

CS FOR HOUSE BILL NO. 49(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/8/19

Offered: 5/7/19

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

14 (d) The legislature finds that the legislature did not intend, by enacting ch. 90, SLA
15 2003, and the legislature does not now intend by enacting this Act, to place a limitation on
16 which previous convictions may be considered when imposing a sentence under
17 AS 12.55.125(i), as amended by sec. 60 of this Act.

18 (e) It is the intent of the legislature that AS 12.55.145(a), as amended by sec. 64 of
19 this Act, overturn the decision of the Alaska Court of Appeals in *Williams v. State*, 418 P.3d
20 870 (Alaska Ct. App. 2018) to the extent that the decision held that, when imposing a
21 sentence under AS 12.55.125(i), as amended by sec. 60 of this Act, a prior felony conviction
22 should not be considered if 10 or more years has elapsed between the date of the defendant's
23 unconditional discharge on the immediately preceding offense and the date the defendant
24 committed the present offense unless the prior conviction was for an unclassified or class A
25 felony.

26 (f) It is the intent of the legislature that all prior felony convictions be considered
27 when imposing a sentence under AS 12.55.125(i), as amended by sec. 60 of this Act,
28 regardless of the amount of time that has passed since each conviction.

29 (g) The legislature finds that

30 (1) protecting the public from sex offenders serves a compelling governmental
31 interest, and that the release of certain information about sex offenders to public agencies and

1 the general public assists in protecting the public;

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

4 (3) the Alaska Supreme Court's narrow interpretation of the state's sex
5 offender registration requirements in its decision in State, Department of Public Safety v.
6 Doe, 425 P.3d 115 (Alaska 2018) hinders the state's ability to protect the public from sex
7 offenders who may come to this state in that it requires a person to register as a sex offender
8 in this state only if that person has been convicted of an offense that is similar to a sex offense
9 as defined in AS 12.63.100, as amended by sec. 69 of this Act.

10 (h) It is the intent of the legislature to overturn State, Department of Public Safety v.
11 Doe, 425 P.3d 115 (Alaska 2018) to the extent that the decision held that a sex offender
12 required to register in another jurisdiction is not required to register in the state unless the
13 person's underlying conviction is similar to a sex offense as defined in AS 12.63.100, as
14 amended by sec. 69 of this Act. Additionally, it is the intent of the legislature to give
15 reciprocity to other jurisdictions and require a sex offender who is physically present in the
16 state and is required to register as a sex offender in another jurisdiction to register as a sex
17 offender in the state regardless of whether the person's underlying conviction is similar to a
18 sex offense as defined in AS 12.63.100, as amended by sec. 69 of this Act.

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

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

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

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

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

29 (3) under circumstances not amounting to murder in the first degree
30 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
31 person commits or attempts to commit arson in the first degree, kidnapping, sexual

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

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

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

15 (A) a felony violation of AS 11.41;

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

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

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

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

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

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

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

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

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

12 * **Sec. 4.** AS 11.41.438(b) is amended to read:

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

16 * **Sec. 5.** AS 11.41.438 is amended by adding a new subsection to read:

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

20 * **Sec. 6.** AS 11.41.452(a) is amended to read:

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

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

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

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

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

31 * **Sec. 8.** AS 11.41.452(e) is amended to read:

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

4 * **Sec. 9.** AS 11.46.130(a) is amended to read:

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

7 (1) the value of the property or services [, ADJUSTED FOR
 8 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than
 9 \$25,000;

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

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

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

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

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

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

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

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

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

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

29 * **Sec. 10.** AS 11.46.140(a) is amended to read:

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

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

4 (2) [REPEALED]

5 (3) [REPEALED]

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

10 * **Sec. 11.** AS 11.46.150(a) is amended to read:

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

14 * **Sec. 12.** AS 11.46.220(c) is amended to read:

15 (c) Concealment of merchandise is

16 (1) a class C felony if

17 (A) the merchandise is a firearm;

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

20 (C) the value of the merchandise [, ADJUSTED FOR
 21 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
 22 \$750 and, within the preceding five years, the person has been convicted and
 23 sentenced on two or more separate occasions in this or another jurisdiction of

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

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

30 (2) a class A misdemeanor if

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

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

3 (B) [REPEALED]

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

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

11 * **Sec. 13.** AS 11.46.260(b) is amended to read:

12 (b) Removal of identification marks is

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

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

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

22 * **Sec. 14.** AS 11.46.270(b) is amended to read:

23 (b) Unlawful possession is

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

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

30 (3) a class B misdemeanor if the value of the property on which the
31 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS

1 PROVIDED IN AS 11.46.982,] is less than \$250.

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

3 (d) Issuing a bad check is

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

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

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

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

13 * **Sec. 16.** AS 11.46.285 is amended to read:

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

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

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

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

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

25 (1) a class B felony if the value of the property or services obtained is
26 \$25,000 or more;

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

30 (3) a class A misdemeanor if the value of the property or services
31 obtained [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is less

1 than \$75 [\$750].

