

LAWS OF ALASKA

2024

Source

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Chapter No.

AN ACT

Relating to criminal law and procedure; relating to homicide resulting from conduct involving controlled substances; establishing the crime of assault in the presence of a child; relating to the crime of stalking; relating to human trafficking; relating to prostitution; relating to sex trafficking; changing the term "child pornography" to "child sexual abuse material"; relating to misconduct involving a controlled substance; relating to sentencing; relating to competency to stand trial; relating to the duty to register as a sex offender; amending the definition of "sex offense"; relating to multidisciplinary child protection teams; relating to involuntary civil commitments; relating to victims' rights during certain civil commitment proceedings; relating to the duties of the Department of Corrections; amending Rules 4 and 5, Alaska Rules of Civil Procedure; amending Rule 6(s), Alaska Rules of Criminal Procedure; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

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2 controlled substances; establishing the crime of assault in the presence of a child; relating to
3 the crime of stalking; relating to human trafficking; relating to prostitution; relating to sex
4 trafficking; changing the term "child pornography" to "child sexual abuse material"; relating
5 to misconduct involving a controlled substance; relating to sentencing; relating to competency
6 to stand trial; relating to the duty to register as a sex offender; amending the definition of "sex
7 offense"; relating to multidisciplinary child protection teams; relating to involuntary civil
8 commitments; relating to victims' rights during certain civil commitment proceedings; relating
9 to the duties of the Department of Corrections; amending Rules 4 and 5, Alaska Rules of Civil
10 Procedure; amending Rule 6(s), Alaska Rules of Criminal Procedure; and providing for an
11 effective date.

12

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

3 LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that, with the
4 state's rates of sexual assault and sexual abuse being some of the highest in the United States,
5 presenting evidence to a grand jury in state court should be similar to and not more difficult
6 than presenting evidence to a grand jury in federal court in the state.

7 (b) The legislature further finds that the Rights of Crime Victims in art. I, sec. 24,
8 Constitution of the State of Alaska, including the "right to be treated with dignity, respect, and
9 fairness during all phases of the criminal and juvenile justice process," supports allowing the
10 prosecution to present hearsay evidence to a grand jury, which is similar to the rules of federal
11 court in which the hearsay rules do not apply to grand jury proceedings.

12 (c) The legislature further finds that Rule 6(s), Alaska Rules of Criminal Procedure,
13 as amended by sec. 61 of this Act, is a response, in part, to the decision of the Alaska Court of
14 Appeals in State v. Powell, 487 P.3d 609 (Alaska Ct. App. 2021).

15 (d) The legislature further finds that 14 percent of the state's general population is
16 Alaska Native, yet 40 percent of the Department of Corrections' inmate population is Alaska
17 Native. The Alaska Native prison population is triple its representation in the general
18 population, indicating a general failure in efforts to prevent first encounters with the criminal
19 justice system and the lack of support required to prevent recidivism.

20 * **Sec. 2.** AS 04.06.110 is amended to read:

21 **Sec. 04.06.110. Peace officer powers.** The director and the persons employed
22 for the administration and enforcement of this title may, with the concurrence of the
23 commissioner of public safety, exercise the powers of peace officers when those
24 powers are specifically granted by the board. Powers granted by the board under this
25 section may be exercised only when necessary for the enforcement of the criminally
26 punishable provisions of this title, regulations of the board, and other criminally
27 punishable laws and regulations, including investigation of violations of laws against
28 prostitution and sex trafficking described in **AS 11.66.100 - 11.66.137** [AS 11.66.100 -
29 11.66.135] and laws against gambling, promoting gambling, and related offenses
30 described in AS 11.66.200 - 11.66.280. Unless authorized by a search warrant
31 described in AS 12.35, nothing in this section authorizes the use of metal keys,

1 magnetic card keys, or identification cards to access private clubs.

2 * **Sec. 3.** AS 11.41.110 is amended to read:

3 **Sec. 11.41.110. Murder in the second degree.** (a) A person commits the
4 crime of murder in the second degree if

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

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

11 (3) under circumstances not amounting to murder in the first degree
12 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
13 person commits or attempts to commit arson in the first degree, kidnapping, sexual
14 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
15 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
16 degree, escape in the first or second degree, robbery in any degree, or misconduct
17 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)
18 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
19 in immediate flight from that crime, any person causes the death of a person other than
20 one of the participants;

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

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

28 (A) a felony violation of AS 11.41;

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

31 (C) an attempt, a solicitation, or a conspiracy to commit a

1 crime listed in (A) or (B) of this paragraph; or

2 **(6) the person knowingly manufactures or delivers a controlled**
3 **substance in violation of AS 11.71.010 or 11.71.021, and another person dies as a**
4 **direct result of ingestion of the controlled substance; the death is a result that**
5 **does not require a culpable mental state.**

6 (b) **Except as provided in (c) of this section, murder** [MURDER] in the
7 second degree is an unclassified felony and is punishable as provided in AS 12.55.

8 * **Sec. 4.** AS 11.41.110 is amended by adding a new subsection to read:

9 (c) In a prosecution for murder in the second degree under (a)(6) of this
10 section, it is an affirmative defense that reduces the crime to a class A felony that, at
11 the time of the offense,

12 (1) the defendant sought, in good faith, medical or law enforcement
13 assistance for the other person;

14 (2) the defendant remained at the scene with the other person until
15 medical or law enforcement assistance arrived;

16 (3) the defendant cooperated with medical or law enforcement
17 personnel, including by providing identification; and

18 (4) the offense involved small quantities of a controlled substance that
19 were not delivered for a profit.

20 * **Sec. 5.** AS 11.41.120(a) is amended to read:

21 (a) A person commits the crime of manslaughter if the person

22 (1) intentionally, knowingly, or recklessly causes the death of another
23 person under circumstances not amounting to murder in the first or second degree;

24 (2) intentionally aids another person to commit suicide; or

25 (3) knowingly manufactures or delivers a controlled substance in
26 violation of **AS 11.71.030** [AS 11.71.010 - 11.71.030] or 11.71.040(a)(1) for schedule
27 IVA controlled substances, and **another** [A] person dies as a direct result of ingestion
28 of the controlled substance; the death is a result that does not require a culpable mental
29 state [; IN THIS PARAGRAPH, "INGESTION" MEANS VOLUNTARILY OR
30 INVOLUNTARILY TAKING A SUBSTANCE INTO THE BODY IN ANY
31 MANNER].

1 * **Sec. 6.** AS 11.41.140 is amended to read:

2 **Sec. 11.41.140. Definitions [DEFINITION].** In AS 11.41.100 - 11.41.140,

3 **(1) "ingestion" means voluntarily or involuntarily taking a**
4 **substance into the body in any manner;**

5 **(2) "person" means,** when referring to the victim of a crime,
6 [MEANS] a human being who has been born and was alive at the time of the criminal
7 act; **a** [. A] person is "alive" if there is spontaneous respiratory or cardiac function or,
8 when respiratory and cardiac functions are maintained by artificial means, there is
9 spontaneous brain function.

10 * **Sec. 7.** AS 11.41 is amended by adding a new section to read:

11 **Sec. 11.41.240. Assault in the presence of a child.** (a) A person commits the
12 crime of assault in the presence of a child if the person commits an assault under
13 AS 11.41.200 - 11.41.230 and the assault is a crime involving domestic violence, as
14 defined in AS 18.66.990, or commits a sexual assault under AS 11.41.410 - 11.41.427
15 with reckless disregard that, at the time of the assault, a child under 16 years of age is
16 present in the dwelling, vehicle, or location where the assault occurs.

17 (b) In this section,

18 (1) "dwelling" does not include another unit in multi-unit housing;

19 (2) "present" means physically present or within hearing of the assault.

20 (c) Assault in the presence of a child is a class A misdemeanor.

21 * **Sec. 8.** AS 11.41.260(a) is amended to read:

22 (a) A person commits the crime of stalking in the first degree if the person
23 violates AS 11.41.270 and

24 (1) the actions constituting the offense are in violation of an order
25 issued or filed under **AS 18.65.850 - 18.65.870 or** AS 18.66.100 - 18.66.180 or issued
26 under former AS 25.35.010(b) or 25.35.020;

27 (2) the actions constituting the offense are in violation of a condition of
28 probation, release before trial, release after conviction, or parole;

29 (3) the victim is under 16 years of age;

30 (4) at any time during the course of conduct constituting the offense,
31 the defendant possessed a deadly weapon;

1 (5) the defendant has been previously convicted of a crime under this
2 section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another
3 jurisdiction with elements similar to a crime under this section, AS 11.41.270, or
4 AS 11.56.740; or

5 (6) the defendant has been previously convicted of a crime, or an
6 attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250,
7 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120, or (B) a
8 law or an ordinance of this or another jurisdiction with elements similar to a crime, or
9 an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250,
10 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, or 11.61.120,
11 involving the same victim as the present offense.

