

HOUSE CS FOR CS FOR SENATE BILL NO. 54(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - FOURTH SPECIAL SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 11/3/17

Referred: Today's Calendar

Sponsor(s): SENATORS COGHILL, Micciche

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to crime and criminal law; relating to violation of condition of release;**
2 **relating to sex trafficking; classifying U-47700 as a schedule IA controlled substance;**
3 **classifying tramadol and related substances as schedule IVA controlled substances;**
4 **relating to sentencing; relating to imprisonment; relating to parole; relating to**
5 **probation; relating to driving without a license; establishing a maximum caseload for**
6 **probation and parole officers; relating to the pretrial services program; relating to the**
7 **Alaska Criminal Justice Commission; relating to the Alaska Judicial Council; and**
8 **providing for an effective date."**

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

10 *** Section 1.** AS 11.46.130(a) is amended to read:

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

1 (1) the value of the property or services, adjusted for inflation as
2 provided in AS 11.46.982, is \$750 [\$1,000] or more but less than \$25,000;

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

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

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

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

9 (6) the value of the property, adjusted for inflation as provided in
10 AS 11.46.982, is \$250 or more but less than \$750 [\$1,000] and, within the preceding
11 five years, the person has been convicted and sentenced on two or more separate
12 occasions in this or another jurisdiction of

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

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

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

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

21 (7) the property is an access device.

22 * **Sec. 2.** AS 11.46.140(a) is amended to read:

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

25 (1) the value of the property or services, adjusted for inflation as
26 provided in AS 11.46.982, is \$250 or more but less than \$750 [\$1,000]; or

27 (2) [REPEALED]

28 (3) [REPEALED]

29 **(4) the value of the property is less than \$250 and, within the**
30 **preceding five years, the person has been convicted and sentenced on three or**
31 **more separate occasions in this or another jurisdiction of theft or concealment of**

1 **merchandise, or an offense under another law or ordinance with similar**
 2 **elements.**

3 * **Sec. 3.** AS 11.46.220(c) is amended to read:

4 (c) Concealment of merchandise is

5 (1) a class C felony if

6 (A) the merchandise is a firearm;

7 (B) the value of the merchandise, adjusted for inflation as
 8 provided in AS 11.46.982, is **\$750** [\$1,000] or more; or

9 (C) the value of the merchandise [, ADJUSTED FOR
 10 INFLATION AS PROVIDED IN AS 11.46.982,] is \$250 or more but less than
 11 **\$750** [\$1,000] and, within the preceding five years, the person has been
 12 convicted and sentenced on two or more separate occasions in this or another
 13 jurisdiction of

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

17 (ii) an offense under AS 11.46.120, 11.46.130, or
 18 11.46.140(a)(1), or an offense under another law or ordinance with
 19 similar elements;

20 (2) a class A misdemeanor if

21 (A) the value of the merchandise, adjusted for inflation as
 22 provided in AS 11.46.982, is \$250 or more but less than **\$750** [\$1,000]; or

23 (B) [REPEALED]

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

29 (3) a class B misdemeanor if the value of the merchandise, adjusted for
 30 inflation as provided in AS 11.46.982, is less than \$250.

31 * **Sec. 4.** AS 11.46.260(b) is amended to read:

1 (b) Removal of identification marks is

2 (1) a class C felony if the value of the property on which the serial
3 number or identification mark appeared, adjusted for inflation as provided in
4 AS 11.46.982, is \$750 [\$1,000] or more;

5 (2) a class A misdemeanor if the value of the property on which the
6 serial number or identification mark appeared, adjusted for inflation as provided in
7 AS 11.46.982, is \$250 or more but less than \$750 [\$1,000];

8 (3) a class B misdemeanor if the value of the property on which the
9 serial number or identification mark appeared, adjusted for inflation as provided in
10 AS 11.46.982, is less than \$250.

11 * **Sec. 5.** AS 11.46.270(b) is amended to read:

12 (b) Unlawful possession is

13 (1) a class C felony if the value of the property on which the serial
14 number or identification mark appeared, adjusted for inflation as provided in
15 AS 11.46.982, is \$750 [\$1,000] or more;

16 (2) a class A misdemeanor if the value of the property on which the
17 serial number or identification mark appeared, adjusted for inflation as provided in
18 AS 11.46.982, is \$250 or more but less than \$750 [\$1,000];

19 (3) a class B misdemeanor if the value of the property on which the
20 serial number or identification mark appeared, adjusted for inflation as provided in
21 AS 11.46.982, is less than \$250.

