

CS FOR SENATE BILL NO. 32(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/19/19

Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal law and procedure; relating to electronic monitoring;**
2 **relating to controlled substances; relating to probation; relating to driving while license**
3 **canceled; relating to arrest; relating to sentencing; relating to sentencing for driving**
4 **under the influence and refusal; relating to reports of involuntary commitment;**
5 **amending Rule 6(r)(6), Alaska Rules of Criminal Procedure; and providing for an**
6 **effective date."**

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

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

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

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

13 (2) the person knowingly engages in conduct that results in the death
14 of another person under circumstances manifesting an extreme indifference to the

1 value of human life;

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

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

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

19 (A) a felony violation of AS 11.41;

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

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

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

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

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

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

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

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

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

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

19 (1) the value of the property or services [, ADJUSTED FOR
 20 INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than
 21 \$25,000;

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

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

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

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

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

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

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

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

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

9 (7) the property is an access device.

10 * **Sec. 4.** AS 11.46.140(a) is amended to read:

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

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

16 (2) [REPEALED]

17 (3) [REPEALED]

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

22 * **Sec. 5.** AS 11.46.150(a) is amended to read:

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

26 * **Sec. 6.** AS 11.46.220(c) is amended to read:

27 (c) Concealment of merchandise is

28 (1) a class C felony if

29 (A) the merchandise is a firearm;

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

1 (C) the value of the merchandise [, ADJUSTED FOR
 2 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
 3 \$750 and, within the preceding five years, the person has been convicted and
 4 sentenced on two or more separate occasions in this or another jurisdiction of

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

8 (ii) an offense under AS 11.46.120, 11.46.130, or
 9 11.46.140(a)(1), or an offense under another law or ordinance with
 10 similar elements;

11 (2) a class A misdemeanor if

12 (A) the value of the merchandise [, ADJUSTED FOR
 13 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
 14 \$750; or

15 (B) [REPEALED]

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

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

23 * **Sec. 7.** AS 11.46.260(b) is amended to read:

24 (b) Removal of identification marks is

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

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

31 (3) a class B misdemeanor if the value of the property on which the

1 serial number or identification mark appeared [, ADJUSTED FOR INFLATION AS
2 PROVIDED IN AS 11.46.982,] is less than \$250.

3 * **Sec. 8.** AS 11.46.270(b) is amended to read:

4 (b) Unlawful possession is

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

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

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

14 * **Sec. 9.** AS 11.46.280(d) is amended to read:

15 (d) Issuing a bad check is

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

17 (2) a class C felony if the face amount of the check [, ADJUSTED
18 FOR INFLATION AS PROVIDED IN AS 11.46.982,] is \$750 or more but less than
19 \$25,000;

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

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

25 * **Sec. 10.** AS 11.46.285(b) is amended to read:

26 (b) Fraudulent use of an access device is

27 (1) a class B felony if the value of the property or services obtained is
28 \$25,000 or more;

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

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

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

5 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior
 6 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) **or**
 7 **11.46.140(a)(4)** or in prosecuting the crime of concealment of merchandise under
 8 AS 11.46.220(c),

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

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

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

17 * **Sec. 12.** AS 11.46.360(a) is amended to read:

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

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

23 (2) the propelled vehicle of another and

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

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

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

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

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

5 (A) this section or AS 11.46.365;

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

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

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

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

13 * **Sec. 13.** AS 11.46.482(a) is amended to read:

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

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

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

22 (3) the person knowingly

23 (A) defaces, damages, or desecrates a cemetery or the contents
24 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,
25 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
26 memorial appears to be abandoned, lost, or neglected;

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

30 * **Sec. 14.** AS 11.46.484(a) is amended to read:

31 (a) A person commits the crime of criminal mischief in the fourth degree if,

1 having no right to do so or any reasonable ground to believe the person has such a
2 right,

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

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

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

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

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

17 * **Sec. 15.** AS 11.46.486(a) is amended to read:

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

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

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

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

30 * **Sec. 16.** AS 11.46.530(b) is amended to read:

31 (b) Criminal simulation is

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

4 (2) a class A misdemeanor if the value of what the object purports to
5 represent [, ADJUSTED FOR INFLATION AS PROVIDED IN AS 11.46.982,] is
6 \$250 or more but less than \$750;