12 * **Sec. 9.** AS 11.41.365(a) is amended to read:

13 (a) A person commits the crime of human trafficking in the second degree if,
14 **under circumstances not proscribed under AS 11.66.100 - 11.66.150, the person**
15 **intentionally induces or causes another person to engage in adult entertainment**
16 **or labor by**

17 **(1) exposing or threatening to expose confidential information or a**
18 **secret, whether true or false, tending to subject a person to hatred, contempt, or**
19 **ridicule;**

20 **(2) destroying, concealing, or threatening to destroy or conceal an**
21 **actual or purported passport or immigration document or another actual or**
22 **purported identification document of any person;**

23 **(3) threatening to report a person to a government agency for the**
24 **purpose of arrest or deportation;**

25 **(4) threatening to collect a debt;**

26 **(5) instilling in a person a fear that lodging, food, clothing, or**
27 **medication will be withheld from any person;**

28 **(6) providing a controlled substance to or withholding a controlled**
29 **substance from the other person; or**

30 **(7) engaging in deception** [OBTAINS A BENEFIT FROM THE
31 COMMISSION OF HUMAN TRAFFICKING UNDER AS 11.41.360, WITH

1 RECKLESS DISREGARD THAT THE BENEFIT IS A RESULT OF THE
2 TRAFFICKING].

3 * **Sec. 10.** AS 11.61.125(a) is amended to read:

4 (a) A person commits the crime of distribution of child **sexual abuse material**
5 [PORNOGRAPHY] if the person distributes in this state or advertises, promotes,
6 solicits, or offers to distribute in this state any material that is proscribed under
7 AS 11.61.127.

8 * **Sec. 11.** AS 11.61.125(e) is amended to read:

9 (e) Distribution of child **sexual abuse material** [PORNOGRAPHY] is a
10 (1) class B felony; or
11 (2) class A felony if the person has been previously convicted of
12 distribution of child **sexual abuse material** [PORNOGRAPHY] in this jurisdiction or
13 a similar crime in this or another jurisdiction.

14 * **Sec. 12.** AS 11.61.127(a) is amended to read:

15 (a) A person commits the crime of possession of child **sexual abuse material**
16 [PORNOGRAPHY] if the person knowingly possesses or knowingly accesses on a
17 computer with intent to view any material that visually depicts conduct described in
18 AS 11.41.455(a) knowing that the production of the material involved the use of a
19 child under 18 years of age who engaged in the conduct or a depiction of a part of an
20 actual child under 18 years of age who, by manipulation, creation, or modification,
21 appears to be engaged in the conduct.

22 * **Sec. 13.** AS 11.61.127(g) is amended to read:

23 (g) Possession of child **sexual abuse material** [PORNOGRAPHY] is a class
24 C felony.

25 * **Sec. 14.** AS 11.66.100(c) is amended to read:

26 (c) A person may not be prosecuted under (a)(1) of this section if the
27 (1) person witnessed or was a victim of, and reported to law
28 enforcement in good faith, one or more of the following crimes:

- 29 (A) murder in the first degree under AS 11.41.100;
30 (B) murder in the second degree under AS 11.41.110;
31 (C) manslaughter under AS 11.41.120;

- 1 (D) criminally negligent homicide under AS 11.41.130;
2 (E) assault in the first degree under AS 11.41.200;
3 (F) assault in the second degree under AS 11.41.210;
4 (G) assault in the third degree under AS 11.41.220;
5 (H) assault in the fourth degree under AS 11.41.230;
6 (I) sexual assault in the first degree under AS 11.41.410;
7 (J) sexual assault in the second degree under AS 11.41.420;
8 (K) sexual assault in the third degree under AS 11.41.425;
9 (L) sexual assault in the fourth degree under AS 11.41.427;
10 (M) sexual abuse of a minor in the first degree under
11 AS 11.41.434;
12 (N) sexual abuse of a minor in the second degree under
13 AS 11.41.436;
14 (O) sexual abuse of a minor in the third degree under
15 AS 11.41.438;
16 (P) sexual abuse of a minor in the fourth degree under
17 AS 11.41.440;
18 (Q) robbery in the first degree under AS 11.41.500;
19 (R) robbery in the second degree under AS 11.41.510;
20 (S) extortion under AS 11.41.520;
21 (T) coercion under AS 11.41.530;
22 (U) distribution of child **sexual abuse material**
23 [PORNOGRAPHY] under AS 11.61.125;
24 (V) possession of child **sexual abuse material**
25 [PORNOGRAPHY] under AS 11.61.127;
26 (W) sex trafficking in the first degree under AS 11.66.110;
27 (X) sex trafficking in the second degree under AS 11.66.120;
28 (Y) sex trafficking in the third degree under AS 11.66.130; or
29 (Z) sex trafficking in the fourth degree under AS 11.66.135;
30 (2) evidence supporting the prosecution under (a)(1) of this section
31 was obtained or discovered as a result of the person reporting the crime to law

1 enforcement; and

2 (3) person cooperated with law enforcement personnel.

3 * **Sec. 15.** AS 11.66.100(d) is amended to read:

4 (d) **Prostitution** [EXCEPT AS PROVIDED IN (e) OF THIS SECTION,
5 PROSTITUTION] is a class B misdemeanor.

6 * **Sec. 16.** AS 11.66.120(a) is amended to read:

7 (a) A person commits the crime of sex trafficking in the second degree if the
8 person

9 (1) manages, supervises, controls, or owns, either alone or in
10 association with others, a prostitution enterprise other than a place of prostitution;

11 (2) procures or solicits a patron for a prostitute; [OR]

12 (3) offers, sells, advertises, promotes, or facilitates travel that includes
13 a commercial sexual act [CONDUCT] as enticement for the travel; or

14 (4) under circumstances not proscribed under AS 11.66.110,
15 induces or causes another person to engage in a commercial sexual act [IN THIS
16 PARAGRAPH, "COMMERCIAL SEXUAL CONDUCT" MEANS SEXUAL
17 CONDUCT FOR WHICH ANYTHING OF VALUE IS GIVEN OR RECEIVED BY
18 ANY PERSON].

19 * **Sec. 17.** AS 11.66.120 is amended by adding a new subsection to read:

20 (c) For purposes of this section, inducing or causing another person to engage
21 in a commercial sexual act includes the following:

22 (1) exposing or threatening to expose confidential information or a
23 secret, whether true or false, that would subject a person to hatred, contempt, or
24 ridicule;

25 (2) destroying, concealing, or threatening to destroy or conceal an
26 actual or purported passport or immigration document or another actual or purported
27 identification document of any person;

28 (3) threatening to report a person to a government agency for the
29 purpose of arrest or deportation;

30 (4) threatening to collect a debt;

31 (5) instilling in a person a fear that lodging, food, clothing, or

1 medication will be withheld from any person;

2 (6) providing a controlled substance to or withholding a controlled
3 substance from the other person; or

4 (7) engaging in deception.

5 * **Sec. 18.** AS 11.66 is amended by adding a new section to read:

6 **Sec. 11.66.137. Patron of a victim of sex trafficking.** (a) A person commits
7 the crime of patron of a victim of sex trafficking if the person solicits a commercial
8 sexual act

9 (1) with reckless disregard that the person engaging in the sexual act is
10 a victim of sex trafficking; or

11 (2) from a person who is under 18 years of age.

12 (b) In a prosecution under (a)(2) of this section, it is an affirmative defense
13 that, at the time of the alleged offense, the defendant

14 (1) reasonably believed the person to be 18 years of age or older; and

15 (2) undertook reasonable measures to verify that the person was 18
16 years of age or older.

17 (c) Patron of a victim of sex trafficking is a

18 (1) class B felony if the person violates (a)(2) of this section;

19 (2) class C felony if the person violates (a)(1) of this section.

20 * **Sec. 19.** AS 11.66.145 is amended to read:

21 **Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or
22 received or derived from, a violation of AS 11.66.110 - 11.66.137 [AS 11.66.100(e)
23 OR 11.66.110 - 11.66.135] may be forfeited at sentencing.

24 * **Sec. 20.** AS 11.71.010(a) is amended to read:

25 (a) Except as authorized in AS 17.30, a person commits the crime of
26 misconduct involving a controlled substance in the first degree if the person

27 (1) delivers any amount of a schedule IA controlled substance to a
28 person under 19 years of age who is at least three years younger than the person
29 delivering the substance;

30 (2) delivers any amount of a schedule IIA or IIIA controlled substance
31 to a person under 19 years of age who is at least three years younger than the person

1 delivering the substance; [OR]

2 (3) engages in a continuing criminal enterprise; **or**

3 **(4) delivers any amount of a schedule IA, IIA, IIIA, or IVA**
4 **controlled substance to a person who is**

5 **(A) mentally incapable;**

6 **(B) incapacitated; or**

7 **(C) unaware that a controlled substance is being delivered.**

8 * **Sec. 21.** AS 11.71.010(b) is amended to read:

9 (b) For purposes of this section,

10 **(1)** a person is engaged in a "continuing criminal enterprise" if

11 **(A)** [(1)] the person commits a violation of this chapter which
12 is punishable as a felony; and

13 **(B)** [(2)] that violation is a part of a continuing series of five or
14 more violations of this chapter

15 **(i)** [(A)] which the person undertakes in concert with at
16 least five other persons organized, supervised, or otherwise managed by
17 the person; and

18 **(ii)** [(B)] from which the person obtains substantial
19 income or resources;

20 **(2) "incapacitated" has the meaning given in AS 11.41.470;**

21 **(3) "mentally incapable" has the meaning given in AS 11.41.470.**

22 * **Sec. 22.** AS 11.71.021(a) is amended to read:

23 (a) Except as authorized in AS 17.30, a person commits the crime of
24 misconduct involving a controlled substance in the second degree if the person

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

28 (2) manufactures **or delivers** any material, compound, mixture, or
29 preparation that contains

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

31 or

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

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

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

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

10 or

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

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

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

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

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

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

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

29 (iii) methamphetamine, or its salts, isomers, or salts of
30 isomers in an organic solution.