22 * **Sec. 6.** AS 11.46.280(d) is amended to read:

23 (d) Issuing a bad check is

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

25 (2) a class C felony if the face amount of the check, adjusted for
26 inflation as provided in AS 11.46.982, is \$750 [\$1,000] or more but less than \$25,000;

27 (3) a class A misdemeanor if the face amount of the check, adjusted for
28 inflation as provided in AS 11.46.982, is \$250 or more but less than \$750 [\$1,000];

29 (4) a class B misdemeanor if the face amount of the check, adjusted for
30 inflation as provided in AS 11.46.982, is less than \$250.

31 * **Sec. 7.** AS 11.46.285(b) is amended to read:

1 (b) Fraudulent use of an access device is

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

4 (2) a class C felony if the value of the property or services obtained,
5 adjusted for inflation as provided in AS 11.46.982, is **\$750** [\$1,000] or more but less
6 than \$25,000;

7 (3) a class A misdemeanor if the value of the property or services
8 obtained, adjusted for inflation as provided in AS 11.46.982, is less than **\$750**
9 [\$1,000].

10 * **Sec. 8.** AS 11.46.360(a) is amended to read:

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

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

16 (2) the propelled vehicle of another and

17 (A) the vehicle or any other property of another is damaged in a
18 total amount, adjusted for inflation as provided in AS 11.46.982, of **\$750**
19 [\$1,000] or more;

20 (B) the owner incurs reasonable expenses as a result of the loss
21 of use of the vehicle, in a total amount, adjusted for inflation as provided in
22 AS 11.46.982, of **\$750** [\$1,000] or more; or

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

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

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

29 (A) this section or AS 11.46.365;

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

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

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

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

6 * **Sec. 9.** AS 11.46.482(a) is amended to read:

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

10 (1) with intent to damage property of another, the person damages
11 property of another in an amount, adjusted for inflation as provided in AS 11.46.982,
12 of \$750 [\$1,000] or more;

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

15 (3) the person knowingly

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

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

23 * **Sec. 10.** AS 11.46.484(a) is amended to read:

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

27 (1) with intent to damage property of another, the person damages
28 property of another in an amount, adjusted for inflation as provided in AS 11.46.982,
29 of \$250 or more but less than \$750 [\$1,000];

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

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

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

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

10 * **Sec. 11.** AS 11.46.530(b) is amended to read:

11 (b) Criminal simulation is

12 (1) a class C felony if the value of what the object purports to
13 represent, adjusted for inflation as provided in AS 11.46.982, is \$750 [\$1,000] or
14 more;

15 (2) a class A misdemeanor if the value of what the object purports to
16 represent, adjusted for inflation as provided in AS 11.46.982, is \$250 or more but less
17 than \$750 [\$1,000];

18 (3) a class B misdemeanor if the value of what the object purports to
19 represent, adjusted for inflation as provided in AS 11.46.982, is less than \$250.

20 * **Sec. 12.** AS 11.46.620(d) is amended to read:

21 (d) Misapplication of property is

22 (1) a class C felony if the value of the property misapplied, adjusted
23 for inflation as provided in AS 11.46.982, is \$750 [\$1,000] or more;

24 (2) a class A misdemeanor if the value of the property misapplied,
25 adjusted for inflation as provided in AS 11.46.982, is less than \$750 [\$1,000].

26 * **Sec. 13.** AS 11.46.730(c) is amended to read:

27 (c) Defrauding creditors is a class A misdemeanor unless that secured party,
28 judgment creditor, or creditor incurs a pecuniary loss, adjusted for inflation as
29 provided in AS 11.46.982, of \$750 [\$1,000] or more as a result of the defendant's
30 conduct, in which case defrauding secured creditors is

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

1 (2) a class C felony if the loss, adjusted for inflation as provided in
2 AS 11.46.982, is \$750 [\$1,000] or more but less than \$25,000.

3 * **Sec. 14.** AS 11.46.982(a) is amended to read:

4 (a) The Alaska Judicial Council shall publish a report on July 1, 2020,
5 calculating the increase in value, if any, of property or services as an element of an
6 offense in this chapter from a base value of \$250 and \$750 [\$1,000], based on a
7 formula provided by the Department of Labor and Workforce Development, reflecting
8 the change in the Consumer Price Index for the Anchorage metropolitan area compiled
9 by the Bureau of Labor Statistics, United States Department of Labor.

10 * **Sec. 15.** AS 11.46.982(b) is amended to read:

11 (b) The Alaska Judicial Council shall, in calculating the price of property or
12 services as provided in this section,

13 (1) recalculate the base value of property and services of \$250 and
14 \$750 [\$1,000] every five years; and

15 (2) report the base value of property and services of \$250 and \$750
16 [\$1,000] rounded to the nearest \$50 increment.

