the intent to commit rape under former AS 11.15.160, former
7 AS 11.40.110, or former 11.40.200;

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

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

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

14 (xi) AS 26.05.890 if, at the time of the offense, the
15 victim is under a duty to obey the lawful orders of the offender,
16 regardless of whether the offender is in the direct chain of command
17 over the victim;

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

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

22 (xiv) AS 26.05.900 if, at the time of the offense, the
23 victim is under a duty to obey the lawful orders of the offender,
24 regardless of whether the offender is in the direct chain of command
25 over the victim; or

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

28 (D) an offense, or an attempt, solicitation, or conspiracy to
29 commit an offense, under AS 26.05.935(b), or a similar law of another
30 jurisdiction, if the member of the militia commits one of the following
31 enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform

Code of Military Justice):

(i) child pornography; or

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

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

* **Sec. 75.** AS 28.15.291(b) is amended to read:

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

[(1)] a class A misdemeanor [IF THE PERSON VIOLATES (a)(1) OF THIS SECTION]; upon conviction, the court shall impose a minimum sentence of imprisonment of not less than 10 days

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

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

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

* **Sec. 76.** 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;

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

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

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

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

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

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

17 * **Sec. 77.** AS 28.35.032(q) is amended to read:

18 (q) Upon request, the department shall review a driver's license revocation
19 imposed under (p)(3) of this section and, **unless the revocation was ordered in a**
20 **case in which the person was also convicted of a crime under AS 11.41.100 -**
21 **11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction,** may
22 restore the driver's license if

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

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

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

28 * **Sec. 78.** AS 33.05.020(h) is amended to read:

29 (h) The commissioner shall establish by regulation a program **that entitles a**
30 **probationer to a deduction of one-third of the period of probation, rounded off to**
31 **the nearest day, for compliance** [ALLOWING PROBATIONERS TO EARN

1 CREDITS FOR COMPLYING] with the conditions of probation **and for loss of the**
 2 **deduction for noncompliance with the conditions** [THE CREDITS EARNED
 3 REDUCE THE PERIOD OF PROBATION]. Nothing in this subsection prohibits the
 4 department from recommending to the court the early discharge of the probationer as
 5 provided in AS 33.30. At a minimum, the regulations must

6 (1) [REQUIRE THAT A PROBATIONER EARN A CREDIT OF 30
 7 DAYS FOR EACH 30-DAY PERIOD SERVED IN WHICH THE DEFENDANT
 8 COMPLIED WITH THE CONDITIONS OF PROBATION];

9 (2)] include policies and procedures for

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

11 (B) reducing the probationer's period of probation based on **the**
 12 **probationer's compliance with the conditions of probation** [CREDITS
 13 EARNED BY THE PROBATIONER]; and

14 (C) notifying a victim under AS 33.30.013;

15 **(2)** [(3)] require that a probationer convicted of a [SEX OFFENSE AS
 16 DEFINED IN AS 12.63.100 OR A] crime involving domestic violence as defined in
 17 as 18.66.990 complete all treatment programs required as a condition of probation
 18 before discharge based on credits earned under this subsection.

19 * **Sec. 79.** AS 33.05.020 is amended by adding new subsections to read:

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

22 (1) an unclassified felony;

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

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

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

27 (j) The commissioner shall establish by regulation a program that determines a
 28 pretrial risk assessment score for all defendants detained in custody in a correctional
 29 facility following arrest and for any defendant for whom the prosecution requests to
 30 have a pretrial risk assessment at the next hearing or arraignment.

31 (k) In establishing the program under (j) of this section, the commissioner

1 shall approve a risk assessment instrument that is objective, standardized, and
2 developed based on analysis of empirical data and risk factors relevant to pretrial
3 failure, that evaluates the likelihood of an offender's failure to appear in court and the
4 likelihood of an offender's rearrest during the pretrial period, and that is validated on
5 the state's pretrial population. The commissioner shall periodically reassess the risk
6 assessment instrument for its effectiveness in determining the likelihood of an
7 offender's failure to appear in court or rearrest during the pretrial period.