31 * **Sec. 23.** AS 11.71.021(b) is amended to read:

1 (b) In a prosecution under (a) of this section, possession of more than nine
2 [SIX] grams of the listed chemicals ephedrine, pseudoephedrine,
3 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals is
4 prima facie evidence that the person intended to use the listed chemicals to
5 manufacture, to aid or abet another person to manufacture, or to deliver to another
6 person who intends to manufacture methamphetamine, its immediate precursors, or
7 the salts, isomers, or salts of isomers of methamphetamine or its immediate precursors.
8 The prima facie evidence described in this subsection does not apply to a person who
9 possesses

10 (1) the listed chemicals ephedrine, pseudoephedrine,
11 phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

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

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

16 (i) retailer or as a wholesaler;

17 (ii) wholesale drug distributor licensed by the Board of
18 Pharmacy;

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

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

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

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

30 * **Sec. 24.** AS 11.71.210(a) is amended to read:

31 (a) A person commits the crime of purchase or receipt of restricted amounts of

1 certain listed chemicals if the person purchases or receives more than **nine** [SIX]
2 grams of the following listed chemical, its salts, isomers, or salts of isomers within
3 any 30-day period:

- 4 (1) ephedrine under AS 11.71.200(4);
- 5 (2) pseudoephedrine under AS 11.71.200(13);
- 6 (3) phenylpropanolamine under AS 11.71.200(11).

7 * **Sec. 25.** AS 11.71.210(b) is amended to read:

8 (b) This section does not apply to a person who lawfully purchases or receives

9 (1) more than **nine** [SIX] grams of a listed chemical identified in (a) of
10 this section

11 (A) that was dispensed to the person under a valid prescription;

12 or

13 (B) in the ordinary course of a legitimate business, or to an
14 employee of a legitimate business, as a

15 (i) retailer or as a wholesaler;

16 (ii) wholesale drug distributor licensed by the Board of
17 Pharmacy;

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

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

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

22 (2) more than **nine** [SIX] but less than 24 grams of a listed chemical
23 identified in (a) of this section in the ordinary course of a legitimate business or
24 nonprofit organization, or as an employee of a legitimate business or nonprofit
25 organization, operating a camp, lodge, school, day care center, treatment center, or
26 other organized group activity, and the location or nature of the activity, or the age of
27 the participants, makes it impractical for the participants in the activity to obtain
28 medicinal products.

29 * **Sec. 26.** AS 11.81.900(b) is amended by adding new paragraphs to read:

30 (69) "commercial sexual act" means a sexual act for which anything of
31 value is given or received by any person;

1 (70) "sexual act" means sexual penetration or sexual contact.

2 * **Sec. 27.** AS 12.10.010(a) is amended to read:

3 (a) Prosecution for the following offenses may be commenced at any time:

4 (1) murder;

5 (2) attempt, solicitation, or conspiracy to commit murder or hindering
6 the prosecution of murder;

7 (3) felony sexual abuse of a minor;

8 (4) sexual assault that is an unclassified, class A, or class B felony or a
9 violation of AS 11.41.425(a)(2) - (4);

10 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,
11 AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person
12 who, at the time of the offense, was under 18 years of age;

13 (6) kidnapping;

14 (7) distribution of child **sexual abuse material** [PORNOGRAPHY] in
15 violation of AS 11.61.125;

16 (8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an
17 unclassified, class A, or class B felony or that is committed against a person who, at
18 the time of the offense, was under 20 years of age;

19 (9) human trafficking in violation of AS 11.41.360 or 11.41.365.

20 * **Sec. 28.** AS 12.47.070(a) is amended to read:

21 (a) If a defendant has filed a notice of intention to rely on the affirmative
22 defense of insanity under AS 12.47.010 or has filed notice under AS 12.47.020(a), or
23 there is reason to doubt the defendant's fitness to proceed, or there is reason to believe
24 that a mental disease or defect of the defendant will otherwise become an issue in the
25 case, the court shall appoint **a qualified psychiatrist or psychologist** [AT LEAST
26 TWO QUALIFIED PSYCHIATRISTS OR TWO FORENSIC PSYCHOLOGISTS
27 CERTIFIED BY THE AMERICAN BOARD OF FORENSIC PSYCHOLOGY] to
28 examine and report **on** [UPON] the mental condition of the defendant. If the court
29 appoints **a psychiatrist** [PSYCHIATRISTS], the **psychiatrist** [PSYCHIATRISTS]
30 may select psychologists to provide assistance. If the defendant has filed notice under
31 AS 12.47.090(a), the report shall consider whether the defendant can still be

1 committed under AS 12.47.090(c). The court may order the defendant to be committed
2 to a secure facility for the purpose of the examination for not more than 60 days or **for**
3 **a** [SUCH] longer period as the court determines to be necessary for the purpose and
4 may direct that a qualified psychiatrist retained by the defendant be permitted to
5 witness and participate in the examination.

6 * **Sec. 29.** AS 12.47.100(b) is amended to read:

7 (b) If, before imposition of sentence, the prosecuting attorney or the attorney
8 for the defendant has reasonable cause to believe that the defendant is presently
9 suffering from a mental disease or defect that causes the defendant to be unable to
10 understand the proceedings or to assist in the person's own defense, the attorney may
11 file a motion for a judicial determination of the competency of the defendant. Upon
12 that motion, or upon its own motion, the court, **if justified by findings of fact and**
13 **conclusions of law,** shall have the defendant examined by at least one qualified
14 psychiatrist or psychologist, who shall report to the court concerning the competency
15 of the defendant. For the purpose of the examination, the court may order the
16 defendant committed for a reasonable period to a suitable hospital or other facility
17 designated by the court. If the report of the psychiatrist or psychologist indicates that
18 the defendant is incompetent, the court shall hold a hearing, upon due notice, at which
19 evidence as to the competency of the defendant may be submitted, including that of
20 the reporting psychiatrist or psychologist, and make appropriate findings. Before the
21 hearing, the court shall, upon request of the prosecuting attorney, order the defendant
22 to submit to an additional evaluation by a psychiatrist or psychologist designated by
23 the prosecuting attorney.

24 * **Sec. 30.** AS 12.47.100 is amended by adding new subsections to read:

25 (i) The court may order a defendant to be examined under this section at an
26 outpatient clinic or other facility as a condition of the defendant's release under
27 AS 12.30. In considering the conditions of a defendant's release under this subsection,
28 the court shall, in addition to any applicable requirement under AS 12.30, consider

29 (1) any medical information provided by the Department of Family
30 and Community Services;

31 (2) the defendant's mental condition;

1 (3) the defendant's level of need for evaluation and treatment under
2 this chapter;

3 (4) the defendant's ability to participate in outpatient treatment; and

4 (5) the defendant's history of evaluation and treatment under this
5 chapter.

6 (j) If the defendant is charged with a felony offense against a person under
7 AS 11.41 or felony arson, a qualified psychiatrist or psychologist conducting an
8 examination under (b) of this section may, at the same time, evaluate the defendant to
9 determine whether the defendant meets the standards for involuntary commitment
10 under AS 47.30.700 - 47.30.915.

11 (k) In making findings of fact and conclusions of law under (b) of this section,
12 a court may rely on a defense attorney's representation.

13 * **Sec. 31.** AS 12.47.110 is amended by adding new subsections to read:

14 (f) The court may order a defendant to receive further evaluation and
15 treatment under (a) or (b) of this section at an outpatient clinic or other facility as a
16 condition of the defendant's release under AS 12.30. In considering the conditions of a
17 defendant's release under this subsection, the court shall, in addition to any applicable
18 requirement under AS 12.30, consider

19 (1) any medical information provided by the Department of Family
20 and Community Services;

21 (2) the defendant's mental condition;

22 (3) the defendant's level of need for evaluation and treatment under
23 this chapter;

24 (4) the defendant's ability to participate in outpatient treatment; and

25 (5) the defendant's history of evaluation and treatment under this
26 chapter.

27 (g) Before criminal charges against a defendant charged with a felony offense
28 against a person under AS 11.41 or felony arson are dismissed under (b) of this
29 section, the prosecutor shall

30 (1) file a petition seeking involuntary commitment of the defendant
31 under AS 47.30.706 before dismissal of the charges;

1 (2) notify the division of the Department of Law that has responsibility
2 for civil cases of the petition within 24 hours after filing the petition; and

3 (3) provide the court's findings to the division of the Department of
4 Law that has responsibility for civil cases within 24 hours after the court's ruling.