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

10 * **Sec. 17.** AS 11.46.620(d) is amended to read:

11 (d) Misapplication of property is

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

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

16 * **Sec. 18.** AS 11.46.730(c) is amended to read:

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

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

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

24 * **Sec. 19.** AS 11.56.310(a) is amended to read:

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

27 (1) removes oneself from

28 (A) a secure correctional facility while under official detention
29 for a misdemeanor;

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

31 (C) official detention and, during the escape or at any time

1 before being restored to official detention, one possesses on or about oneself a
2 firearm;

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

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

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

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

13 * **Sec. 20.** AS 11.56.320(a) is amended to read:

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

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

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

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

21 (A) **removes, tampers with, or disables the electronic**
22 **monitoring equipment; or**

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

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

28 (A) **removes, tampers with, or disables the electronic**
29 **monitoring equipment; or**

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

1 * **Sec. 21.** AS 11.56.730(a) is amended to read:

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

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

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

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

8 * **Sec. 22.** AS 11.56.730(d) is amended to read:

9 (d) Failure to appear is a

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

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

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

19 (2) class A misdemeanor if the person was released in connection with
20 a

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

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

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

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

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

1 * **Sec. 23.** AS 11.56.757(b) is amended to read:

2 (b) Violation of condition of release is a

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

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

7 * **Sec. 24.** AS 11.56.810(a) is amended to read:

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

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

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

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

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

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

30 * **Sec. 25.** AS 11.61.110(c) is amended to read:

31 (c) Disorderly conduct is a class B misdemeanor **and is punishable as**

1 **authorized in AS 12.55 except that a sentence of imprisonment, if imposed, shall**
 2 **be for a definite term of not more than 10 days.**

3 * **Sec. 26.** AS 11.71 is amended by adding a new section to read:

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

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

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

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

13 or

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

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

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

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

23 or

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) retailer or as a wholesaler;

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

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

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

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

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

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

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

14 * **Sec. 27.** AS 11.71.030(a) is amended to read:

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

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

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

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

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

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

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

1 the person delivering the substance;

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

3 (A) with reckless disregard that the possession occurs

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

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

6 or

7 (B) on a school bus;

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

9 contains

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

11 or

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

13 isomers, or salts of isomers;

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

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

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

21 or

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

23 isomers, or salts of isomers;

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

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

28 (A) an immediate precursor of methamphetamine, or the salts,
29 isomers, or salts of isomers of the immediate precursor of methamphetamine,
30 to another person with reckless disregard that the precursor will be used to
31 manufacture any material, compound, mixture, or preparation that contains

1 methamphetamine, or its salts, isomers, or salts of isomers; or

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

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

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

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

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

15 * **Sec. 28.** AS 11.71.030(d) is amended to read:

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

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

19 (a) Except as authorized in **AS 03.05, AS 17.30, and AS 17.38** [AS 17.30], a
20 person commits the crime of misconduct involving a controlled substance in the
21 **fourth** [THIRD] degree if the person

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

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

29 (3) possesses

30 **(A)** any amount of a

31 **(i)** schedule IA controlled substance [LISTED IN

1 AS 11.71.140(e)];

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

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

6 (C) one or more preparations, compounds, mixtures, or
 7 substances of an aggregate weight of

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

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

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

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

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

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

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

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

27 (A) with reckless disregard that the possession occurs

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

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

30 or

31 (B) on a school bus;

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

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

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

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

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

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

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

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

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

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

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

31 * **Sec. 30.** AS 11.71.040(d) is amended to read:

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

3 * **Sec. 31.** AS 11.71.050 is amended to read:

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

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

12 (2) [REPEALED]

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

15 (4) under circumstances not proscribed under AS 11.71.030(a)(3),
 16 11.71.040(a)(3), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a
 17 schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance; **or**

18 **(5) possesses**

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

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

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

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

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

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

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

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

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

11 * **Sec. 32.** AS 11.71.060 is amended to read:

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

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

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

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

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

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

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

29 * **Sec. 33.** AS 11.71.311(a) is amended to read:

30 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),
 31 11.71.040(a)(3) or (4), **11.71.050(a)(5)** [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) if

1 that person

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

5 (A) the evidence supporting the prosecution for an offense
6 under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), **11.71.050(a)(5)**
7 [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) was obtained or discovered as a
8 result of the person seeking medical or law enforcement assistance;

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

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

13 (2) was experiencing a drug overdose and sought medical assistance,
14 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),
15 11.71.040(a)(3) or (4), **11.71.050(a)(5)** [11.71.050(a)(4)], or 11.71.060(a)(1) or (2)
16 was obtained as a result of the overdose and the need for medical assistance.