8 * **Sec. 80.** AS 33.05.040(a) is amended to read:

9 (a) A probation officer shall

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

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

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

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

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

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

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

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

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

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

16 **(11) report on the probationer by making a recommendation to**
 17 **the court to revoke probation or to maintain existing probation conditions when**
 18 **a petition to revoke probation is filed.**

19 * **Sec. 81.** AS 33.16.060(a) is amended to read:

20 (a) The board shall

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

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

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

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

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

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

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

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

8 (9) execute other responsibilities prescribed by law.

9 * **Sec. 82.** AS 33.16.090(a) is amended to read:

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

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

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

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

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

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

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

1 **discretionary parole release is not eligible for consideration of**
 2 **discretionary parole;** or

3 (2) is at least 60 years of age, has served at least 10 years of a sentence
 4 for one or more crimes in a single judgment, and has not been convicted of an
 5 unclassified felony or a sexual felony as defined in AS 12.55.185.

6 * **Sec. 83.** AS 33.16.090(b) is amended to read:

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

8 (1) to a single sentence under AS 12.55.125(a) or (b) may not be
 9 released on discretionary parole until the prisoner has served the mandatory minimum
 10 term under AS 12.55.125(a) or (b), **one-half** [ONE-THIRD] of the active term of
 11 imprisonment imposed, or any term set under AS 12.55.115, whichever is greatest;

12 (2) to a single sentence within or below a presumptive range set out in
 13 AS 12.55.125(i)(1) and (2), and has not been allowed by the three-judge panel under
 14 AS 12.55.175 to be considered for discretionary parole release, may not be released on
 15 discretionary parole until the prisoner has served the term imposed, less good time
 16 earned under AS 33.20.010;

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

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

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

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

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

30 (4) to a single enhanced sentence under AS 12.55.155(a) that is above
 31 the applicable presumptive range may not be released on discretionary parole until the

1 prisoner has served the greater of the following:

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

5 (B) any term set under AS 12.55.115;

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

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

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

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

15 (C) the amount of time that is required to be served under (1) -
16 (5) **or (8)** of this subsection for the sentence imposed for the primary crime,
17 had that been the only sentence imposed;

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

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

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

23 (C) the amount of time that is required to be served under (1) -
24 (5) **or (8)** of this subsection for the sentence imposed for the primary crime,
25 had that been the only sentence imposed, plus one-quarter of the composite
26 total of the active term of imprisonment imposed as consecutive or partially
27 consecutive sentences imposed for all crimes other than the primary crime;

28 (8) to a single sentence under **AS 12.55.125(d) for an offense under**
29 **AS 11.71.030(a)(1) or (2)** [AS 12.55.125(i)(3) AND (4)], and has not been allowed by
30 the three-judge panel under AS 12.55.175 to be considered for discretionary parole
31 release, may not be released on discretionary parole until the prisoner has served [,

1 AFTER A DEDUCTION FOR GOOD TIME EARNED UNDER AS 33.20.010,] one-
2 half of the active term of imprisonment imposed.

3 * **Sec. 84.** AS 33.16.100(a) is amended to read:

4 (a) The board may authorize the release of a prisoner [CONVICTED OF AN
5 UNCLASSIFIED FELONY] who is otherwise eligible under AS 12.55.115 and
6 AS 33.16.090(a)(1) on discretionary parole if it determines a reasonable probability
7 exists that

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

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

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

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

16 * **Sec. 85.** AS 33.16.100 is amended by adding a new subsection to read:

17 (h) If the board considers an application for discretionary parole and denies
18 parole because the prisoner does not meet the standards in (a) or (g) of this section, the
19 board may make the prisoner ineligible for further consideration of discretionary
20 parole or require that additional time be served before the prisoner is again eligible for
21 consideration for discretionary parole.

22 * **Sec. 86.** AS 33.16.130(a) is repealed and reenacted to read:

23 (a) A prisoner eligible for discretionary parole may apply to the board for
24 discretionary parole. As part of the application for parole, the prisoner shall submit to
25 the board a parole release plan that includes information concerning the prisoner's plan
26 for employment, residence, and rehabilitation if released on parole.