5 * **Sec. 32.** AS 12.55.125(c) is amended to read:

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

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

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

13 (A) and the defendant possessed a firearm, used a dangerous
14 instrument, or caused serious physical injury or death during the commission
15 of the offense, or knowingly directed the conduct constituting the offense at a
16 uniformed or otherwise clearly identified peace officer, firefighter, correctional
17 employee, emergency medical technician, paramedic, ambulance attendant, or
18 other emergency responder who was engaged in the performance of official
19 duties at the time of the offense, seven to 11 years;

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

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

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

29 **(C) and the conviction is for manufacturing or delivery**
30 **under AS 11.71.021(a)(1) related to a schedule IA controlled substance set**
31 **out in AS 11.71.140(c)(29) or under AS 11.71.021(a)(6) related to a**

1 **schedule IIA controlled substance set out in AS 11.71.150(e)(2), four to 11**
2 **years;**

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

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

6 * **Sec. 33.** AS 12.55.125(i) is amended to read:

7 (i) A defendant convicted of

8 (1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2),
9 (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor
10 under AS 11.41.455(c)(2), or sex trafficking in the first degree under
11 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
12 than 99 years and shall be sentenced to a definite term within the following
13 presumptive ranges, subject to 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) less than 13 years of age, 25 to 35 years;

18 (ii) 13 years of age or older, 20 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, 30 to 40 years;

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

26 (E) if the offense is a third felony conviction and the defendant
27 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
28 to 60 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 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B),
2 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor
3 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault
4 in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a
5 minor in the first degree, or sex trafficking in the first degree under
6 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
7 than 99 years and shall be sentenced to a definite term within the following
8 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

27 (3) sexual assault in the second degree, sexual abuse of a minor in the
28 second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the
29 first degree under AS 11.41.458(b)(2), distribution of child **sexual abuse material**
30 **[PORNOGRAPHY]** under AS 11.61.125(e)(2), **patron of a victim of sex trafficking**
31 **under AS 11.66.137**, or attempt, conspiracy, or solicitation to commit sexual assault

1 in the first degree under AS 11.41.410(a)(1)(B) may be sentenced to a definite term of
2 imprisonment of not more than 99 years and shall be sentenced to a definite term
3 within the following presumptive ranges, subject to adjustment as provided in
4 AS 12.55.155 - 12.55.175:

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

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

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

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

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

14 (4) sexual assault in the third degree, sexual abuse of a minor in the
15 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under
16 AS 11.41.458(b)(1), indecent viewing or production of a picture under
17 **AS 11.61.123(g)(1) or (2)** [AS 11.61.123(f)(1) OR (2)], possession of child **sexual**
18 **abuse material** [PORNOGRAPHY], distribution of child **sexual abuse material**
19 [PORNOGRAPHY] under AS 11.61.125(e)(1), **patron of a victim of sex trafficking**
20 **under AS 11.66.137**, or attempt, conspiracy, or solicitation to commit sexual assault
21 in the second degree, sexual abuse of a minor in the second degree, unlawful
22 exploitation of a minor, [OR] distribution of child **sexual abuse material, or patron**
23 **of a victim of sex trafficking under AS 11.66.137** [PORNOGRAPHY], may be
24 sentenced to a definite term of imprisonment of not more than 99 years and shall be
25 sentenced to a definite term within the following presumptive ranges, subject to
26 adjustment as provided in AS 12.55.155 - 12.55.175:

27 (A) if the offense is a first felony conviction and does not
28 involve the circumstances described in (B) or (C) of this paragraph, two to 12
29 years;

30 (B) if the offense is a first felony conviction under
31 AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this

1 paragraph, four to 12 years;

2 (C) if the offense is a first felony conviction under
3 AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create
4 a mechanism for multi-party sharing or distribution of child **sexual abuse**
5 **material** [PORNOGRAPHY], or received a financial benefit or had a financial
6 interest in a child **sexual abuse material** [PORNOGRAPHY] sharing or
7 distribution mechanism, six to 14 years;

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

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

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

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

16 * **Sec. 34.** AS 12.55.127(c) is amended to read:

17 (c) If the defendant is being sentenced for

18 (1) escape, the term of imprisonment shall be consecutive to the term
19 for the underlying crime;

20 (2) two or more crimes under AS 11.41, a consecutive term of
21 imprisonment shall be imposed for at least

22 (A) the mandatory minimum term under AS 12.55.125(a) for
23 each additional crime that is murder in the first degree;

24 (B) the mandatory minimum term for each additional crime
25 that is an unclassified felony governed by AS 12.55.125(b);

26 (C) the presumptive term specified in AS 12.55.125(c) or the
27 active term of imprisonment, whichever is less, for each additional crime that
28 is

29 (i) manslaughter; or

30 (ii) kidnapping that is a class A felony;

31 (D) two years or the active term of imprisonment, whichever is

1 less, for each additional crime that is criminally negligent homicide;

2 (E) one-fourth of the presumptive term under AS 12.55.125(c)
3 or (i) for each additional crime that is sexual assault in the first degree under
4 AS 11.41.410 or sexual abuse of a minor in the first degree under
5 AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those
6 offenses; and

7 (F) some additional term of imprisonment for each additional
8 crime, or each additional attempt or solicitation to commit the offense, under
9 AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 - 11.41.458, or
10 11.41.500 - 11.41.520;

11 **(3) two or more crimes of violation of condition of release under**
12 **AS 11.56.757, a consecutive term of imprisonment shall be imposed for some**
13 **additional term of imprisonment for the underlying crime and each additional**
14 **crime under AS 11.56.757.**

15 * **Sec. 35.** AS 12.55.127(d) is amended to read:

16 (d) If the defendant is being sentenced for two or more crimes of distribution
17 of child **sexual abuse material** [PORNOGRAPHY] under AS 11.61.125, possession
18 of child **sexual abuse material** [PORNOGRAPHY] under AS 11.61.127, or
19 distribution of indecent material to minors under AS 11.61.128, a consecutive term of
20 imprisonment shall be imposed for some additional term of imprisonment for each
21 additional crime or each additional attempt or solicitation to commit the offense.

22 * **Sec. 36.** AS 12.55.185(16) is amended to read:

23 (16) "sexual felony" means sexual assault in the first degree, sexual
24 abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in
25 the second degree, sexual abuse of a minor in the second degree, sexual abuse of a
26 minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor,
27 **patron of a victim of sex trafficking**, indecent viewing or production of a picture
28 under **AS 11.61.123(g)(1) or (2)** [AS 11.61.123(f)(1) OR (2)], distribution of child
29 **sexual abuse material** [PORNOGRAPHY], sexual assault in the third degree, incest,
30 indecent exposure in the first degree, possession of child **sexual abuse material**
31 [PORNOGRAPHY], enticement of a minor, and felony attempt, conspiracy, or

1 solicitation to commit those crimes;

2 * **Sec. 37.** AS 12.63.010(b) is amended to read:

3 (b) A sex offender or child kidnapper required to register under (a) of this
4 section shall register with the Department of Corrections if the sex offender or child
5 kidnapper is incarcerated or in person at the Alaska state trooper post or municipal
6 police department located nearest to where the sex offender or child kidnapper resides
7 at the time of registration. To fulfill the registration requirement, the sex offender or
8 child kidnapper shall

9 (1) complete a registration form that includes **the following**
10 **information, if applicable:** [, AT A MINIMUM,]

11 (A) the sex offender's or child kidnapper's **full** name, **mailing**
12 **and physical addresses, school** address, **telephone numbers used by the sex**
13 **offender or child kidnapper, social security number, passport**
14 **information, citizenship status, physical address of employment, name of**
15 **employer, job title** [PLACE OF EMPLOYMENT], and date of birth;

16 (B) each conviction for a sex offense or child kidnapping for
17 which the duty to register has not terminated under AS 12.63.020, the date of
18 the sex offense or child kidnapping convictions, the place and court of the sex
19 offense or child kidnapping convictions, and whether the sex offender or child
20 kidnapper has been unconditionally discharged from the conviction for a sex
21 offense or child kidnapping and the date of the unconditional discharge; if the
22 sex offender or child kidnapper asserts that the offender or kidnapper has been
23 unconditionally discharged, the offender or kidnapper shall supply proof of
24 that discharge acceptable to the department;

25 (C) all aliases used;

26 (D) the sex offender's or child kidnapper's driver's license
27 number;

28 (E) the description, license numbers, and vehicle identification
29 numbers of motor vehicles, **including watercraft, aircraft, motorcycles, and**
30 **recreational vehicles,** the sex offender or child kidnapper has access to,
31 regardless of whether that access is regular or not;

1 (F) any identifying features of the sex offender or child
2 kidnapper;

3 (G) anticipated changes of address **and any temporary**
4 **lodging used by the sex offender or child kidnapper for seven days or**
5 **more**;

6 (H) a statement concerning whether the offender or kidnapper
7 has had treatment for a mental abnormality or personality disorder since the
8 date of conviction for an offense requiring registration under this chapter;
9 [AND]

10 (I) each electronic mail address, instant messaging address, and
11 other Internet communication identifier used by the sex offender or child
12 kidnapper; **and**

13 **(J) professional licensing information**;

14 (2) allow the Alaska state troopers, Department of Corrections, [OR]
15 municipal police, **or any peace officer** to take a complete set of the sex offender's or
16 child kidnapper's fingerprints **and palm prints** and to take the sex offender's or child
17 kidnapper's photograph.

18 * **Sec. 38.** AS 12.63.010(d) is amended to read:

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

20 (1) for 15 years under (a) of this section and AS 12.63.020 shall,
21 annually, during the term of a duty to register under AS 12.63.020, on a date set by the
22 department at the time of the sex offender's or child kidnapper's initial registration,
23 provide written verification to the department, in the manner required by the
24 department, of the **information provided under (b)(1) of this section** [SEX
25 OFFENDER'S OR CHILD KIDNAPPER'S ADDRESS] and notice of any changes to
26 the information previously provided under (b)(1) of this section;

27 (2) for life under (a) of this section and AS 12.63.020 shall, not less
28 than quarterly, on a date set by the department, provide written verification to the
29 department, in the manner required by the department, of the **information provided**
30 **under (b)(1) of this section** [SEX OFFENDER'S OR CHILD KIDNAPPER'S
31 ADDRESS] and **notice of** any changes to the information previously provided under

1 (b)(1) of this section.