17 * **Sec. 16.** AS 11.56.757(a) is amended to read:

18 (a) A person commits the crime [OFFENSE] of violation of condition of
19 release if the person

20 (1) has been charged with a crime or convicted of a crime;

21 (2) has been released under AS 12.30; and

22 (3) violates a condition of release imposed by a judicial officer under
23 AS 12.30, other than the requirement to appear as ordered by a judicial officer.

24 * **Sec. 17.** AS 11.56.757(b) is amended to read:

25 (b) Violation of condition of release is a class B misdemeanor [VIOLATION
26 PUNISHABLE BY A FINE OF UP TO \$1,000].

27 * **Sec. 18.** AS 11.66.130(a) is amended to read:

28 (a) A person commits the crime of sex trafficking in the third degree if [,
29 WITH INTENT TO PROMOTE PROSTITUTION,] the person

30 (1) receives compensation for prostitution services rendered by
31 another; and

(2) with the intent to promote prostitution,

(A) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution;

(B) [(2)] as other than a patron of a prostitute, induces or causes another person who is 20 years of age or older to engage in prostitution;

(C) [(3) AS OTHER THAN A PROSTITUTE RECEIVING COMPENSATION FOR PERSONALLY RENDERED PROSTITUTION SERVICES,] receives or agrees to receive money or other property under an agreement or understanding that the money or other property is derived from prostitution; or

(D) [(4)] engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

* **Sec. 19.** AS 11.66.135(a) is amended to read:

(a) A person commits the crime of sex trafficking in the fourth degree if the person

(1) receives compensation for prostitution services rendered by another; and

(2) engages in conduct that institutes, aids, or facilitates prostitution under circumstances not proscribed under **AS 11.66.130(a)(2)(D)** [AS 11.66.130(a)(4)].

* **Sec. 20.** AS 11.66.150 is amended by adding a new paragraph to read:

(4) "compensation" does not include any payment for reasonably apportioned shared expenses.

* **Sec. 21.** AS 11.71.140(c) is amended to read:

(c) Schedule IA includes, unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan excepted:

(1) acetylmethadol;

(2) allylprodine;

- 1 (3) alphacetylmethadol;
- 2 (4) alphameprodine;
- 3 (5) alphamethadol;
- 4 (6) alphaprodine;
- 5 (7) anileridine;
- 6 (8) benzethidine;
- 7 (9) betacetylmethadol;
- 8 (10) betameprodine;
- 9 (11) betamethadol;
- 10 (12) betaprodine;
- 11 (13) bezitramide;
- 12 (14) clonitazene;
- 13 (15) dextromoramide;
- 14 (16) diampromide;
- 15 (17) diethylthiambutene;
- 16 (18) difenoxin;
- 17 (19) dihydrocodeine;
- 18 (20) dimenoxadol;
- 19 (21) dimepheptanol;
- 20 (22) dimethylthiambutene;
- 21 (23) dioxaphetyl butyrate;
- 22 (24) diphenoxylate;
- 23 (25) dipipanone;
- 24 (26) ethylmethythiamutene;
- 25 (27) etonitazene;
- 26 (28) etoxeridine;
- 27 (29) fentanyl;
- 28 (30) furethidine;
- 29 (31) hydroxpethidine;
- 30 (32) isomethadone;
- 31 (33) ketobemidone;

- 1 (34) levomethorphan;
 2 (35) levomoramide;
 3 (36) levorphanol;
 4 (37) levophenacymorphan;
 5 (38) meperidine, also known as pethidine;
 6 (39) metazocine;
 7 (40) methadone;
 8 (41) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl
 9 butane;
 10 (42) moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-
 11 propane-carboxylic acid;
 12 (43) morpheridine;
 13 (44) noracymethadol;
 14 (45) norlevorphanol;
 15 (46) normethadone;
 16 (47) norpipanone;
 17 (48) pethidine, also known as merperidine;
 18 (49) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
 19 (50) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carbox-
 20 ylate;
 21 (51) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-
 22 carboxylic acid;
 23 (52) phenadoxone;
 24 (53) phenampromide;
 25 (54) phenazocine;
 26 (55) phenomorphan;
 27 (56) phenoperidine;
 28 (57) piminodine;
 29 (58) piritramide;
 30 (59) propheptazine;
 31 (60) properidine;