2 * **Sec. 17.** AS 11.46.295 is amended to read:

3 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior
4 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) **or**
5 **11.46.140(a)(4)** or in prosecuting the crime of concealment of merchandise under
6 AS 11.46.220(c),

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

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

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

15 * **Sec. 18.** AS 11.46.360(a) is amended to read:

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

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

21 (2) the propelled vehicle of another and

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

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

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

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

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

3 (A) this section or AS 11.46.365;

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

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

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

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

11 * **Sec. 19.** AS 11.46 is amended by adding a new section to article 3 to read:

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

16 (b) In this section,

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

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

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

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

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

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

31 (1) with intent to damage property of another, the person damages

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

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

5 (3) the person knowingly

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

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

13 * **Sec. 21.** AS 11.46.484(a) is amended to read:

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

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

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

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

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

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

31 * **Sec. 22.** AS 11.46.486(a) is amended to read:

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

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

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

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

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

14 (b) Criminal simulation is

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

18 (2) a class A misdemeanor if the value of what the object purports to
 19 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is
 20 \$250 or more but less than \$750;

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

24 * **Sec. 24.** AS 11.46.620(d) is amended to read:

25 (d) Misapplication of property is

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

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

30 * **Sec. 25.** AS 11.46.730(c) is amended to read:

31 (c) Defrauding creditors is a class A misdemeanor unless that secured party,

1 judgment creditor, or creditor incurs a pecuniary loss [, ADJUSTED FOR
2 INFLATION AS PROVIDED IN AS 11.46.982,] of \$750 or more as a result of the
3 defendant's conduct, in which case defrauding secured creditors is

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

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

7 * **Sec. 26.** AS 11.46.980 is amended by adding a new subsection to read:

8 (e) In determining the degree or classification of a crime under this chapter, if
9 the combined value of the property or services taken from one or more persons or
10 commercial establishments within a period of 180 days is \$750 or more but less than
11 \$25,000, the value may be aggregated.

12 * **Sec. 27.** AS 11.56.310(a) is amended to read:

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

15 (1) removes oneself from

16 (A) a secure correctional facility while under official detention
17 for a misdemeanor;

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

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

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

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

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

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

1 * **Sec. 28.** AS 11.56.320(a) is amended to read:

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

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

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

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

9 **(A) removes, tampers with, or disables the electronic**
10 **monitoring equipment; or**

11 **(B) without prior authorization, leaves one's residence or**
12 **other place designated by the commissioner of corrections or the**
13 **commissioner of health and social services for service by electronic**
14 **monitoring; or**

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

16 **(A) removes, tampers with, or disables the electronic**
17 **monitoring equipment; or**

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

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

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

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

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

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

27 * **Sec. 30.** AS 11.56.730(d) is amended to read:

28 (d) Failure to appear is a

29 (1) class C felony if the person was released in connection with a
30 charge of a felony or while awaiting sentence or appeal after conviction of a felony
31 [AND THE PERSON

1 (A) DOES NOT MAKE CONTACT WITH THE COURT OR
 2 A JUDICIAL OFFICER WITHIN 30 DAYS AFTER THE PERSON DOES
 3 NOT APPEAR AT THE TIME AND PLACE OF A SCHEDULED
 4 HEARING; OR

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

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

8 a

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

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

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

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

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

20 * **Sec. 31.** AS 11.56.810(a) is amended to read:

21 (a) A person commits the crime of terroristic threatening in the second degree
 22 if the person makes a threat that

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

27 (A) the [; (B) CAUSES] evacuation of or initiation of an
 28 emergency protocol for a building, public place or area, business premises, or
 29 mode of public transportation;

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

31 (C) the public or a substantial group of the public to be in

1 **fear of serious physical injury** [(D) THE REPORT CLAIMS THAT A
 2 BACTERIOLOGICAL, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL
 3 SUBSTANCE THAT IS CAPABLE OF CAUSING SERIOUS PHYSICAL
 4 INJURY HAS BEEN SENT OR IS PRESENT IN A BUILDING, PUBLIC
 5 PLACE OR AREA, BUSINESS PREMISES, OR MODE OF PUBLIC
 6 TRANSPORTATION]; or

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

12 * **Sec. 32.** AS 11.61.123(a) is amended to read:

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

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

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

20 (1) THE PARENT OR GUARDIAN OF THE PERSON VIEWED,
 21 OR WHO IS SHOWN IN THE PICTURE, IF THE PERSON WHO IS VIEWED OR
 22 SHOWN IS UNDER 16 YEARS OF AGE; AND

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

25 * **Sec. 33.** AS 11.61.123(c) is amended to read:

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

29 * **Sec. 34.** AS 11.61.123(d) is amended to read:

30 (d) In a prosecution under this section, it is an affirmative defense that the
 31 viewing or **production of a picture** [PHOTOGRAPHY] was conducted as a security

1 surveillance system, notice of the viewing or **production** [PHOTOGRAPHY] was
 2 posted, and any viewing or use of pictures produced is done only in the interest of
 3 crime prevention or prosecution.

4 * **Sec. 35.** AS 11.61.123(f) is amended to read:

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

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

9 **(2) [(1)] class C felony if the person**

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

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

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

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

17 **(3) [(2)] class A misdemeanor if the person violates (a)(1) of this**
 18 **section and the person** viewed

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

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

23 * **Sec. 36.** AS 11.61.123 is amended by adding a new subsection to read:

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

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

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

30 * **Sec. 37.** AS 11.61 is amended by adding a new section to read:

31 **Sec. 11.61.124. Solicitation or production of an indecent picture of a**

1 **minor.** (a) An offender commits the crime of solicitation or production of an indecent
2 picture of a minor if, under circumstances not proscribed under AS 11.41.455, the
3 offender being 18 years of age or older

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

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

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

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

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

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

16 (b) In a prosecution under (a) of this section, it is not a defense that the person
17 solicited or shown in the picture was not actually a child under 16 years of age and at
18 least four years younger than the offender.