27 * **Sec. 87.** AS 33.16.130(b) is amended to read:

28 (b) **Before the board determines a prisoner's suitability for discretionary**
29 **parole, the prisoner is entitled to a hearing before the board.** The
30 [COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL FURNISH
31 TO THE] prisoner **shall be furnished** a copy of the preparole reports listed in

1 AS 33.16.110(a), and the prisoner shall be permitted access to all records that the
 2 board will consider in making its decision except those that are made confidential by
 3 law. The prisoner may also respond in writing to all materials the board considers, be
 4 present at the hearing, and present evidence to the board.

5 * **Sec. 88.** AS 33.16.210(c) is amended to read:

6 (c) A parole officer **may** [SHALL] recommend to the board early discharge
 7 for a parolee who

8 (1) has completed at least one year on parole;

9 (2) has completed all treatment programs required as a condition of
 10 parole;

11 (3) **is currently in compliance with all conditions of parole for all**
 12 **of the cases for which the person is on parole and** has not been found in violation of
 13 conditions of parole by the board for at least one year; and

14 (4) has not been convicted of

15 (A) an unclassified felony offense under AS 11;

16 (B) a sexual felony as defined in AS 12.55.185; or

17 (C) a crime involving domestic violence as defined in

18 AS 18.66.990.

19 * **Sec. 89.** AS 33.16.220(b) is amended to read:

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

29 * **Sec. 90.** AS 33.16.220(i) is amended to read:

30 (i) If, after the final revocation hearing, the board finds that the parolee has
 31 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or

1 ordinance, the board may revoke all or a portion of the remaining period of parole
 2 [SUBJECT TO THE LIMITS SET OUT IN AS 33.16.215,] or change any condition
 3 of parole. A parolee's period of parole is tolled from the date of filing with the parole
 4 board of a violation report **until the date of the final revocation hearing** [FOR
 5 ABSCONDING AND THE DATE OF THE PAROLEE'S ARREST, IF THE
 6 PAROLE BOARD FINDS, AFTER A HEARING, THAT THE PAROLEE
 7 VIOLATED PAROLE BY ABSCONDING, AS DEFINED IN AS 33.16.215(f). THE
 8 BOARD MAY NOT EXTEND THE PERIOD OF PAROLE BEYOND THE
 9 MAXIMUM RELEASE DATE CALCULATED BY THE DEPARTMENT ON THE
 10 PAROLEE'S ORIGINAL SENTENCE PLUS ANY TIME THAT HAS BEEN
 11 TOLLED AS DESCRIBED IN THIS SECTION].

12 * **Sec. 91.** AS 33.16.270 is amended to read:

13 **Sec. 33.16.270. Compliance [EARNED COMPLIANCE] credits.** The
 14 commissioner shall establish by regulation a program **that entitles a parolee to a**
 15 **deduction of one-third of the period of parole, rounded off to the nearest day, for**
 16 **compliance** [ALLOWING PAROLEES TO EARN CREDITS FOR COMPLYING]
 17 with the conditions of parole **and for loss of the deduction for noncompliance with**
 18 **the conditions** [THE EARNED COMPLIANCE CREDITS REDUCE THE PERIOD
 19 OF PAROLE]. Nothing in this section prohibits the department from recommending
 20 to the board the early discharge of the parolee as provided in this chapter. At a
 21 minimum, the regulations must

22 (1) [REQUIRE THAT A PAROLEE EARN A CREDIT OF 30 DAYS
 23 FOR EACH 30-DAY PERIOD SERVED IN WHICH THE PAROLEE COMPLIED
 24 WITH THE CONDITIONS OF PAROLE;

25 (2)] include policies and procedures for

26 (A) calculating and tracking credits earned by parolees;

27 (B) reducing the parolee's period of parole based on **the**
 28 **parolee's compliance with the conditions of parole;** [CREDITS EARNED
 29 BY THE PAROLEE] and

30 (C) notifying a victim under AS 33.30.013;

31 (2) [(3)] require that a parolee convicted of a [SEX OFFENSE AS

1 DEFINED IN AS 12.63.100 OR A] crime involving domestic violence, **as defined in**
 2 **AS 18.66.990**, complete all treatment programs required as a condition of parole
 3 before discharge based on credits earned under this section.