- 1 (61) propiram;
- 2 (62) racemethorphan;
- 3 (63) racemoramide;
- 4 (64) racemorphan;
- 5 (65) trimeperidine;
- 6 (66) alfentanil;
- 7 (67) alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)- ethyl-4-
- 8 piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4(N-propanilido) piperidine);
- 9 (68) bulk dextropropoxyphene (non-dosage form);
- 10 (69) carfentanil;
- 11 (70) sufentanil;
- 12 (71) tilidine;
- 13 (72) para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
- 14 piperidinyl] propanamide);
- 15 (73) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-
- 16 phenylpropanamide);
- 17 (74) acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenetnyl)-4-
- 18 piperidinyl]-N-phenylacetamide);
- 19 (75) alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-
- 20 piperidinyl]-N-phenylpropanamide);
- 21 (76) beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 22 piperidinyl]-N-phenylpropan amide);
- 23 (77) beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-
- 24 methyl-4-piperidinyl]-N-phenylpropanamide);
- 25 (78) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 26 piperidinyl]-N-phenylpropanamide);
- 27 (79) thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
- 28 propanamide);
- 29 (80) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 30 (81) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 31 **(82) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-**

1 **methylbenzamide, also known as U-47700.**

2 * **Sec. 22.** AS 11.71.170 is amended by adding a new subsection to read:

3 (g) Schedule IVA includes, unless specifically excepted or unless listed in
4 another schedule, any material, compound, mixture, or preparation that contains any
5 quantity of the following substance or its salts calculated as the free anhydrous base or
6 alkaloid: 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts,
7 optical and geometric isomers, and salts of these isomers, including tramadol.

8 * **Sec. 23.** AS 12.30.006(b), as amended by sec. 55, ch. 36, SLA 2016, is amended to read:

9 (b) At the first appearance before a judicial officer, a person [WHO IS
10 CHARGED WITH A FELONY, OTHER THAN A CLASS C FELONY AND THE
11 PERSON HAS BEEN ASSESSED AS LOW RISK UNDER AS 12.30.011(c)(1),]
12 may be detained up to 48 hours for the prosecuting authority to demonstrate that
13 release of the person under AS 12.30.011 would not reasonably ensure the appearance
14 of the person or will pose a danger to the victim, other persons, or the community, **if**
15 **the person has been charged with the following crimes:**

16 **(1) an unclassified, class A, or class B felony;**

17 **(2) a class C felony**

18 **(A) under AS 11.41, AS 11.56.730, AS 28.35.030, or**
19 **28.35.032;**

20 **(B) that is a sex offense; in this subparagraph, "sex offense"**
21 **has the meaning given in AS 12.63.100; or**

22 **(C) that is a crime involving domestic violence; in this**
23 **subparagraph, "crime involving domestic violence" has the meaning given**
24 **in AS 18.66.990; or**

25 **(3) a class C felony, other than a class C felony listed in (2) of this**
26 **subsection, and the person has been assessed as moderate to high risk under**
27 **AS 12.30.011(c)(2).**

28 * **Sec. 24.** AS 12.30.011, as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is
29 amended by adding a new subsection to read:

30 (l) If the supreme court establishes a schedule of bail amounts or conditions of
31 release for misdemeanor offenses, the schedule must include a condition providing

1 that a correctional facility shall, at the time of release, conduct a chemical test of the
 2 breath of a person who has been arrested and who is intoxicated and may detain the
 3 person until the test result indicates that the person's breath has less than 0.08 grams of
 4 alcohol for each 210 liters of breath or, with the consent of the person, release the
 5 person to another person who is willing and able to provide care for the person.

6 * **Sec. 25.** AS 12.55.025(a) is amended to read:

7 (a) When imposing a sentence for conviction of a felony offense or a sentence
 8 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a
 9 regulation adopted under AS 04, or an ordinance adopted in conformity with
 10 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that
 11 includes the following:

12 (1) a verbatim record of the sentencing hearing and any other in-court
 13 sentencing procedures;

14 (2) findings on material issues of fact and on factual questions required
 15 to be determined as a prerequisite to the selection of the sentence imposed;

16 (3) a clear statement of the terms of the sentence imposed; if a term of
 17 imprisonment is imposed, the statement must include

18 (A) the approximate minimum term the defendant is expected
 19 to serve before being released or placed on mandatory parole if the defendant
 20 is eligible for and does not forfeit good conduct deductions under
 21 AS 33.20.010; and

22 (B) if applicable, the approximate minimum term of
 23 imprisonment the defendant must serve before becoming eligible for release on
 24 discretionary [OR ADMINISTRATIVE] parole;

25 (4) any recommendations as to the place of confinement or the manner
 26 of treatment; and

27 (5) in the case of a conviction for a felony offense, information
 28 assessing

29 (A) the financial, emotional, and medical effects of the offense
 30 on the victim;

31 (B) the need of the victim for restitution; and

1 (C) any other information required by the court.