2 * **Sec. 39.** AS 12.63.010 is amended by adding new subsections to read:

3 (g) If a sex offender or child kidnapper plans to leave the state for
4 international travel after having registered under (a) of this section, the sex offender or
5 child kidnapper shall provide to the department or a municipal police department in
6 the state written notice of the plan for any intended travel outside the United States at
7 least 21 days before leaving the state for international travel.

8 (h) If a sex offender or child kidnapper is away from the physical address
9 provided to the department under (b)(1)(A) of this section for a period of seven days
10 or more, the sex offender or child kidnapper shall notify the department in writing of
11 the address being used by the sex offender or child kidnapper while away from the
12 physical address provided under (b)(1)(A) of this section.

13 * **Sec. 40.** AS 12.63.020(a) is amended to read:

14 (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) continues for the lifetime of a sex offender or child
19 kidnapper convicted of

20 (i) one aggravated sex offense; or

21 (ii) 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) 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) is tolled for **the period** [EACH YEAR] that a sex
2 offender or child kidnapper fails to comply with the requirements of
3 this chapter or is incarcerated for the offense or kidnapping for which
4 the offender or kidnapper is required to register or for any other
5 offense;

6 (ii) 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) continues for a sex offender or child kidnapper who
14 has not supplied proof acceptable to the department of the offender's or
15 kidnapper's unconditional discharge for the sex offense or child
16 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 department
19 under (b) of this section.

20 * **Sec. 41.** AS 12.63.100(7) is amended to read:

21 (7) "sex offense" means

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

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

30 (i) sexual assault in the first degree;

31 (ii) sexual assault in the second degree;

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

1 victim is under 18 years of age at the time of the offense;

2 (xiv) AS 26.05.900 if, at the time of the offense, the
3 victim is under a duty to obey the lawful orders of the offender,
4 regardless of whether the offender is in the direct chain of command
5 over the victim; [OR]

6 (xv) AS 11.61.123 if the offender is subject to
7 punishment under AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR
8 (2)];

9 (xvi) AS 11.66.137;

10 (xvii) AS 11.61.130(a)(2); or

11 (xviii) AS 11.66.110 and 11.66.120;

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

17 (i) child sexual abuse material [PORNOGRAPHY]; or

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

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

23 * **Sec. 42.** AS 15.80.010(10) is amended to read:

24 (10) "felony involving moral turpitude" includes those crimes that are
25 immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault,
26 sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion,
27 coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a
28 forgery device, offering a false instrument for recording, scheme to defraud, falsifying
29 business records, commercial bribe receiving, commercial bribery, bribery, receiving a
30 bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor,
31 escape, promoting contraband, interference with official proceedings, receiving a bribe

1 by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical
2 evidence, hindering prosecution, terroristic threatening, riot, criminal possession of
3 explosives, unlawful furnishing of explosives, sex trafficking, criminal mischief,
4 misconduct involving a controlled substance or an imitation controlled substance,
5 permitting an escape, promoting gambling, possession of gambling records,
6 distribution of child **sexual abuse material** [PORNOGRAPHY], and possession of
7 child **sexual abuse material** [PORNOGRAPHY];

8 * **Sec. 43.** AS 18.66.990(3) is amended to read:

9 (3) "domestic violence" and "crime involving domestic violence" mean
10 one or more of the following offenses or an offense under a law or ordinance of
11 another jurisdiction having elements similar to these offenses, or an attempt to commit
12 the offense, by a household member against another household member:

13 (A) a crime against the person under AS 11.41;

14 (B) burglary under AS 11.46.300 - 11.46.310;

15 (C) criminal trespass under AS 11.46.320 - 11.46.330;

16 (D) arson or criminally negligent burning under AS 11.46.400 -
17 11.46.430;

18 (E) criminal mischief under AS 11.46.475 - 11.46.486;

19 (F) terrorist threatening under AS 11.56.807 or 11.56.810;

20 (G) violating a protective order under AS 11.56.740(a)(1);

21 (H) harassment under AS 11.61.120(a)(2) - (4) or (6); [OR]

22 (I) cruelty to animals under AS 11.61.140(a)(5) if the animal is
23 a pet;

24 **(J) interfering with a report of a crime involving domestic**
25 **violence under AS 11.56.745 if the person interfering with the report is the**
26 **person who committed the underlying crime involving domestic violence;**
27 **or**

28 **(K) unlawful contact under AS 11.56.750 or 11.56.755;**

29 * **Sec. 44.** AS 28.15.046(c) is amended to read:

30 (c) The department may not issue a license under this section to an applicant

31 (1) who has been convicted of any of the following offenses:

1 (A) a violation, or an attempt, solicitation, or conspiracy to
2 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,
3 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

4 (B) a felony violation of endangering the welfare of a child in
5 the first degree under AS 11.51.100;

6 (C) felony indecent viewing or production of a picture under
7 AS 11.61.123;

8 (D) distribution of child sexual abuse material
9 [PORNOGRAPHY] under AS 11.61.125;

10 (E) possession of child sexual abuse material
11 [PORNOGRAPHY] under AS 11.61.127;

12 (F) distribution of indecent material to minors under
13 AS 11.61.128;

14 (G) patron of a victim of sex trafficking under AS 11.66.137
15 [FELONY PROSTITUTION UNDER AS 11.66.100(e)];

16 (H) sex trafficking in the first, second, or third degree under
17 AS 11.66.110 - 11.66.130;

18 (I) a felony involving distribution of a controlled substance
19 under AS 11.71 or imitation controlled substance under AS 11.73;

20 (J) a felony violation under AS 28.35.030(n) or 28.35.032(p);

21 or

22 (2) who has been convicted of any of the following offenses and less
23 than two years have elapsed since the applicant's date of conviction for the offense:

24 (A) assault in the fourth degree under AS 11.41.230;

25 (B) reckless endangerment under AS 11.41.250;

26 (C) contributing to the delinquency of a minor under
27 AS 11.51.130;

28 (D) misdemeanor prostitution under AS 11.66.100(a)(2);

29 (E) a misdemeanor violation of endangering the welfare of a
30 child in the first degree under AS 11.51.100.

31 * **Sec. 45.** AS 47.12.110(d) is amended to read:

1 (d) Notwithstanding (a) of this section, a court hearing on a petition seeking
2 the adjudication of a minor as a delinquent shall be open to the public, except as
3 prohibited or limited by order of the court, if

4 (1) the department files with the court a motion asking the court to
5 open the hearing to the public, and the petition seeking adjudication of the minor as a
6 delinquent is based on

7 (A) the minor's alleged commission of an offense, and the
8 minor has knowingly failed to comply with all the terms and conditions
9 required of the minor by the department or imposed on the minor in a court
10 order entered under AS 47.12.040(a)(2) or 47.12.120;

11 (B) the minor's alleged commission of

12 (i) a crime against a person that is punishable as a
13 felony;

14 (ii) a crime in which the minor employed a deadly
15 weapon, as that term is defined in AS 11.81.900(b), in committing the
16 crime;

17 (iii) arson under AS 11.46.400 - 11.46.410;

18 (iv) burglary under AS 11.46.300;

19 (v) distribution of child **sexual abuse material**
20 [PORNOGRAPHY] under AS 11.61.125;

21 (vi) sex trafficking in the first degree under
22 AS 11.66.110; or

23 (vii) misconduct involving a controlled substance under
24 AS 11.71 involving the delivery of a controlled substance or the
25 possession of a controlled substance with intent to deliver, other than
26 an offense under AS 11.71.040 or 11.71.050; or

27 (C) the minor's alleged commission of a felony and the minor
28 was 16 years of age or older at the time of commission of the offense when the
29 minor has previously been convicted or adjudicated a delinquent minor based
30 on the minor's commission of an offense that is a felony; or

31 (2) the minor agrees to a public hearing on the petition seeking

1 adjudication of the minor as a delinquent.

2 * **Sec. 46.** AS 47.12.315(a) is amended to read:

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

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

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

9 (3) burglary in the first degree;

10 (4) distribution of child **sexual abuse material** [PORNOGRAPHY];

11 (5) sex trafficking in the first degree;

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

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

15 * **Sec. 47.** AS 47.14.300(a) is amended to read:

16 (a) The department, a state or municipal agency with expertise in child abuse
17 or neglect, or a tribe recognized by the United States Secretary of the Interior to exist
18 as an Indian tribe under 25 U.S.C. 5131 (Federally Recognized Indian Tribe List Act
19 of 1994) with expertise in child abuse or neglect, in partnership with the department,
20 may facilitate the initial establishment of a multidisciplinary child protection team.
21 The purpose of a team is to assist in the evaluation and investigation of reports of child
22 abuse or neglect, as defined in AS 47.17.290, made under AS 47.17 or initiated by the
23 department or a law enforcement agency; **to assist in the evaluation and**
24 **investigation of reports of sexual contact or sexual penetration, as defined in**
25 **AS 11.81.900(b), occurring between children under 13 years of age;** and to provide
26 consultation and coordination for agencies involved in child-in-need-of-aid cases
27 under AS 47.10. The multidisciplinary child protection teams shall

28 (1) ensure that investigations involving child abuse or neglect are
29 coordinated and conducted by trained investigators;

30 (2) take and recommend steps to avoid duplicative interviews of
31 children;

1 (3) assist in the reduction of trauma to a child and family involved in
2 an investigation of child abuse or neglect; and

3 (4) review records, provide consultation, and make recommendations
4 to the department pertaining to a child-in-need-of-aid case under AS 47.10 referred to
5 the team by a team member.