4 * **Sec. 92.** AS 33.16.270 is amended by adding a new subsection to read:

5 (b) A parolee may not earn credits under (a) of this section if the parolee is on
 6 parole for

7 (1) an unclassified felony;

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

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

10 (4) a crime involving domestic violence, as defined in AS 18.66.990,

11 that is an offense under AS 11.41.

12 * **Sec. 93.** AS 33.30.011(a) is amended to read:

13 (a) The commissioner shall

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

19 (2) classify prisoners;

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

22 (A) protect the public and the victims of crimes committed by
 23 prisoners;

24 (B) maintain health;

25 (C) create or improve occupational skills;

26 (D) enhance educational qualifications;

27 (E) support court-ordered restitution; and

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

30 (4) provide necessary

31 (A) medical services for prisoners in correctional facilities or

1 who are committed by a court to the custody of the commissioner, including
2 examinations for communicable and infectious diseases;

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

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

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

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

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

16 (6) provide for fingerprinting in correctional facilities in accordance
17 with AS 12.80.060;

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

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

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

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

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

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

4 (E) includes participation in programming that addresses the
5 needs identified in the assessment;

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

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

13 (i) residence;

14 (ii) employment or alternative means of support;

15 (iii) treatment options;

16 (iv) counseling services;

17 (v) education or job training services;

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

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

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

26 (10) for offenders under electronic monitoring, establish

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

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

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

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

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

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

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

14 * **Sec. 94.** AS 34.03.360(7) is amended to read:

15 (7) "illegal activity involving a controlled substance" means a violation
 16 of AS 11.71.010(a), **11.71.021**, 11.71.030(a)(1), (2), or (4) - (8), or 11.71.040(a)(1),
 17 (2), or (5);

18 * **Sec. 95.** AS 44.41 is amended by adding a new section to read:

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

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

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

29 (3) within two weeks after the laboratory that receives the sexual
 30 assault examination kit under (1) of this subsection completes serological or DNA
 31 testing, make a reasonable effort to notify the victim from whom the sexual assault

1 examination kit was collected that the sexual assault examination kit has been tested.

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

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

8 (d) In this section,

9 (1) "law enforcement agency" and "agency" have the meaning given to
10 "law enforcement agency" in AS 12.36.090;

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

12 * **Sec. 96.** AS 44.41.070(a) is amended to read:

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

23 * **Sec. 97.** AS 44.41.070(b) is amended to read:

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

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

1 **ineligible for testing;**

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

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

6 * **Sec. 98.** AS 44.41.070 is amended by adding a new subsection to read:

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

9 (1) is scientifically unviable;

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

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

13 * **Sec. 99.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

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

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

24 * **Sec. 100.** The uncodified law of the State of Alaska is amended by adding a new section
25 to read:

26 DIRECT COURT RULE AMENDMENT. Rule 38.2(a), Alaska Rules of
27 Criminal Procedure, is amended to read:

28 (a) The Administrative Director of the Alaska Court System, after consultation
29 with the presiding judge, Public Defender Agency, and Attorney General's Office,
30 may enter into agreements with the Department of Public Safety and Department of
31 Corrections which approve systems allowing judges to provide for the appearance by a

1 defendant at certain criminal proceedings by way of **contemporaneous two-way**
 2 **video conference** [TELEVISION] equipment in lieu of the physical presence of the
 3 defendant in the courtroom. Such an agreement must provide for a procedure by which
 4 the defendant may confer with the defendant's attorney in private.