2 * **Sec. 26.** AS 12.55.115 is amended to read:

3 **Sec. 12.55.115. Fixing eligibility for discretionary [OR**
 4 **ADMINISTRATIVE] parole at sentencing.** The court may, as part of a sentence of
 5 imprisonment, further restrict the eligibility of a prisoner for discretionary [OR
 6 ADMINISTRATIVE] parole for a term greater than that required under **AS 33.16.090**
 7 [AS 33.16.089, 33.16.090,] and 33.16.100.

8 * **Sec. 27.** AS 12.55.125(c) is amended to read:

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

13 (1) if the offense is a first felony conviction and does not involve
 14 circumstances described in (2) of this subsection, three to six years;

15 (2) if the offense is a first felony conviction and the defendant

16 **(A)** possessed a firearm, used a dangerous instrument, or
 17 caused serious physical injury or death during the commission of the offense,
 18 **five to nine years;** or

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

24 (3) if the offense is a second felony conviction, eight to 12 years;

25 (4) if the offense is a third felony conviction and the defendant is not
 26 subject to sentencing under (l) of this section, 13 to 20 years.

27 * **Sec. 28.** AS 12.55.125(e) is amended to read:

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

1 (1) if the offense is a first felony conviction and does not involve
 2 circumstances described in (4) of this subsection, [PROBATION, WITH A
 3 SUSPENDED TERM OF IMPRISONMENT OF] zero to **one year** [18 MONTHS]; a
 4 defendant sentenced under this paragraph may, if the court finds it appropriate, be
 5 granted a suspended imposition of sentence under AS 12.55.085;

6 (2) if the offense is a second felony conviction, one to three years;

7 (3) if the offense is a third felony conviction, two to five years;

8 (4) if the offense is a first felony conviction, and the defendant violated

9 (A) AS 08.54.720(a)(15), one to two years;

10 (B) **AS 11.41.438, zero to 18 months;**

11 (C) AS 28.35.030(n)(1)(A) or 28.35.032(p)(1)(A), 120 days to
 12 239 days;

13 (D) [(C)] AS 28.35.030(n)(1)(B) or 28.35.032(p)(1)(B), 240
 14 days to 359 days;

15 (E) [(D)] AS 28.35.030(n)(1)(C) or 23.35.032(p)(1)(C), 360
 16 days to two years.

17 * **Sec. 29.** AS 12.55.125 is amended by adding a new subsection to read:

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

27 * **Sec. 30.** AS 12.55.135(a) is amended to read:

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

30 (1) one year, if the

31 (A) conviction is for a crime with a mandatory minimum term

1 of 30 days or more of active imprisonment;

2 (B) trier of fact finds the aggravating factor that the conduct
3 constituting the offense was among the most serious conduct included in the
4 definition of the offense;

5 (C) defendant has **previously been convicted two or more**
6 **times** [PAST CRIMINAL CONVICTIONS] for conduct violative of criminal
7 laws, punishable as felonies or misdemeanors, similar in nature to the offense
8 for which the defendant is being sentenced;

9 (D) conviction is for an assault in the fourth degree under
10 AS 11.41.230; or

11 (E) conviction is for a violation of

12 (i) AS 11.41.427;

13 (ii) AS 11.41.440;

14 (iii) AS 11.41.460, if the indecent exposure is before a
15 person under 16 years of age; [OR]

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

17 **(v) AS 11.61.118(a)(2);**

18 (2) **60 days, if the defendant has one previous conviction for**
19 **conduct violative of criminal laws, punishable as felonies or misdemeanors,**
20 **similar in nature to the offense for which the defendant is being sentenced;**

21 **(3) 30 days.**

22 * **Sec. 31.** AS 12.55.135(b) is amended to read:

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

25 (1) 10 days unless otherwise specified in the provision of law defining
26 the offense or in this section;

27 (2) 90 days if the conviction is for a violation of

28 (A) AS 11.61.116(c)(1) and the person is 21 years of age or
29 older; or

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

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

* **Sec. 32.** AS 12.55.135(l) is amended to read:

(l) A court sentencing a person convicted of theft in the fourth degree under AS 11.46.150, concealment of merchandise under AS 11.46.220(c)(3), removal of identification marks under AS 11.46.260(b)(3), unlawful possession under AS 11.46.270(b)(3), issuing a bad check under AS 11.46.280(d)(4), or criminal simulation under AS 11.46.530(b)(3) may not impose