6 * **Sec. 48.** AS 47.30.700 is amended by adding a new subsection to read:

7 (d) A peace officer may take a respondent into custody under (a) of this
8 section only if the ex parte order authorizing the peace officer to take the respondent
9 into custody is transmitted to the peace officer through a distribution method that
10 permits the peace officer to verify that the order originated from a court. If the peace
11 officer receives an order through a distribution method that does not permit the peace
12 officer to verify that the order originated from a court, the peace officer shall contact
13 the court and request that the court transmit the order to the peace officer through a
14 suitable distribution method. The court shall immediately comply. A facsimile
15 transmission from a telephone number, or electronic mail from an electronic mail
16 address, known by the peace officer to belong to a court is sufficient to satisfy this
17 subsection.

18 * **Sec. 49.** AS 47.30 is amended by adding a new section to read:

19 **Sec. 47.30.706. Detention for evaluation after finding of incompetence. (a)**

20 If a person who has been charged with a felony offense against a person under
21 AS 11.41 or felony arson has been found incompetent to proceed under AS 12.47,
22 before the charges are dismissed, an attorney with the Department of Law shall
23 petition a court to have the person delivered to the nearest evaluation facility for an
24 evaluation under AS 47.30.710.

25 (b) Upon receiving a petition under (a) of this section, a court shall, unless the
26 presumption in (d) of this section has been successfully rebutted, issue an ex parte
27 order orally or in writing stating that there is probable cause to believe the respondent
28 is mentally ill and that condition causes the respondent to present a likelihood of
29 serious harm to self or others. The court shall appoint an attorney to represent the
30 respondent and may direct that a peace officer take the respondent into custody and
31 deliver the respondent to the nearest appropriate facility for evaluation. The ex parte

1 order shall be provided to the respondent and made a part of the respondent's clinical
2 record. The court shall set a date, time, and place for a 30-day commitment hearing, to
3 be held within 72 hours after the respondent's arrival at the evaluation facility. The
4 court shall confirm an oral order in writing within 24 hours after it is issued.

5 (c) A respondent taken into custody for evaluation under this section may not
6 be placed in a jail or other correctional facility except for protective custody purposes
7 and only while awaiting transportation to an evaluation facility.

8 (d) A defendant charged with a felony offense against a person under
9 AS 11.41 or felony arson and found to be incompetent to proceed under AS 12.47.100
10 is rebuttably presumed to be mentally ill and to present a likelihood of serious harm to
11 self or others. In evaluating whether a defendant is likely to cause serious harm under
12 this section, the court may consider the conduct with which the defendant was
13 originally charged as evidence of recent behavior, regardless of any time spent in
14 custody.

15 * **Sec. 50.** AS 47.30.710(a) is amended to read:

16 (a) A respondent who is delivered under AS 47.30.700 - 47.30.706
17 [AS 47.30.700 - 47.30.705] to an evaluation facility for [EMERGENCY] examination
18 and treatment shall be examined and evaluated as to mental and physical condition by
19 a mental health professional and by a physician within 24 hours after arrival at the
20 facility.

21 * **Sec. 51.** AS 47.30.715 is repealed and reenacted to read:

22 **Sec. 47.30.715. Procedure after order.** (a) After the court grants an ex parte
23 order authorizing hospitalization for evaluation, the department shall immediately
24 transport a person who is detained at a medical or other facility, including a
25 correctional facility, to a crisis residential center or evaluation facility for an
26 evaluation.

27 (b) A person being detained while awaiting transportation to a crisis
28 residential center or evaluation facility may request a court hearing to review the
29 detention at any time. The hearing shall be held not later than 72 hours after the
30 request is filed. When the court rules on a request for review of the detention pending
31 transportation, the court shall consider the factors listed in (d) of this section.

1 (c) A person may not be detained for more than seven days while awaiting
2 transportation to a crisis residential center or evaluation facility; however, the
3 department or a facility detaining a person under AS 47.30.700 - 47.30.815 may file a
4 request to extend the detention based on the person continuing to meet the standards
5 for commitment under AS 47.30.700 and the need for a continued hold. The request
6 must be supported by the verified or certified statement of a mental health professional
7 and be served on the respondent, the respondent's attorney, and the division of the
8 Department of Law that has responsibility for civil cases. When the court decides a
9 request to extend the detention pending transportation, the court shall consider the
10 factors identified in (d) of this section.

11 (d) When ruling on a request to review or extend detention, the court shall
12 consider the totality of the circumstances, including

- 13 (1) the length of time the person has been detained;
- 14 (2) the reason the person has not yet been transported;
- 15 (3) the person's current medical and psychiatric condition;
- 16 (4) whether the person is gravely disabled or is likely to cause serious
17 harm to self or others; and
- 18 (5) whether the person is receiving treatment at the person's current
19 placement.

20 (e) The court shall schedule a hearing to decide a request for review under (b)
21 of this section or a request to extend detention under (c) of this section. The hearing
22 shall be held not later than 72 hours after the request for review or the request to
23 extend detention, as applicable. If a hearing is held after expiration of the seven-day
24 detention period, the detention shall be extended until the hearing.

25 (f) Regardless of whether a request to extend the respondent's detention has
26 been filed, if, at any time in the course of the detention, a mental health professional at
27 the detaining facility determines that the person does not meet the standards for
28 commitment under AS 47.30.700, the respondent shall be released and the facility
29 shall notify the petitioner, the respondent's attorney, the division of the Department of
30 Law that has responsibility for civil cases, and the court.

31 (g) When an evaluation facility receives a proper order for evaluation, it shall

1 accept the order and the respondent for an evaluation period not to exceed 72 hours.
2 The evaluation facility shall promptly notify the court of the date and time of the
3 respondent's arrival. The court shall set a date, time, and place for a 30-day
4 commitment hearing, to be held if needed within 72 hours after the respondent's
5 arrival, and the court shall notify the evaluation facility, the respondent, the
6 respondent's guardian, if any, the respondent's attorney, the petitioner's attorney, if
7 any, and the attorney general of the time and place of the hearing. Evaluation
8 personnel, when used, shall similarly notify the court of the date and time when they
9 first met with the respondent.

10 * **Sec. 52.** AS 47.30.725 is amended by adding new subsections to read:

11 (g) If a criminal charge of a felony offense against a person under AS 11.41 or
12 felony arson against a respondent has been dismissed under AS 12.47.110 and the
13 respondent is detained for evaluation or committed under AS 47.30.700 - 47.30.915,

14 (1) the Department of Law shall notify a victim in the dismissed
15 criminal case

16 (A) of the time and place of a hearing under AS 47.30.700 -
17 47.30.915;

18 (B) of the length of time for which the respondent is committed
19 and findings of fact made by the court; and

20 (C) when the respondent is discharged from commitment; and

21 (2) a victim in the dismissed criminal case may attend a hearing under
22 AS 47.30.700 - 47.30.915, but may not disclose confidential information from the
23 hearing.

24 (h) Subsection (g) of this section may not be construed to give a victim in a
25 dismissed criminal case the right to access a record that is confidential under
26 AS 47.30.845.

27 * **Sec. 53.** AS 47.30 is amended by adding a new section to read:

28 **Sec. 47.30.727. Provision of records and notice following a finding of**
29 **incompetency in a criminal case.** (a) Within 30 days after a respondent has been
30 found incompetent to proceed under AS 12.47.110 and committed under AS 47.30.700
31 - 47.30.915, and every 30 days thereafter until the civil commitment case has

1 concluded, the division of the Department of Law that has responsibility for civil cases
2 shall provide all information and records obtained during the civil commitment to the
3 division of the Department of Law that has responsibility for criminal cases.

4 (b) Records disclosed to the division of the Department of Law that has
5 responsibility for criminal cases under (a) of this section are confidential and may not
6 be disclosed to anyone unless disclosure is required by a court order or the respondent
7 provides written consent to the disclosure. If the records are used in the criminal
8 proceeding, the moving party shall file the records as confidential documents.

9 (c) A facility housing a respondent found incompetent to proceed under
10 AS 12.47.110 and committed under AS 47.30.700 - 47.30.915 shall provide notice to
11 the prosecutor in the criminal case of all hearings scheduled by the court in the civil
12 commitment case. The prosecutor, or a staff member of the prosecutor's office, may
13 attend a hearing in the civil commitment case but may not participate in the hearing as
14 a party.

15 * **Sec. 54.** AS 47.30.735(b) is amended to read:

16 (b) The hearing shall be conducted in a physical setting least likely to have a
17 harmful effect on the mental or physical health of the respondent, within practical
18 limits. At the hearing, in addition to other rights specified in AS 47.30.660 -
19 47.30.915, the respondent has the right

20 (1) to be present at the hearing; this right may be waived only with the
21 respondent's informed consent; if the respondent is incapable of giving informed
22 consent, the respondent may be excluded from the hearing only if the court, after
23 hearing, finds that the incapacity exists and that there is a substantial likelihood that
24 the respondent's presence at the hearing would be severely injurious to the
25 respondent's mental or physical health;

26 (2) to view and copy all petitions and reports in the court file of the
27 respondent's case;

28 (3) to have the hearing open or closed to the public as the respondent
29 elects, **except that, if the respondent was charged with a felony offense against a**
30 **person under AS 11.41 or felony arson and the criminal case was dismissed under**
31 **AS 12.47.110, an alleged victim in the dismissed criminal case and the prosecutor,**

1 **or a staff member of the prosecutor's office, may attend the hearing, but may not**
2 **disclose confidential information from the hearing;**

3 (4) to have the rules of evidence and civil procedure applied so as to
4 provide for the informal but efficient presentation of evidence;

5 (5) to have an interpreter if the respondent does not understand
6 English;

7 (6) to present evidence on the respondent's behalf;

8 (7) to cross-examine witnesses who testify against the respondent;

9 (8) to remain silent;

10 (9) to call experts and other witnesses to testify on the respondent's
11 behalf.