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

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

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

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

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

28 (1) class C felony if an offender

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

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

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

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

4 * **Sec. 38.** AS 11.71 is amended by adding a new section to read:

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

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

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

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

14 or

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

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

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

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

24 or

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (i) retailer or as a wholesaler;

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

31 (iii) manufacturer of drug products licensed by the

1 Board of Pharmacy;

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

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

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

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

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

15 * **Sec. 39.** AS 11.71.030(a) is amended to read:

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

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

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

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

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

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

31 (2) delivers any amount of a schedule IVA, VA, or VIA controlled

1 substance to a person under 19 years of age who is at least three years younger than
2 the person delivering the substance;

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

4 (A) with reckless disregard that the possession occurs

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

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

7 or

8 (B) on a school bus;

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

10 contains

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

12 or

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

14 isomers, or salts of isomers;

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

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

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

22 or

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

24 isomers, or salts of isomers;

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

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

29 (A) an immediate precursor of methamphetamine, or the salts,
30 isomers, or salts of isomers of the immediate precursor of methamphetamine,
31 to another person with reckless disregard that the precursor will be used to

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

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

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

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

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

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

16 * **Sec. 40.** AS 11.71.030(d) is amended to read:

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

19 * **Sec. 41.** AS 11.71.040(a) is amended to read:

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

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

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

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

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

2 (A) with reckless disregard that the possession occurs

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

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

5 or

6 (B) on a school bus;

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

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

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

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

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

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

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

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

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

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

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

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

8 **(A) this paragraph;**

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

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

12 * **Sec. 42.** AS 11.71.040(d) is amended to read:

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

15 * **Sec. 43.** AS 11.71.050 is amended to read:

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

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

24 (2) [REPEALED]

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

27 (4) under circumstances not proscribed under AS 11.71.030(a)(3),
 28 **11.71.040(a)(3), (4), or (12)** [11.71.040(a)(3), 11.71.040(a)(4)], or 11.71.060(a)(2),
 29 possesses any amount of a schedule IA, IIA, IIIA, IVA, **or** VA [, OR VIA] controlled
 30 substance; or

31 **(5) under circumstances not proscribed under AS 11.71.030(a)(3),**

1 **11.71.040(a)(3), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a**
 2 **schedule VIA controlled substance.**

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

5 * **Sec. 44.** AS 11.71.060 is amended to read:

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

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

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

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

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

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

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

23 * **Sec. 45.** AS 11.71.311(a) is amended to read:

24 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),
 25 **11.71.040(a)(3), (4), or (12)** [11.71.040(a)(3) OR (4)], 11.71.050(a)(4), or
 26 11.71.060(a)(1) or (2) if that person

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

30 (A) the evidence supporting the prosecution for an offense
 31 under AS 11.71.030(a)(3), **11.71.040(a)(3), (4), or (12)** [11.71.040(a)(3) OR

1 (4)], 11.71.050(a)(4), or 11.71.060(a)(1) or (2) was obtained or discovered as a
 2 result of the person seeking medical or law enforcement assistance;

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

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

7 (2) was experiencing a drug overdose and sought medical assistance,
 8 and the evidence supporting a prosecution for an offense under 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) was obtained as a result of the overdose and the need for
 11 medical assistance.

12 * **Sec. 46.** AS 12.25.150(a) is amended to read:

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

24 * **Sec. 47.** AS 12.30.006(b) is amended to read:

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

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

31 (2) a criminal conviction or charge outside the state [THAT HAS NOT

1 BEEN USED IN DETERMINING THE PERSON'S RISK LEVEL IN THE
2 PRETRIAL RISK ASSESSMENT UNDER AS 33.07].

3 * **Sec. 48.** AS 12.30.006(c) is amended to read:

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

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

15 (2) SAFETY OF THE VICTIM, OTHER PERSONS, AND THE
16 COMMUNITY.]

17 * **Sec. 49.** AS 12.30.006(d) is amended to read:

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

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

30 (2) the prosecuting authority and any surety, if applicable, have at least
31 48 **hours** [HOURS"] written notice before the time set for the review requested under

1 this subsection; the defendant shall notify the surety; and

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

5 * **Sec. 50.** AS 12.30.011 is repealed and reenacted to read:

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

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

11 (2) appear in court when ordered;

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

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

15 (b) If a judicial officer determines that the release under (a) of this section will
 16 not reasonably ensure the appearance of the person or will pose a danger to the victim,
 17 other persons, or the community, the officer shall impose the least restrictive condition
 18 or conditions that will reasonably ensure the person's appearance and protect the
 19 victim, other persons, and the community. In addition to conditions under (a) of this
 20 section, the judicial officer may, singly or in combination,

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

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

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

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

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

31 (6) require the person to maintain employment or, if unemployed,

1 actively seek employment;

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

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

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

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

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

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

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

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

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

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

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

25 (18) order the person to submit to a pretrial risk assessment by the
26 Department of Corrections under AS 33.07;

27 (19) order the person to submit to supervision by a pretrial services
28 officer under AS 33.07, which may include the use of electronic monitoring if
29 determined necessary by the commissioner of corrections;

30 (20) order the person to comply with any other condition that is
31 reasonably necessary to ensure the appearance of the person and to ensure the safety

1 of the victim, other persons, and the community; and

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

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

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

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

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

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

31 (A) charged with an unclassified felony, a class A felony, a

1 sexual felony, or a felony under AS 28.35.030 or 28.35.032;

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

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

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

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

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

23 * **Sec. 51.** AS 12.30.021(a) is amended to read:

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

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

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

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

4 * **Sec. 52.** AS 12.30.021(c) is amended to read:

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

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

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

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

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

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

18 (6) the proposed custodian resides out of state; however, a nonresident
 19 may serve as a custodian if the nonresident resides in the state while serving as
 20 custodian.

21 * **Sec. 53.** AS 12.55.025(c) is amended to read:

22 (c) Except as provided in (d) of this section, when a defendant is sentenced to
 23 imprisonment, the term of confinement commences on the date of imposition of
 24 sentence unless the court specifically provides that the defendant must report to serve
 25 the sentence on another date. If the court provides another date to begin the term of
 26 confinement, the court shall provide the defendant with written notice of the date,
 27 time, and location of the correctional facility to which the defendant must report. A
 28 defendant shall receive credit for time spent in custody pending trial, sentencing, or
 29 appeal, if the detention was in connection with the offense for which **the** sentence was
 30 imposed [INCLUDING A TECHNICAL VIOLATION OF PROBATION AS
 31 PROVIDED IN AS 12.55.110]. A defendant may not receive credit for more than the

1 actual time spent in custody pending trial, sentencing, or appeal. The time during
 2 which a defendant is voluntarily absent from official detention after the defendant has
 3 been sentenced may not be credited toward service of the sentence.