(1) a sentence of more than **10** [FIVE] days of **active** [SUSPENDED] imprisonment and a term of probation of more than six months if the person has previously been convicted two [OR MORE] times of an offense under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; [OR]

(2) a sentence of **more than five days of active** [OR SUSPENDED] imprisonment **and a term of probation of more than six months** if the person has [NOT BEEN PREVIOUSLY CONVICTED, OR HAS] previously been convicted once [,] of an offense under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; **or**

(3) a sentence of more than five days of suspended imprisonment and a term of probation of more than six months if the person has not been previously convicted of an offense under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

* **Sec. 33.** AS 12.55.135(p) is amended to read:

(p) If the state seeks to establish an aggravating factor at sentencing

(1) under (a)(1)(C) **or (a)(2)** of this section, written notice must be served on the opposing party and filed with the court not later than 10 days before the date set for imposition of sentence; the aggravating factor in (a)(1)(C) **or (a)(2)** of this section must be established by clear and convincing evidence before the court sitting without a jury; all findings must be set out with specificity;

(2) an aggravating factor under (a)(1)(B) of this section shall be

1 presented to a trial jury under procedures set by the court, unless the defendant waives
 2 trial by jury, stipulates to the existence of the factor, or consents to have the factor
 3 proven under procedures set out in (1) of this subsection; an aggravating factor
 4 presented to a jury is established if proved beyond a reasonable doubt; written notice
 5 of the intent to establish an aggravating factor must be served on the defendant and
 6 filed with the court

7 (A) not later than 10 days before trial or at a time specified by
 8 the court;

9 (B) not later than 48 hours, or at a time specified by the court,
 10 if the court instructs the jury about the option to return a verdict for a lesser
 11 included offense; or

12 (C) not later than five days before entering a plea that results in
 13 a finding of guilt or at a time specified by the court unless the defendant
 14 waives the notice requirement.

15 * **Sec. 34.** AS 12.55.145(a) is amended to read:

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

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

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

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

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

1 (2) AS 12.55.125(l),

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

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

10 (3) AS 12.55.135(g),

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

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

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

25 (4) AS 12.55.125(i),

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

29 (B) a felony conviction in another jurisdiction making it a
30 crime to commit any lewd and lascivious act upon a child under the age of 16
31 years, with the intent of arousing, appealing to, or gratifying the sexual desires

1 of the defendant or the victim is a prior conviction for a sexual felony;

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

9 **(5) AS 12.55.135(a),**

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

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

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

26 * Sec. 35. AS 12.63.100(6) is amended to read:

27 (6) "sex offense" means

28 (A) a crime under AS 11.41.100(a)(3), or a similar law of
29 another jurisdiction, in which the person committed or attempted to commit a
30 sexual offense, or a similar offense under the laws of the other jurisdiction; in
31 this subparagraph, "sexual offense" has the meaning given in

1 AS 11.41.100(a)(3);

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

5 (i) sexual assault in the first degree;

6 (ii) sexual assault in the second degree;

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

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

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

11 (i) AS 11.41.410 - 11.41.438;

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

13 (iii) AS 11.41.450 - 11.41.458;

14 (iv) AS 11.41.460 if the indecent exposure is before a
15 person under 16 years of age and the offender has a previous conviction
16 for that offense;

17 (v) AS 11.61.125 - 11.61.128;

18 (vi) AS 11.66.110 or 11.66.130(a)(2)(B)
19 [11.66.130(a)(2)] if the person who was induced or caused to engage in
20 prostitution was under 20 years of age at the time of the offense;

21 (vii) former AS 11.15.120, former 11.15.134, or assault
22 with the intent to commit rape under former AS 11.15.160, former
23 AS 11.40.110, or former 11.40.200;

24 (viii) AS 11.61.118(a)(2) if the offender has a previous
25 conviction for that offense; or

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

28 * **Sec. 36.** AS 18.67.101 is amended to read:

29 **Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The
30 board may order the payment of compensation in accordance with the provisions of
31 this chapter for personal injury or death that resulted from

1 (1) an attempt on the part of the applicant to prevent the commission of
 2 crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police
 3 officer to do so, or aiding a victim of crime; or

4 (2) the commission or attempt on the part of one other than the
 5 applicant to commit any of the following offenses:

6 (A) murder in any degree;

7 (B) manslaughter;

8 (C) criminally negligent homicide;

9 (D) assault in any degree;

10 (E) kidnapping;

11 (F) sexual assault in any degree;

12 (G) sexual abuse of a minor;

13 (H) robbery in any degree;

14 (I) threats to do bodily harm;

15 (J) driving while under the influence of an alcoholic beverage,
 16 inhalant, or controlled substance or another crime resulting from the operation
 17 of a motor vehicle, boat, or airplane when the offender is under the influence
 18 of an alcoholic beverage, inhalant, or controlled substance;

19 (K) arson in the first degree;

20 (L) sex trafficking in violation of AS 11.66.110 or
 21 **11.66.130(a)(2)(B)** [11.66.130(a)(2)];

22 (M) human trafficking in any degree; or

23 (N) unlawful exploitation of a minor.