17 * **Sec. 34.** AS 12.55.090(c) is amended to read:

18 (c) The period of probation, together with any extension, may not exceed

19 (1) **25** [15] years for a felony sex offense; **or**

20 (2) 10 years for **any other offense** [AN UNCLASSIFIED FELONY
21 UNDER AS 11 NOT LISTED IN (1) OF THIS SUBSECTION;

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

24 (4) THREE YEARS FOR A MISDEMEANOR OFFENSE

25 (A) UNDER AS 11.41;

26 (B) THAT IS A CRIME INVOLVING DOMESTIC
27 VIOLENCE; OR

28 (C) THAT IS A SEX OFFENSE, AS THAT TERM IS
29 DEFINED IN AS 12.63.100;

30 (5) TWO YEARS FOR A MISDEMEANOR OFFENSE UNDER
31 AS 28.35.030 OR 28.35.032, IF THE PERSON HAS PREVIOUSLY BEEN

1 CONVICTED OF AN OFFENSE UNDER AS 28.35.030 OR 28.35.032, OR A
 2 SIMILAR LAW OR ORDINANCE OF THIS OR ANOTHER JURISDICTION; OR
 3 (6) ONE YEAR FOR AN OFFENSE NOT LISTED IN (1) - (5) OF
 4 THIS SUBSECTION].

5 * **Sec. 35.** 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, **five** [THREE] to **eight** [SIX] years;

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

13 **(A)** and the defendant

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

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

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

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

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

1 **present;**

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

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

6 * **Sec. 36.** AS 12.55.125(d) is amended to read:

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

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

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

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

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

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

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

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

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

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

6 * **Sec. 37.** AS 12.55.125(e) is amended to read:

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

11 (1) if the offense is a first felony conviction and does not involve
12 circumstances described in (4) of this subsection, zero to two years; a defendant
13 sentenced under this paragraph may, if the court finds it appropriate, be granted a
14 suspended imposition of sentence under AS 12.55.085, and the court may, as a
15 condition of probation under AS 12.55.086, require the defendant to serve an active
16 term of imprisonment within the range specified in this paragraph;

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

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

21 (4) if the offense is a first felony conviction, and the defendant violated
22 AS 08.54.720(a)(15), one to two years.

23 * **Sec. 38.** AS 12.55.125(q) is amended to read:

24 (q) Other than for convictions subject to a mandatory 99-year sentence, the
25 court shall impose, in addition to an active term of imprisonment imposed under (i) of
26 this section, a minimum period of (1) suspended imprisonment of five years and a
27 minimum period of probation supervision of 15 years for conviction of an unclassified
28 felony, (2) suspended imprisonment of three years and a minimum period of probation
29 supervision of 10 years for conviction of a class A or class B felony, or (3) suspended
30 imprisonment of two years and a minimum period of probation supervision of five
31 years for conviction of a class C felony. The period of probation is in addition to any

1 sentence received under (i) of this section **and may not be suspended or reduced.**
 2 **Upon a defendant's release from confinement in a correctional facility, the**
 3 **defendant is subject to the probation requirement under this subsection and shall**
 4 **submit and comply with the terms and requirements of the probation.**

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

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

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

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

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

16 (C) DEFENDANT HAS PAST CRIMINAL CONVICTIONS
 17 FOR CONDUCT VIOLATIVE OF CRIMINAL LAWS, PUNISHABLE AS
 18 FELONIES OR MISDEMEANORS, SIMILAR IN NATURE TO THE
 19 OFFENSE FOR WHICH THE DEFENDANT IS BEING SENTENCED;

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

22 (E) CONVICTION IS FOR A VIOLATION OF

23 (i) AS 11.41.427;

24 (ii) AS 11.41.440;

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

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

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

29 (2) 30 DAYS].