4 * **Sec. 54.** AS 12.55.051(a) is amended to read:

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

23 * **Sec. 55.** AS 12.55.090(c) is amended to read:

24 (c) The period of probation, together with any extension, may not exceed
 25 (1) **25** [15] years for a felony sex offense; **or**
 26 (2) 10 years for **any other offense** [AN UNCLASSIFIED FELONY
 27 UNDER AS 11 NOT LISTED IN (1) OF THIS SUBSECTION;
 28 (3) FIVE YEARS FOR A FELONY OFFENSE NOT LISTED IN (1)
 29 OR (2) OF THIS SUBSECTION;
 30 (4) THREE YEARS FOR A MISDEMEANOR OFFENSE
 31 (A) UNDER AS 11.41;

1 (B) THAT IS A CRIME INVOLVING DOMESTIC
2 VIOLENCE; OR

3 (C) THAT IS A SEX OFFENSE, AS THAT TERM IS
4 DEFINED IN AS 12.63.100;

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

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

11 * **Sec. 56.** AS 12.55.090(g) is amended to read:

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

14 (1) has completed at least

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

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

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

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

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

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

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

29 (4) [(5)] has not been convicted of an unclassified felony offense, a
30 sexual felony as defined in AS 12.55.185, or a crime involving domestic violence as
31 defined in AS 18.66.990.

1 * **Sec. 57.** AS 12.55.110(c) is amended to read:

2 (c) If a defendant is serving a period of probation for an offense, the court may
3 find that the defendant has committed a technical violation of probation. If the court
4 finds that a defendant has committed a technical violation of probation that does not
5 include absconding, the court may reinstate the term of probation with appropriate
6 conditions or impose a sentence of imprisonment of not more than

7 (1) **zero to** three days for the first probation revocation;

8 (2) **zero to 30** [FIVE] days for the second probation revocation; **or**

9 (3) [10 DAYS FOR THE THIRD PROBATION REVOCATION; OR

10 (4)] the remainder of the suspended portion of the sentence for a **third**
11 [FOURTH] or subsequent probation revocation.

12 * **Sec. 58.** AS 12.55.125(c) is amended to read:

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

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

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

20 **(A)** and the defendant

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

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

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

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

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

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

9 (3) if the offense is a second felony conviction, nine [EIGHT] to 13
 10 [12] years;

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

13 * **Sec. 59.** AS 12.55.125(d) is amended to read:

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

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

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

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

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

31 (i) the attempted manufacturing occurred, or the

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

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

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

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

13 * **Sec. 60.** AS 12.55.125(i) is amended to read:

14 (i) A defendant convicted of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 * **Sec. 61.** AS 12.55.125(q) is amended to read:

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

18 * **Sec. 62.** AS 12.55.135(a) is amended to read:

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

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

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

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

29 (C) DEFENDANT HAS PAST CRIMINAL CONVICTIONS
30 FOR CONDUCT VIOLATIVE OF CRIMINAL LAWS, PUNISHABLE AS
31 FELONIES OR MISDEMEANORS, SIMILAR IN NATURE TO THE

1 OFFENSE FOR WHICH THE DEFENDANT IS BEING SENTENCED;

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

4 (E) CONVICTION IS FOR A VIOLATION OF

5 (i) AS 11.41.427;

6 (ii) AS 11.41.440;

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

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

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

11 (2) 30 DAYS].

12 * **Sec. 63.** AS 12.55.135(b) is amended to read:

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

15 (1) 30 [10] days unless otherwise specified in the provision of law
16 defining the offense or in this section;

17 (2) 90 days if the conviction is for a violation of

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

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

22 **(C) AS 11.61.220(a)(4)(B) or (C).**

23 * **Sec. 64.** AS 12.55.145(a) is amended to read:

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

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

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

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

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

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

9 (2) AS 12.55.125(I),

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

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

18 (3) AS 12.55.135(g),

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

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

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

1 objective;

2 (4) AS 12.55.125(i),

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

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

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

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

21 [(5) AS 12.55.135(a),

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

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

1 COMMITTED IS CONSIDERED A PRIOR CONVICTION;

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

11 * **Sec. 65.** AS 12.55.185(10) is amended to read:

12 (10) "most serious felony" means

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

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

20 * **Sec. 66.** AS 12.55.185(16) is amended to read:

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

29 * **Sec. 67.** AS 12.63.010(d) is amended to read:

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

31 (1) for 15 years under (a) of this section and **AS 12.63.020**

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

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

12 * **Sec. 68.** AS 12.63.020 is amended to read:

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

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

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

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

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

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

1 **(i)** [PARAGRAPH (A)] is tolled for each year that a
 2 sex offender or child kidnapper [(i)] fails to comply with the
 3 requirements of this chapter **or** [(ii)] is incarcerated for the offense or
 4 kidnapping for which the offender or kidnapper is required to register
 5 or for any other offense;

6 **(ii)** [(B)] may include the time a sex offender or child
 7 kidnapper was absent from this state if the sex offender or child
 8 kidnapper has complied with any sex offender or child kidnapper
 9 registration requirements of the jurisdiction in which the offender or
 10 kidnapper was located and if the sex offender or child kidnapper
 11 provides the department with proof of the compliance while the sex
 12 offender or child kidnapper was absent from this state; and

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

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

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

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

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

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

31 **(i) consider the period of registration required in the**

1 **other jurisdiction; and**

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

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

8 * **Sec. 69.** AS 12.63.100(6) is amended to read:

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

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

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

16 * **Sec. 70.** AS 12.63.100(7) is amended to read:

17 (7) "sex offense" means

18 (A) a crime under AS 11.41.100(a)(3), or a similar law of
 19 another jurisdiction, in which the person committed or attempted to commit a
 20 sexual offense, or a similar offense under the laws of the other jurisdiction; in
 21 this subparagraph, "sexual offense" has the meaning given in
 22 AS 11.41.100(a)(3);

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

26 (i) sexual assault in the first degree;

27 (ii) sexual assault in the second degree;

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

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

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

- 1 (i) AS 11.41.410 - 11.41.438;
- 2 (ii) AS 11.41.440(a)(2);
- 3 (iii) AS 11.41.450 - 11.41.458;
- 4 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent
5 exposure is before a person under 16 years of age and the offender has
6 previously been convicted under AS 11.41.460 or AS 26.05.900(c);
- 7 (v) AS 11.61.125 - 11.61.128;
- 8 (vi) AS 11.66.110, 11.66.130(a)(2)(B), or
9 AS 26.05.900(b) if the person who was induced or caused to engage in
10 prostitution was under 20 years of age at the time of the offense;
- 11 (vii) former AS 11.15.120, former 11.15.134, or assault
12 with the intent to commit rape under former AS 11.15.160, former
13 AS 11.40.110, or former 11.40.200;
- 14 (viii) AS 11.61.118(a)(2) if the offender has a previous
15 conviction for that offense;
- 16 (ix) AS 11.66.100(a)(2) if the offender is subject to
17 punishment under AS 11.66.100(e);
- 18 (x) AS 26.05.890 if the person engaged in sexual
19 penetration or sexual contact with the victim;
- 20 (xi) AS 26.05.890 if, at the time of the offense, the
21 victim is under a duty to obey the lawful orders of the offender,
22 regardless of whether the offender is in the direct chain of command
23 over the victim;
- 24 (xii) AS 26.05.893 if the person engaged in sexual
25 penetration or sexual contact with the victim;
- 26 (xiii) AS 26.05.900(a)(1) - (4) if the victim is under 18
27 years of age at the time of the offense; [OR]
- 28 (xiv) AS 26.05.900 if, at the time of the offense, the
29 victim is under a duty to obey the lawful orders of the offender,
30 regardless of whether the offender is in the direct chain of command
31 over the victim; or

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

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

8 (i) child pornography; or

9 (ii) pandering and prostitution if the person who is
 10 induced, enticed, caused, or procured to engage in a sexual act is under
 11 20 years of age at the time of the offense; or

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

14 * **Sec. 71.** AS 28.15.291(b) is amended to read:

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

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

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

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

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

26 * **Sec. 72.** AS 28.35.030(o) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

23 * **Sec. 73.** AS 28.35.032(q) is amended to read:

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

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

30 (2) the person has not been convicted of a criminal offense **in the 10**
31 **years preceding the request for restoration of** [SINCE] the license [WAS

1 REVOKED]; and

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

3 * **Sec. 74.** AS 33.05.020(h) is amended to read:

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

9 (1) require that a probationer earn a credit of 10 [30] days for each 30-
10 day period served in which the defendant complied with the conditions of probation;

11 (2) include policies and procedures for

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

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

15 (C) notifying a victim under AS 33.30.013;

16 (3) require that a probationer convicted of a sex offense as defined in
17 AS 12.63.100 or a crime involving domestic violence as defined in AS 18.66.990
18 complete all treatment programs required as a condition of probation before discharge
19 based on credits earned under this subsection.

20 * **Sec. 75.** AS 33.05.020 is amended by adding a new subsection to read:

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

23 (1) an unclassified felony;

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

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

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

27 that is an offense under AS 11.41.

28 * **Sec. 76.** AS 33.05.040(a) is amended to read:

29 (a) A probation officer shall

30 (1) furnish to each probationer under the supervision of the officer a
31 written statement of the conditions of probation and shall instruct the probationer

1 regarding the same;

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

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

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

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

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

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

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

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

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

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

8 * Sec. 77. AS 33.16.060(a) is amended to read:

9 (a) The board shall

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

11 (2) consider the suitability for parole of a prisoner who is eligible for
 12 discretionary parole **or** [AT LEAST 90 DAYS BEFORE THE PRISONER'S FIRST
 13 DATE OF ELIGIBILITY AND UPON RECEIPT OF THE PRISONER'S
 14 APPLICATION FOR] special medical parole **if**

15 **(A) the prisoner had no disciplinary action imposed during**
 16 **incarceration; or**

17 **(B) the prisoner had disciplinary action imposed during**
 18 **incarceration and the prisoner filed an application with the board for**
 19 **discretionary or special medical parole;**

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

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

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

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

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

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

1 (9) execute other responsibilities prescribed by law.

2 * **Sec. 78.** AS 33.16.090(a) is amended to read:

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

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

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

11 (B) a prisoner is not eligible for consideration of discretionary
12 parole if **the prisoner is**

13 **(i) made ineligible by order of a court under**
14 **AS 12.55.115;**

15 **(ii) serving a sentence for a sexual felony as defined**
16 **in AS 12.55.185;**

17 **(iii) serving a sentence for a class A felony conviction**
18 **and has previously been convicted of a felony offense;**

19 **(iv) serving a sentence for a class B felony conviction**
20 **and has two or more prior felony convictions; or**

21 **(v) serving a sentence for a class C felony conviction**
22 **and has three or more prior felony convictions;**

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

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

31 **(E) a prisoner sentenced to a single sentence, including a**

1 **consecutive or partially consecutive sentence, that is not eligible for a good**
 2 **time deduction under AS 33.20.010(a)(3) and that has not been allowed by**
 3 **the three-judge panel under AS 12.55.175 to be considered for**
 4 **discretionary parole release is not eligible for consideration of**
 5 **discretionary parole;** or