5 * **Sec. 101.** The uncodified law of the State of Alaska is amended by adding a new section
 6 to read:

7 DIRECT COURT RULE AMENDMENT. Rule 38.2(b), Alaska Rules of
 8 Criminal Procedure, is amended to read:

9 (b) In those court locations in which a **contemporaneous two-way video**
 10 **conference** [TELEVISION] system has been approved by the supreme court and has
 11 been installed, in custody defendants shall appear by way of **contemporaneous two-**
 12 **way video conference** [TELEVISION] for arraignment, pleas, and non-evidentiary
 13 bail reviews in traffic and misdemeanor cases; and initial appearance hearings, non-
 14 evidentiary bail reviews, and not guilty plea arraignments in felony cases, unless
 15 otherwise ordered for cause stated by the presiding judge. With the defendant's
 16 consent, sentencings may be done by way of **contemporaneous two-way video**
 17 **conference** [TELEVISION] in traffic and misdemeanor cases. **The court may order**
 18 **a defendant to appear by contemporaneous two-way video conference at any**
 19 **other hearings.** In any particular case, the trial court may order that the defendant be
 20 transported to court for court proceedings if the trial judge finds that the defendant's
 21 rights would be prejudiced by use of the system.

22 * **Sec. 102.** AS 11.41.432(a)(2); AS 11.46.980(d), 11.46.982; AS 11.56.330(a)(3);
 23 AS 11.71.030(a)(1), 11.71.030(a)(4), 11.71.030(a)(5), 11.71.030(a)(6), 11.71.030(a)(7),
 24 11.71.030(a)(8), 11.71.030(c), 11.71.030(e), 11.71.040(a)(11); AS 12.25.180(b)(3);
 25 AS 12.30.055(b); AS 12.55.110(c), 12.55.110(d), 12.55.110(e), 12.55.110(f), 12.55.110(g),
 26 12.55.110(h), 12.55.135(l), 12.55.135(n), 12.55.135(o), 12.55.135(p); AS 33.07.010,
 27 33.07.020, 33.07.030, 33.07.040, 33.07.090; AS 33.16.100(f), 33.16.215, 33.16.220(j),
 28 33.16.240(h); and AS 33.20.010 are repealed.

29 * **Sec. 103.** The uncodified law of the State of Alaska is amended by adding a new section
 30 to read:

31 REPORT TO LEGISLATURE; COMMISSIONER OF CORRECTIONS. On or

1 before January 10, 2020, the commissioner of corrections shall provide a report to the
2 legislature as described under AS 33.30.011(a)(12), enacted by sec. 93 of this Act. The
3 commissioner shall submit the report to the senate secretary and chief clerk of the house of
4 representatives and notify the legislature that the report is available.

5 * **Sec. 104.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 REPORT ON REHABILITATIVE SERVICES. The Department of Corrections shall
8 develop a needs assessment of all rehabilitative services for each institution, including
9 education, treatment, vocational education, secular and faith-based, and pro-social programs.
10 On or before January 31, 2020, the Department of Corrections shall provide a written report
11 regarding the needs assessments to the senate secretary and chief clerk of the house of
12 representatives and notify the legislature that the report is available.

13 * **Sec. 105.** The uncodified law of the State of Alaska is amended by adding a new section
14 to read:

15 REPORT OF THE SUPERIOR COURT REGARDING INVOLUNTARY
16 COMMITMENT. By December 31, 2020, the superior court shall transmit the information
17 under AS 47.30.907(a), if known, to the Department of Public Safety for all orders of the
18 superior court issued on or after January 1, 1981, for the involuntary commitment of a person
19 under AS 47.30.735 - 47.30.755 or for orders of relief from a disability resulting from an
20 involuntary commitment or an adjudication of mental illness or mental incompetence granted
21 under AS 47.30.851(b).

22 * **Sec. 106.** The uncodified law of the State of Alaska is amended by adding a new section
23 to read:

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

- 26 (1) AS 11.41.110(a), as amended by sec. 2 of this Act;
- 27 (2) AS 11.41.150(a), as amended by sec. 3 of this Act;
- 28 (3) AS 11.41.432(b), as amended by sec. 4 of this Act;
- 29 (4) AS 11.41.432(d), enacted by sec. 5 of this Act;
- 30 (5) AS 11.41.438(b), as amended by sec. 6 of this Act;
- 31 (6) AS 11.41.438(c), enacted by sec. 7 of this Act;