24 * **Sec. 37.** AS 22.20 is amended by adding a new section to article 4 to read:

25 **Sec. 22.20.220. Prison inmate characteristics information.** (a) The judicial
 26 council shall design and implement a project for the purposes of studying risk factors
 27 related to criminal activity, informing the legislature's policy and funding decisions
 28 related to primary crime prevention, and improving primary crime prevention
 29 strategies in the state. Under the project, the Department of Corrections shall transmit
 30 information about offenders sentenced to serve terms of incarceration of 30 days or
 31 more, and the judicial council shall analyze the information and provide to the

1 legislature the judicial council's conclusions and recommendations in the report
2 required under (b) of this section. The judicial council shall, in consultation with the
3 Justice Center at the University of Alaska, the Department of Corrections, and other
4 relevant entities or state agencies, create a list of the types of information and inmate
5 characteristics the Department of Corrections shall collect for the project and may
6 revise the list when necessary to meet project goals. The information may include data
7 relating to adverse childhood experiences, mental health and substance abuse history,
8 education, income, and employment of inmates. The Department of Corrections shall
9 adopt policies establishing procedures for collecting the information identified in the
10 list required under this subsection and providing the information to the judicial
11 council. The procedures may provide for the collection of the information as part of
12 the risk assessment program established under AS 33.30.011(a)(7). Requirements for
13 collection of information under this subsection terminate on July 1, 2024. In this
14 subsection, "primary crime prevention" means intervention programs and strategies
15 designed to reduce crime risk factors among the general population and prevent crime
16 from happening.

17 (b) The judicial council shall prepare an annual report summarizing the
18 information collected and analyzed under (a) of this section. The judicial council shall

19 (1) provide a summary in the form of tables, charts, graphs, or other
20 formats that are easily understood;

21 (2) include a review of the data and the judicial council's
22 interpretations, findings, and conclusions related to the information collected;

23 (3) describe any changes in the types of information collected during
24 the preceding fiscal year;

25 (4) make the report required under this subsection available to the
26 public; the judicial council may not publish or present individually identifiable
27 information relating to an inmate;

28 (5) include, when possible, information from the previous fiscal year,
29 comparisons to previous fiscal years, and cumulative information;

30 (6) not later than February 14 of each year, submit the report to the
31 senate secretary and the chief clerk of the house of representatives and notify the

1 legislature that the report is available; and

2 (7) present the summary and analysis to the legislature within 10 days
3 after the convening of the next regular session of the legislature following the
4 submission of the report.

5 * **Sec. 38.** AS 28.15.011 is amended by adding a new subsection to read:

6 (d) Violation of (b) of this section is an infraction.

7 * **Sec. 39.** AS 33.05.020(h) is amended to read:

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

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

15 (2) include policies and procedures for

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

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

19 (C) notifying a victim under AS 33.30.013;

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

24 * **Sec. 40.** AS 33.05.040 is amended by adding a new subsection to read:

25 (b) The caseload of a probation officer supervising probationers or the
26 combined caseload of a probation officer or parole officer supervising probationers
27 and persons on parole as provided for in (a)(5) of this section may not exceed an
28 average of 75 persons, except in temporary or extraordinary circumstances approved
29 by the commissioner.

30 * **Sec. 41.** AS 33.07.010, enacted by sec. 117, ch. 36, SLA 2016, is amended to read:

31 **Sec. 33.07.010. Pretrial services program; establishment.** The commissioner

1 shall establish and administer a pretrial services program that provides a pretrial risk
 2 assessment for all defendants **detained in custody in a correctional facility**
 3 **following arrest and for any defendant for whom the prosecution requests to**
 4 **have a pretrial risk assessment at the next hearing or arraignment. The pretrial**
 5 **services program shall make** [,] recommendations to the court concerning pretrial
 6 release decisions, and **provide** supervision of defendants released while awaiting trial
 7 as ordered by the court.

8 * **Sec. 42.** AS 33.16.010(c) is amended to read:

9 (c) A prisoner who is not eligible for special medical [, ADMINISTRATIVE,]
 10 or discretionary parole, or who is not released on special medical [,
 11 ADMINISTRATIVE,] or discretionary parole, shall be released on mandatory parole
 12 for the term of good time deductions credited under AS 33.20, if the term or terms of
 13 imprisonment are two years or more.