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

9 * **Sec. 79.** AS 33.16.090(b) is amended to read:

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

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

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

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

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

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

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

31 (ii) the prisoner would not constitute a danger to the

1 public if released on parole;

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

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

8 (B) any term set under AS 12.55.115;

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

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

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

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

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

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

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

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

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

31 (8) to a single sentence under **AS 12.55.125(d) for an offense under**

1 **AS 11.71.030(a)(1) or (2)** [AS 12.55.125(i)(3) AND (4)], and has not been allowed by
 2 the three-judge panel under AS 12.55.175 to be considered for discretionary parole
 3 release, may not be released on discretionary parole until the prisoner has served **one-**
 4 **third** [, AFTER A DEDUCTION FOR GOOD TIME EARNED UNDER
 5 AS 33.20.010, ONE-HALF] of the active term of imprisonment imposed.

6 * **Sec. 80.** AS 33.16.100(a) is amended to read:

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

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

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

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

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

19 * **Sec. 81.** AS 33.16.100 is amended by adding a new subsection to read:

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

25 * **Sec. 82.** AS 33.16.130(a) is repealed and reenacted to read:

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

30 * **Sec. 83.** AS 33.16.130(b) is amended to read:

31 (b) **Before the board determines a prisoner's suitability for discretionary**

1 **parole, the prisoner is entitled to a hearing before the board.** The
 2 [COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL FURNISH
 3 TO THE] prisoner **shall be furnished** a copy of the preparole reports listed in
 4 AS 33.16.110(a), and the prisoner shall be permitted access to all records that the
 5 board will consider in making its decision except those that are made confidential by
 6 law. The prisoner may also respond in writing to all materials the board considers, be
 7 present at the hearing, and present evidence to the board.

8 * **Sec. 84.** AS 33.16.210(c) is amended to read:

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

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

12 (2) has completed all treatment programs required as a condition of
 13 parole;

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

17 (4) has not been convicted of

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

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

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

21 AS 18.66.990.

22 * **Sec. 85.** AS 33.16.215(a) is amended to read:

23 (a) If a parolee is serving a period of parole for an offense, the board may find
 24 that the parolee has committed a technical violation of parole. If the board finds that a
 25 parolee has committed a technical violation of parole that does not include
 26 absconding, the board may reinstate the term of parole with appropriate conditions or
 27 revoke parole and impose a term of imprisonment of not more than

28 (1) **zero to three** [THREE] days for the first parole revocation;

29 (2) **zero to 30** [FIVE] days for the second parole revocation; **and**

30 (3) [10 DAYS FOR THE THIRD PAROLE REVOCATION; AND]

31 the remainder of the sentence for a **third** [FOURTH] or subsequent parole revocation.

1 * **Sec. 86.** AS 33.16.220(b) is amended to read:

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

11 * **Sec. 87.** AS 33.16.220(i) is amended to read:

12 (i) If, after the final revocation hearing, the board finds that the parolee has
13 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or
14 ordinance, the board may revoke all or a portion of the remaining period of parole
15 [SUBJECT TO THE LIMITS SET OUT IN AS 33.16.215,] or change any condition
16 of parole. A parolee's period of parole is tolled from the date of filing with the parole
17 board of a violation report **until the date of the final revocation hearing** [FOR
18 ABSCONDING AND THE DATE OF THE PAROLEE'S ARREST, IF THE
19 PAROLE BOARD FINDS, AFTER A HEARING, THAT THE PAROLEE
20 VIOLATED PAROLE BY ABSCONDING, AS DEFINED IN AS 33.16.215(f). THE
21 BOARD MAY NOT EXTEND THE PERIOD OF PAROLE BEYOND THE
22 MAXIMUM RELEASE DATE CALCULATED BY THE DEPARTMENT ON THE
23 PAROLEE'S ORIGINAL SENTENCE PLUS ANY TIME THAT HAS BEEN
24 TOLLED AS DESCRIBED IN THIS SECTION].

25 * **Sec. 88.** AS 33.16.270 is amended to read:

26 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish
27 by regulation a program allowing parolees to earn credits for complying with the
28 conditions of parole. The earned compliance credits reduce the period of parole.
29 Nothing in this section prohibits the department from recommending to the board the
30 early discharge of the parolee as provided in this chapter. At a minimum, the
31 regulations must

1 (1) require that a parolee earn a credit of 10 [30] days for each 30-day
2 period served in which the parolee complied with the conditions of parole;

3 (2) include policies and procedures for

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

5 (B) reducing the parolee's period of parole based on credits
6 earned by the parolee and notifying a victim under AS 33.30.013;

7 (3) require that a parolee convicted of a sex offense as defined in
8 AS 12.63.100 or a crime involving domestic violence complete all treatment programs
9 required as a condition of parole before discharge based on credits earned under this
10 section.

11 * **Sec. 89.** AS 33.16.270 is amended by adding a new subsection to read:

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

14 (1) an unclassified felony;

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

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

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

19 * **Sec. 90.** AS 33.30.011(a) is amended to read:

20 (a) The commissioner shall

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

26 (2) classify prisoners;

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

29 (A) protect the public and the victims of crimes committed by
30 prisoners;

31 (B) maintain health;

1 (C) create or improve occupational skills;
 2 (D) enhance educational qualifications;
 3 (E) support court-ordered restitution; and
 4 (F) otherwise provide for the rehabilitation and reformation of
 5 prisoners, facilitating their reintegration into society;

6 (4) provide necessary

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

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

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

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

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

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

23 (6) provide for fingerprinting in correctional facilities in accordance
 24 with AS 12.80.060;