12 * **Sec. 55.** AS 47.30 is amended by adding a new section to read:

13 **Sec. 47.30.771. Additional two-year commitment.** (a) The respondent shall
14 be released from involuntary treatment at the expiration of 180 days unless the
15 professional person in charge or the attorney general's office files an additional 180-
16 day petition or a petition for a commitment of up to two years conforming to the
17 requirements of AS 47.30.740(a) except that all references to "30-day commitment"
18 shall be read as "the previous 180-day commitment" and all references to "90-day
19 commitment" shall be read as "two-year commitment."

20 (b) The procedures for service of the petition, notification of rights, and
21 judicial hearing shall be as set out in AS 47.30.740 - 47.30.750. Following a 180-day
22 commitment of a respondent, the court may order the respondent committed for an
23 additional treatment period not to exceed two years from the date on which the 180-
24 day treatment period would have expired if the court or jury finds by clear and
25 convincing evidence that

26 (1) the respondent is mentally ill and as a result is likely to cause
27 serious harm to self or others;

28 (2) the respondent has a criminal history that includes a felony offense
29 against a person under AS 11.41 or felony arson, including an offense for which the
30 respondent was found incompetent to stand trial under AS 12.47.100 and 12.47.110;

31 (3) the respondent has been found incompetent to stand trial under

1 AS 12.47.100 and 12.47.110 for a felony offense against a person under AS 11.41 or
2 felony arson and that finding of incompetence led directly to the respondent's current
3 period of commitment; and

4 (4) the period of commitment of the respondent, including a period of
5 commitment for more than 180 days but not more than two years, is necessary to
6 protect the public.

7 (c) Findings of fact relating to the respondent's behavior made at a 30-day
8 commitment hearing under AS 47.30.735, a 90-day commitment hearing under
9 AS 47.30.750, a 180-day commitment hearing under AS 47.30.770, or a two-year
10 commitment hearing under this section shall be admitted as evidence and may not be
11 rebutted except that newly discovered evidence may be used for the purpose of
12 rebutting the findings.

13 (d) Successive commitments are permissible on the same ground and under
14 the same procedures as the original commitment. An order of commitment may not
15 exceed two years.

16 (e) The department shall, by January 30 of each year, submit to the attorney
17 general, public defender, public advocate, Alaska Court System, and the attorney of
18 record for the respondent, if any, a report that details how many respondents are
19 committed under this section and how much time remains on each order of
20 commitment.

21 * **Sec. 56.** AS 47.30.780(a) is amended to read:

22 (a) Except as provided in (b) **and (c)** of this section, the professional person in
23 charge shall at any time discharge a respondent on the ground that the respondent is no
24 longer gravely disabled or likely to cause serious harm as a result of mental illness. A
25 certificate to this effect shall be sent to the court, which shall enter an order officially
26 terminating the involuntary commitment.

27 * **Sec. 57.** AS 47.30.780 is amended by adding new subsections to read:

28 (c) If a respondent committed under AS 47.30.770 or 47.30.771 has a criminal
29 history that includes a felony offense against a person under AS 11.41 or felony arson,
30 including an offense for which the respondent was found incompetent to stand trial
31 under AS 12.47.100 and 12.47.110, the professional person in charge may not

1 discharge the respondent under (a) of this section unless the court enters an order
2 officially terminating the involuntary commitment. The court shall give the
3 prosecuting authority 10 days' notice before the professional person in charge may
4 discharge a respondent under this subsection.

5 (d) Except as provided in (e) of this section, a respondent committed under
6 AS 47.30.771 may petition the court for early discharge at any time during the
7 commitment if the respondent presents some evidence demonstrating that the
8 respondent is no longer likely to cause serious harm to self or others. The court shall
9 grant early discharge unless the state proves by clear and convincing evidence that the
10 respondent remains likely to cause serious harm to self or others.

11 (e) A respondent may not file a petition for early discharge within 180 days
12 after the date the court enters an initial commitment order or a final order ruling on a
13 previous petition for early discharge.

14 * **Sec. 58.** AS 47.30.805(a) is amended to read:

15 (a) Except as provided in (b) of this section,

16 (1) computations of a 72-hour [EVALUATION] period under
17 **AS 47.30.706, 47.30.708,** [AS 47.30.708] or 47.30.715 or a 48-hour [DETENTION]
18 period under AS 47.30.685 do not include Saturdays, Sundays, legal holidays, or any
19 period of time necessary to transport the respondent to the treatment facility, except
20 that if the exclusion of Saturdays, Sundays, and legal holidays from the computation
21 of a 72-hour evaluation period or 48-hour detention period would result in the
22 respondent being held for longer than 72 hours or 48 hours, as applicable, the period
23 ends at 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday;

24 (2) a seven-day detention at a crisis residential center expires at the end
25 of the seventh day following the respondent's arrival at the crisis stabilization center or
26 the crisis residential center, whichever is earlier;

27 (3) a 30-day commitment period expires at the end of the 30th day
28 after the 72 hours following initial acceptance;

29 (4) a 90-day commitment period expires at the end of the 90th day
30 after the expiration of a 30-day period of treatment;

31 (5) a 180-day commitment period expires at the end of the 180th day,

1 after the expiration of a 90-day period of treatment or previous 180-day period,
2 whichever is applicable;

3 **(6) a two-year commitment period expires not later than two years**
4 **after the expiration of a 180-day period of treatment.**

5 * **Sec. 59.** AS 47.30.845 is amended to read:

6 **Sec. 47.30.845. Confidential records.** Information and records obtained in the
7 course of a screening investigation, evaluation, examination, or treatment are
8 confidential and are not public records, except as the requirements of a hearing under
9 AS 47.30.660 - 47.30.915 may necessitate a different procedure. Information and
10 records may be copied and disclosed under regulations established by the department
11 only to

12 (1) a physician or a provider of health, mental health, or social and
13 welfare services involved in caring for, treating, or rehabilitating the patient;

14 (2) the patient or an individual to whom the patient has given written
15 consent to have information disclosed;

16 (3) a person authorized by a court order;

17 (4) a person doing research or maintaining health statistics if the
18 anonymity of the patient is assured and the facility recognizes the project as a bona
19 fide research or statistical undertaking;

20 (5) the Department of Corrections in a case in which a prisoner
21 confined to the state prison is a patient in the state hospital on authorized transfer
22 either by voluntary admission or by court order;

23 (6) a governmental or law enforcement agency when necessary to
24 secure the return of a patient who is on unauthorized absence from a facility where the
25 patient was undergoing evaluation or treatment;

26 (7) a law enforcement agency when there is substantiated concern over
27 imminent danger to the community by a presumed mentally ill person;

28 (8) the department in a case in which services provided under
29 AS 47.30.660 - 47.30.915 are paid for, in whole or in part, by the department or in
30 which a person has applied for or has received assistance from the department for
31 those services;

1 (9) the Department of Public Safety as provided in AS 47.30.907;
2 information provided under this paragraph may not include diagnostic or clinical
3 information regarding a patient;

4 **(10) the Department of Law as provided in AS 47.30.727.**

5 * **Sec. 60.** The uncodified law of the State of Alaska enacted in sec. 142(c), ch. 4, FSSLA
6 2019, is amended to read:

7 (c) The following sections apply to the duty to register as a sex offender for
8 offenses committed

9 **(1) before, on, or after the effective date of those sections:**

10 **(A) [(1)] AS 12.63.010(d), as amended by sec. 82, ch. 4,**
11 **FSSLA 2019 [OF THIS ACT];**

12 **(B) AS 12.63.020(a)(2) and (b) [(2) AS 12.63.020], as**
13 **amended by sec. 83, ch. 4, FSSLA 2019 [OF THIS ACT];**

14 **(C) [(3)] AS 12.63.100(6), as amended by sec. 84, ch. 4,**
15 **FSSLA 2019 [OF THIS ACT];**

16 **(D) AS 12.63.100(7)(E) [(4) AS 12.63.100(7)], as amended by**
17 **sec. 85, ch. 4, FSSLA 2019;**

18 **(2) on or after the effective date of those sections:**

19 **(A) AS 12.63.020(a)(1), as amended by sec. 83, ch. 4, FSSLA**
20 **2019;**

21 **(B) AS 12.63.100(7)(C), as amended by sec. 85, ch. 4,**
22 **FSSLA 2019 [OF THIS ACT].**

23 * **Sec. 61.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

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

27 (s) **Admissibility of Evidence.**

28 (1) Evidence which would be legally admissible at trial shall be
29 admissible before the grand jury. **Witnesses** [IN APPROPRIATE CASES,
30 HOWEVER, WITNESSES] may be presented to summarize admissible evidence if
31 the admissible evidence will be available at trial. [EXCEPT AS STATED IN

1 SUBPARAGRAPHS (2), (3), AND (6), HEARSAY EVIDENCE SHALL NOT BE
2 PRESENTED TO THE GRAND JURY ABSENT COMPELLING JUSTIFICATION
3 FOR ITS INTRODUCTION. IF HEARSAY EVIDENCE IS PRESENTED TO THE
4 GRAND JURY, THE REASONS FOR ITS USE SHALL BE STATED ON THE
5 RECORD.]