30 * **Sec. 40.** AS 12.55.135(b) is amended to read:

31 (b) A defendant convicted of a class B misdemeanor may be sentenced to a

1 definite term of imprisonment of not more than 90

2 [(1) 10] days unless otherwise specified in the provision of law
3 defining the offense [OR IN THIS SECTION];

4 (2) 90 DAYS IF THE CONVICTION IS FOR A VIOLATION OF

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

7 (B) AS 11.61.120(a)(6) AND THE PERSON IS 21 YEARS OF
8 AGE OR OLDER; OR

9 (3) FIVE DAYS IF THE CONVICTION IS FOR A VIOLATION OF
10 AS 11.56.757].

11 * **Sec. 41.** AS 28.15.291(a) is amended to read:

12 (a) A person commits the crime of driving while license canceled, suspended,
13 revoked, or in violation of a limitation if the person drives [(1)] a motor vehicle on a
14 highway or vehicular way or area at a time when that person's driver's license,
15 privilege to drive, or privilege to obtain a license has been canceled, suspended, or
16 revoked in this or [UNDER CIRCUMSTANCES DESCRIBED IN AS 28.15.181(c)
17 OR A SIMILAR LAW IN] another jurisdiction, [; (2) A MOTOR VEHICLE ON A
18 HIGHWAY OR VEHICULAR WAY OR AREA AT A TIME WHEN THAT
19 PERSON'S DRIVER'S LICENSE, PRIVILEGE TO DRIVE, OR PRIVILEGE TO
20 OBTAIN A LICENSE HAS BEEN CANCELED, SUSPENDED, OR REVOKED
21 UNDER CIRCUMSTANCES OTHER THAN THOSE DESCRIBED IN (1) OF THIS
22 SUBSECTION;] or the person drives [(3)] in violation of a limitation placed on that
23 person's license or privilege to drive in this or another jurisdiction.

24 * **Sec. 42.** AS 28.15.291(b) is amended to read:

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

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

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

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

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

5 * **Sec. 43.** AS 28.35.030(k) is amended to read:

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

1 sentenced under (b)(1)(B) of this section shall perform at least 160 hours of
 2 community service work, as required by the director of the community residential
 3 center or other appropriate place, or as required by the commissioner of corrections if
 4 the sentence is being served at a private residence. In this subsection, "appropriate
 5 place" means a facility with 24-hour on-site staff supervision that is specifically
 6 adapted to provide a residence, and includes a correctional center, residential treatment
 7 facility, hospital, halfway house, group home, work farm, work camp, or other place
 8 that provides varying levels of restriction.

9 * **Sec. 44.** AS 28.35.032(o) is amended to read:

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

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

14 * **Sec. 45.** AS 34.03.360(7) is amended to read:

15 (7) "illegal activity involving a controlled substance" means a violation
 16 of AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4)
 17 - (8)], or 11.71.040(a)(1), (2), or (5);

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

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

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

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

25 (3) burglary in the first degree;

26 (4) distribution of child pornography;

27 (5) sex trafficking in the first degree;

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

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

31 * **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

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

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

11 * **Sec. 48.** AS 11.46.980(d), 11.46.982; AS 11.56.330(a)(3); AS 11.71.030(a)(1),
12 11.71.030(a)(4), 11.71.030(a)(5), 11.71.030(a)(6), 11.71.030(a)(7), 11.71.030(a)(8),
13 11.71.030(c), 11.71.030(e), 11.71.040(a)(11), 11.71.050(a)(4); AS 12.25.180(b)(3);
14 AS 12.55.135(l), 12.55.135(m), 12.55.135(n), 12.55.135(o), 12.55.135(p), and
15 12.55.145(a)(5) are repealed.

16 * **Sec. 49.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 REPORT OF THE SUPERIOR COURT REGARDING INVOLUNTARY
19 COMMITMENT. By December 31, 2019, the superior court shall transmit the information
20 under AS 47.30.907(a), if known, to the Department of Public Safety for all orders of the
21 superior court issued on or after October 1, 1981, for the involuntary commitment of a person
22 under AS 47.30.735 - 47.30.755 or for orders of relief from a disability resulting from an
23 involuntary commitment or an adjudication of mental illness or mental incompetence granted
24 under AS 47.30.851(b).