- 1 (7) AS 11.41.452(a), as amended by sec. 8 of this Act;
- 2 (8) AS 11.41.452(d), as amended by sec. 9 of this Act;
- 3 (9) AS 11.41.452(e), as amended by sec. 10 of this Act;
- 4 (10) AS 11.46.130(a), as amended by sec. 11 of this Act;
- 5 (11) AS 11.46.140(a), as amended by sec. 12 of this Act;
- 6 (12) AS 11.46.150(a), as amended by sec. 13 of this Act;
- 7 (13) AS 11.46.220(c), as amended by sec. 14 of this Act;
- 8 (14) AS 11.46.260(b), as amended by sec. 15 of this Act;
- 9 (15) AS 11.46.270(b), as amended by sec. 16 of this Act;
- 10 (16) AS 11.46.280(d), as amended by sec. 17 of this Act;
- 11 (17) AS 11.46.285, as amended by sec. 18 of this Act;
- 12 (18) AS 11.46.295, as amended by sec. 19 of this Act;
- 13 (19) AS 11.46.360(a), as amended by sec. 20 of this Act;
- 14 (20) AS 11.46.370, enacted by sec. 21 of this Act;
- 15 (21) AS 11.46.482(a), as amended by sec. 22 of this Act;
- 16 (22) AS 11.46.484(a), as amended by sec. 23 of this Act;
- 17 (23) AS 11.46.486(a), as amended by sec. 24 of this Act;
- 18 (24) AS 11.46.530(b), as amended by sec. 25 of this Act;
- 19 (25) AS 11.46.620(d), as amended by sec. 26 of this Act;
- 20 (26) AS 11.46.730(c), as amended by sec. 27 of this Act;
- 21 (27) AS 11.46.980(e), enacted by sec. 28 of this Act;
- 22 (28) AS 11.56.310(a), as amended by sec. 29 of this Act;
- 23 (29) AS 11.56.320(a), as amended by sec. 30 of this Act;
- 24 (30) AS 11.56.730(a), as amended by sec. 31 of this Act;
- 25 (31) AS 11.56.730(d), as amended by sec. 32 of this Act;
- 26 (32) AS 11.56.757(b), as amended by sec. 33 of this Act;
- 27 (33) AS 11.56.810(a), as amended by sec. 34 of this Act;
- 28 (34) AS 11.61.123(a), as amended by sec. 35 of this Act;
- 29 (35) AS 11.61.123(c), as amended by sec. 36 of this Act;
- 30 (36) AS 11.61.123(d), as amended by sec. 37 of this Act;
- 31 (37) AS 11.61.123(f), as amended by sec. 38 of this Act;

- 1 (38) AS 11.61.123(g), as amended by sec. 39 of this Act;
- 2 (39) AS 11.61.124, enacted by sec. 40 of this Act;
- 3 (40) AS 11.71.021, enacted by sec. 41 of this Act;
- 4 (41) AS 11.71.030(a), as amended by sec. 42 of this Act;
- 5 (42) AS 11.71.030(d), as amended by sec. 43 of this Act;
- 6 (43) AS 11.71.040(a), as amended by sec. 44 of this Act;
- 7 (44) AS 11.71.040(d), as amended by sec. 45 of this Act;
- 8 (45) AS 11.71.050, as amended by sec. 46 of this Act;
- 9 (46) AS 11.71.060, as amended by sec. 47 of this Act;
- 10 (47) AS 11.71.311(a), as amended by sec. 48 of this Act;
- 11 (48) AS 12.55.150(a), as amended by sec. 49 of this Act;
- 12 (49) AS 12.30.006(b), as amended by sec. 50 of this Act;
- 13 (50) AS 12.30.006(c), as amended by sec. 51 of this Act;
- 14 (51) AS 12.30.006(d), as amended by sec. 52 of this Act;
- 15 (52) AS 12.30.006(f), as amended by sec. 53 of this Act;
- 16 (53) AS 12.30.011, as repealed and reenacted by sec. 54 of this Act;
- 17 (54) AS 12.30.021(a), as amended by sec. 55 of this Act;
- 18 (55) AS 12.30.021(c), as amended by sec. 56 of this Act;
- 19 (56) AS 28.15.291(b), as amended by sec. 75 of this Act;
- 20 (57) AS 28.35.030(o), as amended by sec. 76 of this Act;
- 21 (58) AS 28.35.032(q), as amended by sec. 77 of this Act.