25 (7) establish a program to conduct assessments of the risks and needs
 26 of offenders sentenced to serve a term of incarceration of 90 [30] days or more [AND
 27 PROVIDE TO THE LEGISLATURE, BY ELECTRONIC MEANS, BY JANUARY
 28 15, 2017, AND THEREAFTER BY JANUARY 15, PRECEDING THE FIRST
 29 REGULAR SESSION OF EACH LEGISLATURE, A REPORT SUMMARIZING
 30 THE FINDINGS AND RESULTS OF THE PROGRAM]; the program must include a
 31 requirement for an assessment before a prisoner's release on parole, furlough, or

1 electronic monitoring from a correctional facility;

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

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

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

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

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

11 (E) includes participation in programming that addresses the
12 needs identified in the assessment;

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

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

20 (i) residence;

21 (ii) employment or alternative means of support;

22 (iii) treatment options;

23 (iv) counseling services;

24 (v) education or job training services;

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

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

31 **(D) coordination with community reentry coalitions or**

other providers of reentry services if available;

(10) for offenders under electronic monitoring, establish

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

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

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

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

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

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

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

* **Sec. 91.** AS 34.03.360(7) is amended to read:

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

* **Sec. 92.** AS 44.41 is amended by adding a new section to read:

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

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

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

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

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

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

15 (d) In this section,

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

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

19 * **Sec. 93.** AS 44.41.070(a) is amended to read:

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

30 * **Sec. 94.** AS 44.41.070(b) is amended to read:

31 (b) By November 1 of each year, the Department of Public Safety shall

1 prepare and transmit a report to the president of the senate and the speaker of the
2 house of representatives that contains

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

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

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

13 * **Sec. 95.** AS 44.41.070 is amended by adding a new subsection to read:

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

16 (1) is scientifically unviable;

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

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

20 * **Sec. 96.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

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

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

31 * **Sec. 97.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

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

4 (a) The Administrative Director of the Alaska Court System, after consultation
5 with the presiding judge, Public Defender Agency, and Attorney General's Office,
6 may enter into agreements with the Department of Public Safety and Department of
7 Corrections which approve systems allowing judges to provide for the appearance by a
8 defendant at certain criminal proceedings by way of **contemporaneous two-way**
9 **video conference** [TELEVISION] equipment in lieu of the physical presence of the
10 defendant in the courtroom. Such an agreement must provide for a procedure by which
11 the defendant may confer with the defendant's attorney in private.

12 * **Sec. 98.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

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

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

29 * **Sec. 99.** AS 11.41.432(a)(2); AS 11.46.980(d), 11.46.982; AS 11.56.330(a)(3);
30 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),
31 11.71.030(a)(8), 11.71.030(c), 11.71.030(e), 11.71.040(a)(11); AS 12.25.180(b)(3);

1 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),
 2 12.55.110(h), 12.55.135(l), 12.55.135(n), 12.55.135(o), 12.55.135(p); AS 33.16.100(f),
 3 33.16.215, 33.16.220(j), and 33.16.240(h) are repealed.

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

6 REPORT TO LEGISLATURE; COMMISSIONER OF CORRECTIONS. On or
 7 before January 10, 2020, the commissioner of corrections shall provide a report to the
 8 legislature as described under AS 33.30.011(a)(12), enacted by sec. 90 of this Act. The
 9 commissioner shall submit the report to the senate secretary and chief clerk of the house of
 10 representatives and notify the legislature that the report is available.

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

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

19 * **Sec. 102.** The uncodified law of the State of Alaska is amended by adding a new section
 20 to read:

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

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

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

- 1 (1) AS 11.41.110(a), as amended by sec. 2 of this Act;
- 2 (2) AS 11.41.150(a), as amended by sec. 3 of this Act;
- 3 (3) AS 11.41.438(b), as amended by sec. 4 of this Act;
- 4 (4) AS 11.41.438(c), enacted by sec. 5 of this Act;
- 5 (5) AS 11.41.452(a), as amended by sec. 6 of this Act;
- 6 (6) AS 11.41.452(d), as amended by sec. 7 of this Act;
- 7 (7) AS 11.41.452(e), as amended by sec. 8 of this Act;
- 8 (8) AS 11.46.130(a), as amended by sec. 9 of this Act;
- 9 (9) AS 11.46.140(a), as amended by sec. 10 of this Act;
- 10 (10) AS 11.46.150(a), as amended by sec. 11 of this Act;
- 11 (11) AS 11.46.220(c), as amended by sec. 12 of this Act;
- 12 (12) AS 11.46.260(b), as amended by sec. 13 of this Act;
- 13 (13) AS 11.46.270(b), as amended by sec. 14 of this Act;
- 14 (14) AS 11.46.280(d), as amended by sec. 15 of this Act;
- 15 (15) AS 11.46.285, as amended by sec. 16 of this Act;
- 16 (16) AS 11.46.295, as amended by sec. 17 of this Act;
- 17 (17) AS 11.46.360(a), as amended by sec. 18 of this Act;
- 18 (18) AS 11.46.370, enacted by sec. 19 of this Act;
- 19 (19) AS 11.46.482(a), as amended by sec. 20 of this Act;
- 20 (20) AS 11.46.484(a), as amended by sec. 21 of this Act;
- 21 (21) AS 11.46.486(a), as amended by sec. 22 of this Act;
- 22 (22) AS 11.46.530(b), as amended by sec. 23 of this Act;
- 23 (23) AS 11.46.620(d), as amended by sec. 24 of this Act;
- 24 (24) AS 11.46.730(c), as amended by sec. 25 of this Act;
- 25 (25) AS 11.46.980(e), enacted by sec. 26 of this Act;
- 26 (26) AS 11.56.310(a), as amended by sec. 27 of this Act;
- 27 (27) AS 11.56.320(a), as amended by sec. 28 of this Act;
- 28 (28) AS 11.56.730(a), as amended by sec. 29 of this Act;
- 29 (29) AS 11.56.730(d), as amended by sec. 30 of this Act;
- 30 (30) AS 11.56.810(a), as amended by sec. 31 of this Act;
- 31 (31) AS 11.61.123(a), as amended by sec. 32 of this Act;