25 * **Sec. 50.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

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

- 29 (1) AS 11.41.110(a), as amended by sec. 1 of this Act;
30 (2) AS 11.41.150(a), as amended by sec. 2 of this Act;
31 (3) AS 11.46.130(a), as amended by sec. 3 of this Act;

- 1 (4) AS 11.46.140(a), as amended by sec. 4 of this Act;
- 2 (5) AS 11.46.150(a), as amended by sec. 5 of this Act;
- 3 (6) AS 11.46.220(c), as amended by sec. 6 of this Act;
- 4 (7) AS 11.46.260(b), as amended by sec. 7 of this Act;
- 5 (8) AS 11.46.270(b), as amended by sec. 8 of this Act;
- 6 (9) AS 11.46.280(d), as amended by sec. 9 of this Act;
- 7 (10) AS 11.46.285(b), as amended by sec. 10 of this Act;
- 8 (11) AS 11.46.295, as amended by sec. 11 of this Act;
- 9 (12) AS 11.46.360(a), as amended by sec. 12 of this Act;
- 10 (13) AS 11.46.482(a), as amended by sec. 13 of this Act;
- 11 (14) AS 11.46.484(a), as amended by sec. 14 of this Act;
- 12 (15) AS 11.46.486(a), as amended by sec. 15 of this Act;
- 13 (16) AS 11.46.530(b), as amended by sec. 16 of this Act;
- 14 (17) AS 11.46.620(d), as amended by sec. 17 of this Act;
- 15 (18) AS 11.46.730(c), as amended by sec. 18 of this Act;
- 16 (19) AS 11.56.310(a), as amended by sec. 19 of this Act;
- 17 (20) AS 11.56.320(a), as amended by sec. 20 of this Act;
- 18 (21) AS 11.56.730(a), as amended by sec. 21 of this Act;
- 19 (22) AS 11.56.730(d), as amended by sec. 22 of this Act;
- 20 (23) AS 11.56.757(b), as amended by sec. 23 of this Act;
- 21 (24) AS 11.56.810(a), as amended by sec. 24 of this Act;
- 22 (25) AS 11.61.110(c), as amended by sec. 25 of this Act;
- 23 (26) AS 11.71.021, enacted by sec. 26 of this Act;
- 24 (27) AS 11.71.030(a), as amended by sec. 27 of this Act;
- 25 (28) AS 11.71.030(d), as amended by sec. 28 of this Act;
- 26 (29) AS 11.71.040(a), as amended by sec. 29 of this Act;
- 27 (30) AS 11.71.040(d), as amended by sec. 30 of this Act;
- 28 (31) AS 11.71.050, as amended by sec. 31 of this Act;
- 29 (32) AS 11.71.060, as amended by sec. 32 of this Act;
- 30 (33) AS 11.71.311(a), as amended by sec. 33 of this Act;
- 31 (34) AS 28.15.291(a), as amended by sec. 41 of this Act;

1 (35) AS 28.15.291(b), as amended by sec. 42 of this Act.

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

4 (1) AS 12.55.125(c), as amended by sec. 35 of this Act;

5 (2) AS 12.55.125(d), as amended by sec. 36 of this Act;

6 (3) AS 12.55.125(e), as amended by sec. 37 of this Act;

7 (4) AS 12.55.125(q), as amended by sec. 38 of this Act;

8 (5) AS 12.55.135(a), as amended by sec. 39 of this Act;

9 (6) AS 12.55.135(b), as amended by sec. 40 of this Act;

10 (7) AS 28.35.030(k), as amended by sec. 43 of this Act;

11 (8) AS 28.35.032(o), as amended by sec. 44 of this Act.

12 (c) AS 12.55.090(c), as amended by sec. 34 of this Act, applies to probation ordered
13 on or after the effective date of sec. 34 of this Act for conduct occurring on or after the
14 effective date of sec. 34 of this Act.

15 * **Sec. 51.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 **CONDITIONAL EFFECT.** Section 47 of this Act takes effect only if sec. 47 of this
18 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
19 Constitution of the State of Alaska.

20 * **Sec. 52.** Section 49 of this Act takes effect immediately under AS 01.10.070(c).

21 * **Sec. 53.** Except as provided in sec. 52 of this Act, this Act takes effect July 1, 2019.