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

- 24 (1) AS 12.55.025(c), as amended by sec. 57 of this Act;
- 25 (2) AS 12.55.027(g), as amended by sec. 58 of this Act;
- 26 (3) AS 12.55.051(a), as amended by sec. 59 of this Act;
- 27 (4) AS 12.55.125(c), as amended by sec. 62 of this Act;
- 28 (5) AS 12.55.125(d), as amended by sec. 63 of this Act;
- 29 (6) AS 12.55.125(i), as amended by sec. 64 of this Act;
- 30 (7) AS 12.55.125(q), as amended by sec. 65 of this Act;
- 31 (8) AS 12.55.135(a), as amended by sec. 66 of this Act;

- 1 (9) AS 12.55.135(b), as amended by sec. 67 of this Act;
- 2 (10) AS 12.55.145(a), as amended by sec. 68 of this Act;
- 3 (11) AS 12.55.185(10), as amended by sec. 69 of this Act;
- 4 (12) AS 12.55.185(16), as amended by sec. 70 of this Act;
- 5 (13) AS 33.16.090(a), as amended by sec. 82 of this Act;
- 6 (14) AS 33.16.090(b), as amended by sec. 83 of this Act;
- 7 (15) AS 33.30.011(a), as amended by sec. 93 of this Act.

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

- 10 (1) AS 12.63.010(d), as amended by sec. 71 of this Act;
- 11 (2) AS 12.63.020, as amended by sec. 72 of this Act;
- 12 (3) AS 12.63.100(6), as amended by sec. 73 of this Act;
- 13 (4) AS 12.63.100(7), as amended by sec. 74 of this Act.

14 (d) The following sections apply to probation ordered on or after the effective date of
15 those sections for conduct occurring on or after the effective date of those sections:

- 16 (1) AS 12.55.090(c), as amended by sec. 60 of this Act;
- 17 (2) AS 12.55.090(g), as amended by sec. 61 of this Act;
- 18 (3) AS 33.05.020(h), as amended by sec. 78 of this Act;
- 19 (4) AS 33.05.020(i) and (j), enacted by sec. 79 of this Act;
- 20 (5) AS 33.05.040(a), as amended by sec. 80 of this Act.

21 (e) The following sections apply to parole ordered on or after the effective date of
22 those sections for conduct occurring on or after the effective date of those sections:

- 23 (1) AS 33.16.060(a), as amended by sec. 81 of this Act;
- 24 (2) AS 33.16.100(h), enacted by sec. 85 of this Act;
- 25 (3) AS 33.16.130(a), as repealed and reenacted by sec. 86 of this Act;
- 26 (4) AS 33.16.130(b), as amended by sec. 87 of this Act;
- 27 (5) AS 33.16.210(c), as amended by sec. 88 of this Act;
- 28 (6) AS 33.16.220(b), as amended by sec. 89 of this Act;
- 29 (7) AS 33.16.220(i), as amended by sec. 90 of this Act;
- 30 (8) AS 33.16.270, as amended by sec. 91 of this Act;
- 31 (9) AS 33.16.270(b), enacted by sec. 92 of this Act.

1 (f) AS 33.16.100(a), as amended by sec. 84 of this Act, applies to parole granted on or
2 after the effective date of sec. 84 of this Act for conduct occurring before, on, or after the
3 effective date of sec. 84 of this Act.

4 * **Sec. 107.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **CONDITIONAL EFFECT.** Sections 99 - 101 of this Act take effect only if secs. 99 -
7 101 of this Act receive the two-thirds majority vote of each house required by art. IV, sec. 15,
8 Constitution of the State of Alaska.

9 * **Sec. 108.** Section 105 of this Act takes effect immediately under AS 01.10.070(c).

10 * **Sec. 109.** Sections 95 - 98 of this Act take effect January 1, 2020.

11 * **Sec. 110.** Except as provided in secs. 108 and 109 of this Act, this Act takes effect July 1,
12 2019.