- 1 (32) AS 11.61.123(c), as amended by sec. 33 of this Act;
 2 (33) AS 11.61.123(d), as amended by sec. 34 of this Act;
 3 (34) AS 11.61.123(f), as amended by sec. 35 of this Act;
 4 (35) AS 11.61.123(g), as amended by sec. 36 of this Act;
 5 (36) AS 11.61.124, enacted by sec. 37 of this Act;
 6 (37) AS 11.71.021, enacted by sec. 38 of this Act;
 7 (38) AS 11.71.030(a), as amended by sec. 39 of this Act;
 8 (39) AS 11.71.030(d), as amended by sec. 40 of this Act;
 9 (40) AS 11.71.040(a), as amended by sec. 41 of this Act;
 10 (41) AS 11.71.040(d), as amended by sec. 42 of this Act;
 11 (42) AS 11.71.050, as amended by sec. 43 of this Act;
 12 (43) AS 11.71.060, as amended by sec. 44 of this Act;
 13 (44) AS 11.71.311(a), as amended by sec. 45 of this Act;
 14 (45) AS 12.55.150(a), as amended by sec. 46 of this Act;
 15 (46) AS 12.30.006(b), as amended by sec. 47 of this Act;
 16 (47) AS 12.30.006(c), as amended by sec. 48 of this Act;
 17 (48) AS 12.30.006(d), as amended by sec. 49 of this Act;
 18 (49) AS 12.30.011, as repealed and reenacted by sec. 50 of this Act;
 19 (50) AS 12.30.021(a), as amended by sec. 51 of this Act;
 20 (51) AS 12.30.021(c), as amended by sec. 52 of this Act;
 21 (52) AS 28.15.291(b), as amended by sec. 71 of this Act;
 22 (53) AS 28.35.030(o), as amended by sec. 72 of this Act;
 23 (54) AS 28.35.032(q), as amended by sec. 73 of this Act.

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

- 26 (1) AS 12.55.025(c), as amended by sec. 53 of this Act;
 27 (2) AS 12.55.051(a), as amended by sec. 54 of this Act;
 28 (3) AS 12.55.125(c), as amended by sec. 58 of this Act;
 29 (4) AS 12.55.125(d), as amended by sec. 59 of this Act;
 30 (5) AS 12.55.125(i), as amended by sec. 60 of this Act;
 31 (6) AS 12.55.125(q), as amended by sec. 61 of this Act;

- 1 (7) AS 12.55.135(a), as amended by sec. 62 of this Act;
- 2 (8) AS 12.55.135(b), as amended by sec. 63 of this Act;
- 3 (9) AS 12.55.145(a), as amended by sec. 64 of this Act;
- 4 (10) AS 12.55.185(10), as amended by sec. 65 of this Act;
- 5 (11) AS 12.55.185(16), as amended by sec. 66 of this Act;
- 6 (12) AS 33.16.090(a), as amended by sec. 78 of this Act;
- 7 (13) AS 33.16.090(b), as amended by sec. 79 of this Act;
- 8 (14) AS 33.30.011(a), as amended by sec. 90 of this Act.

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

- 11 (1) AS 12.63.010(d), as amended by sec. 67 of this Act;
- 12 (2) AS 12.63.020, as amended by sec. 68 of this Act;
- 13 (3) AS 12.63.100(6), as amended by sec. 69 of this Act;
- 14 (4) AS 12.63.100(7), as amended by sec. 70 of this Act.

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

- 17 (1) AS 12.55.090(c), as amended by sec. 55 of this Act;
- 18 (2) AS 12.55.090(g), as amended by sec. 56 of this Act;
- 19 (3) AS 12.55.110(c), as amended by sec. 57 of this Act;
- 20 (4) AS 33.05.020(h), as amended by sec. 74 of this Act;
- 21 (5) AS 33.05.020(i) and (j), enacted by sec. 75 of this Act;
- 22 (6) AS 33.05.040(a), as amended by sec. 76 of this Act.

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

- 25 (1) AS 33.16.060(a), as amended by sec. 77 of this Act;
- 26 (2) AS 33.16.100(h), enacted by sec. 81 of this Act;
- 27 (3) AS 33.16.130(a), as repealed and reenacted by sec. 82 of this Act;
- 28 (4) AS 33.16.130(b), as amended by sec. 83 of this Act;
- 29 (5) AS 33.16.210(c), as amended by sec. 84 of this Act;
- 30 (6) AS 33.16.215(c), as amended by sec. 85 of this Act;
- 31 (7) AS 33.16.220(b), as amended by sec. 86 of this Act;

1 (8) AS 33.16.220(i), as amended by sec. 87 of this Act;

2 (9) AS 33.16.270, as amended by sec. 88 of this Act;

3 (10) AS 33.16.270(b), enacted by sec. 89 of this Act.

4 (f) AS 33.16.100(a), as amended by sec. 80 of this Act, applies to parole granted on or
5 after the effective date of sec. 80 of this Act for conduct occurring before, on, or after the
6 effective date of sec. 80 of this Act.

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

9 **CONDITIONAL EFFECT.** Sections 96 - 98 of this Act take effect only if secs. 96 - 98
10 of this Act receive the two-thirds majority vote of each house required by art. IV, sec. 15,
11 Constitution of the State of Alaska.

12 * **Sec. 105.** Section 102 of this Act takes effect immediately under AS 01.10.070(c).

13 * **Sec. 106.** Sections 92 - 95 of this Act take effect January 1, 2020.

14 * **Sec. 107.** Except as provided in secs. 105 and 106 of this Act, this Act takes effect July 1,
15 2019.