6 (2) [IN A PROSECUTION FOR AN OFFENSE UNDER
7 AS 11.41.410 - 11.41.458, HEARSAY EVIDENCE OF A STATEMENT RELATED
8 TO THE OFFENSE, NOT OTHERWISE ADMISSIBLE, MADE BY A CHILD
9 WHO IS THE VICTIM OF THE OFFENSE MAY BE ADMITTED INTO
10 EVIDENCE BEFORE THE GRAND JURY IF

11 (i) THE CIRCUMSTANCES OF THE STATEMENT
12 INDICATE ITS RELIABILITY;

13 (ii) THE CHILD IS UNDER 10 YEARS OF AGE
14 WHEN THE HEARSAY EVIDENCE IS SOUGHT TO BE
15 ADMITTED;

16 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
17 TO CORROBORATE THE STATEMENT; AND

18 (iv) THE CHILD TESTIFIES AT THE GRAND JURY
19 PROCEEDING OR THE CHILD WILL BE AVAILABLE TO
20 TESTIFY AT TRIAL.

21 (3)] Hearsay evidence related to the offense, not otherwise admissible,
22 may be admitted into evidence before the grand jury if

23 [(i)] the individual presenting the hearsay evidence is a
24 peace officer involved in the investigation [; AND

25 (ii) THE HEARSAY EVIDENCE CONSISTS OF THE
26 STATEMENT AND OBSERVATIONS MADE BY ANOTHER
27 PEACE OFFICER IN THE COURSE OF AN INVESTIGATION;
28 AND

29 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
30 TO CORROBORATE THE STATEMENT].

31 **(3)** [(4)] If the testimony presented by a peace officer under paragraph

1 **(2)** [(3)] of this section is inaccurate because of intentional, grossly negligent, or
2 negligent misstatements or omissions, then the court shall dismiss an indictment
3 resulting from the testimony if the defendant shows that the inaccuracy prejudices
4 substantial rights of the defendant.

5 **(4)** [(5) IN THIS SECTION "STATEMENT" MEANS AN ORAL OR
6 WRITTEN ASSERTION OR NONVERBAL CONDUCT IF THE NONVERBAL
7 CONDUCT IS INTENDED AS AN ASSERTION.

8 (6)] When a prior conviction is an element of an offense, hearsay
9 evidence received through the Alaska Public Safety Information Network or from
10 other government agencies of prior convictions may be presented to the grand jury.

11 * **Sec. 62.** AS 11.66.100(b), 11.66.100(e); and AS 12.40.110 are repealed.

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

14 INDIRECT COURT RULE AMENDMENTS. AS 47.30.700(d), enacted by sec. 48 of
15 this Act, has the effect of changing Rules 4 and 5, Alaska Rules of Civil Procedure, by
16 restricting the permissible methods by which a court order may be served on a party.

17 * **Sec. 64.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 INVESTIGATION AND RECOMMENDATIONS. (a) The Department of
20 Corrections shall contract with a statewide Alaska Native organization whose membership
21 consists of villages, Alaska Native corporations, and tribal consortiums to conduct a study on
22 the reasons Alaska Natives make up 40 percent of the state's prison population, yet make up
23 just 14 percent of the general population. The contract shall require outreach to federal, state,
24 local, and tribal governments and private stakeholders to inform the study and make
25 recommendations.

26 (b) The Department of Corrections and the contractor shall present to the governor
27 and the legislature not later than the first day of the First Regular Session of the Thirty-Fourth
28 Alaska State Legislature findings and recommendations for specific actions that can be taken
29 to reduce initial encounters with the prison system and recidivism rates following the release
30 of Alaska Native prisoners. The recommendations may include ways that Alaska Native
31 entities that are primarily federally funded can

1 (1) establish restorative justice programs to address the unique cultural needs
2 of Alaska Native people;

3 (2) intervene earlier with at-risk Alaska Native youth and young adults to
4 ensure those at-risk youth and young adults have the life skills and support systems necessary
5 to prevent encounters with the criminal justice system;

6 (3) reduce the Alaska Native prison population by providing early mental
7 health diagnosis and better treatment;

8 (4) provide low-income housing options to reduce the Alaska Native homeless
9 population that are more likely to encounter law enforcement when living on the street;

10 (5) improve alcohol and drug misuse treatment options for Alaska Native
11 youth and young adults;

12 (6) provide job training and mentoring opportunities to earn a living and
13 provide food, housing, and other family necessities for Alaska Native residents and families;

14 (7) offer digital training to Alaska Native residents to access tribal, state, and
15 federal services, obtain digital employment, participate in remote counseling services to
16 address alcohol and drug abuse, and participate in job training and education; and

17 (8) identify federal grant programs at the United States Department of Justice,
18 the United States Department of Health and Human Services, including the Indian Health
19 Service and Substance Abuse and Mental Health Services Administration, the United States
20 Department of the Interior, the United States Department of Labor, and other federal agencies
21 that could be used to fund implementation of the recommendations, with a particular
22 emphasis on juveniles and young adults.

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

25 INVESTIGATION AND RECOMMENDATIONS. (a) The Department of
26 Corrections shall contract with an organization to conduct a study on the reasons certain racial
27 groups are overrepresented in the Department of Corrections as a portion of the prison
28 population, when compared to the proportion of those populations in the state.

29 (b) The Department of Corrections and the contractor shall present to the governor
30 and the legislature not later than the first day of the First Regular Session of the Thirty-Fourth
31 Alaska State Legislature findings and recommendations for specific actions that can be taken

1 to reduce initial encounters with the prison system and recidivism rates following the release
2 of prisoners in the groups studied.

3 * **Sec. 66.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 APPLICABILITY. (a) AS 11.41.110, as amended by sec. 3 of this Act,
6 AS 11.41.110(c), enacted by sec. 4 of this Act, AS 11.41.120(a), as amended by sec. 5 of this
7 Act, AS 11.41.140, as amended by sec. 6 of this Act, AS 11.41.240, enacted by sec. 7 of this
8 Act, AS 11.41.260(a), as amended by sec. 8 of this Act, AS 11.41.365(a), as amended by sec.
9 9 of this Act, AS 11.66.100(d), as amended by sec. 15 of this Act, AS 11.66.120(a), as
10 amended by sec. 16 of this Act, AS 11.66.120(c), enacted by sec. 17 of this Act,
11 AS 11.66.137, enacted by sec. 18 of this Act, AS 11.66.145, as amended by sec. 19 of this
12 Act, AS 11.71.010(a), as amended by sec. 20 of this Act, AS 11.71.010(b), as amended by
13 sec. 21 of this Act, AS 11.71.021(a), as amended by sec. 22 of this Act, AS 11.71.021(b), as
14 amended by sec. 23 of this Act, AS 11.71.210(a), as amended by sec. 24 of this Act,
15 AS 11.71.210(b), as amended by sec. 25 of this Act, AS 11.81.900(b)(69) and (70), enacted
16 by sec. 26 of this Act, AS 12.55.125(c), as amended by sec. 32 of this Act, AS 12.55.127(c),
17 as amended by sec. 34 of this Act, and AS 18.66.990(3), as amended by sec. 43 of this Act,
18 apply to offenses committed on or after the effective date of secs. 3 - 9, 15 - 26, 32, 34, and 43
19 of this Act.

20 (b) Except as otherwise provided in this Act, the duty imposed by AS 12.63.010(b), as
21 amended by sec. 37 of this Act, AS 12.63.010(d), as amended by sec. 38 of this Act, and
22 AS 12.63.010(g) and (h), enacted by sec. 39 of this Act, applies to the duty to register as a sex
23 offender or child kidnapper for offenses committed before, on, or after the effective date of
24 secs. 37 - 39 of this Act.

25 (c) AS 12.63.020(a), as amended by sec. 40 of this Act, applies to the tolling of the
26 duty to register as a sex offender or child kidnapper on or after the effective date of sec. 40 of
27 this Act for determinations of noncompliance made by the Department of Public Safety on or
28 after the effective date of sec. 40 of this Act.

29 (d) Nothing in AS 12.63.020(a), as amended by sec. 40 of this Act, may be construed
30 as invalidating a decision by the Department of Public Safety to toll the period of registration
31 or continue the period of registration under AS 12.63 before the effective date of sec. 40 of

1 this Act.

2 (e) AS 12.63.100(7), as amended by sec. 41 of this Act, applies to the duty to register
3 as a sex offender for offenses committed on or after the effective date of sec. 41 of this Act.

4 (f) Rule 6(s), Alaska Rules of Criminal Procedure, as amended by sec. 61 of this Act,
5 applies to indictments occurring on or after the effective date of sec. 61 of this Act for
6 offenses committed before, on, or after the effective date of sec. 61 of this Act.

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

9 CONDITIONAL EFFECT. (a) AS 47.30.700(d), enacted by sec. 48 of this Act, takes
10 effect only if sec. 63 of this Act receives the two-thirds majority vote of each house required
11 by art. IV, sec. 15, Constitution of the State of Alaska.

12 (b) Rule 6(s), Alaska Rules of Criminal Procedure, as amended by sec. 61 of this Act,
13 takes effect only if sec. 61 of this Act receives the two-thirds majority vote of each house
14 required by art. IV, sec. 15, Constitution of the State of Alaska.

15 * **Sec. 68.** Section 60 of this Act takes effect immediately under AS 01.10.070(c).

16 * **Sec. 69.** Except as provided in sec. 68 of this Act, this Act takes effect January 1, 2025.