14 * **Sec. 43.** AS 33.16.010(d) is amended to read:

15 (d) A prisoner released on special medical, [ADMINISTRATIVE,]
 16 discretionary, or mandatory parole is subject to the conditions of parole imposed under
 17 AS 33.16.150. Parole may be revoked under AS 33.16.220.

18 * **Sec. 44.** AS 33.16.060(a) is amended to read:

19 (a) The board shall

- 20 (1) serve as the parole authority for the state;
- 21 (2) consider the suitability for parole of a prisoner who is eligible for
 22 discretionary parole at least 90 days before the prisoner's first date of eligibility and
 23 upon receipt of the prisoner's application for special medical parole;
- 24 (3) impose parole conditions on all prisoners released under special
 25 medical, [ADMINISTRATIVE,] discretionary, or mandatory parole;
- 26 (4) under AS 33.16.210, discharge a person from parole when custody
 27 is no longer required;
- 28 (5) maintain records of the meetings and proceedings of the board;
- 29 (6) recommend to the governor and the legislature changes in the law
 30 administered by the board;
- 31 (7) recommend to the governor or the commissioner changes in the

1 practices of the department and of other departments of the executive branch
2 necessary to facilitate the purposes and practices of parole;

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

5 (9) execute other responsibilities prescribed by law.

6 * **Sec. 45.** AS 33.16.090(a) is amended to read:

7 (a) A prisoner sentenced to an active term of imprisonment of at least 181
8 days [AND WHO HAS NOT BEEN RELEASED ON ADMINISTRATIVE PAROLE
9 AS PROVIDED IN AS 33.16.089] may, in the discretion of the board, be released on
10 discretionary parole if the prisoner

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

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

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

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

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

24 * **Sec. 46.** AS 33.16.100(f) is amended to read:

25 (f) The board shall authorize the release of a prisoner who has been convicted
26 of a class A, class B, or class C felony, or a misdemeanor, who is eligible for parole
27 under AS 12.55.115 and AS 33.16.090, has met the requirement of a case plan created
28 under AS 33.30.011(a)(8), **and** has agreed to and signed the condition of parole under
29 AS 33.16.150, [AND HAS NOT BEEN RELEASED ON ADMINISTRATIVE
30 PAROLE UNDER AS 33.16.089,] unless the board finds by clear and convincing
31 evidence on the record that the prisoner poses a threat of harm to the public if released

1 on parole. If the board finds that the incomplete case plan is not the fault of the
 2 prisoner or that the prisoner would not pose a threat of harm to the public if released
 3 on parole, the board may waive the case plan requirement.

4 * **Sec. 47.** AS 33.16.120(f) is amended to read:

5 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c)
 6 [, 33.16.089,] or 33.16.090, the board shall make every reasonable effort to notify the
 7 victim before the prisoner's release date. Notification under this subsection must
 8 include the expected date of the prisoner's release, the geographic area in which the
 9 prisoner is required to reside, and other pertinent information concerning the prisoner's
 10 conditions of parole that may affect the victim.

11 * **Sec. 48.** AS 33.16.130(a) is amended to read:

12 (a) The parole board shall hold a hearing before granting an eligible prisoner
 13 special medical or discretionary parole. [THE BOARD SHALL ALSO HOLD A
 14 HEARING IF REQUESTED BY A VICTIM UNDER PROCEDURES
 15 ESTABLISHED FOR THE REQUEST FOR A PRISONER ELIGIBLE FOR
 16 ADMINISTRATIVE PAROLE.] A hearing shall be conducted within the following
 17 time frames:

18 (1) for prisoners eligible under AS 33.16.100(a) or (f), not less than 90
 19 days before the first parole eligibility date [, UNLESS THE PRISONER IS ELIGIBLE
 20 FOR ADMINISTRATIVE PAROLE];

21 (2) for all other prisoners, not less than 30 days after the board is
 22 notified of the need for a hearing by the commissioner or the commissioner's designee.

23 * **Sec. 49.** AS 33.16.130(c) is amended to read:

24 (c) If the board denies parole, the board shall state the reasons for the denial,
 25 identify all of the factors considered relevant to the denial, and provide a written plan
 26 for addressing all of the factors relevant to the denial. The board may schedule a
 27 subsequent parole hearing at the time of the denial or at a later date [AS FOLLOWS:

28 (1) FOR THE FIRST PAROLE DENIAL, WITHIN TWO YEARS
 29 AFTER THE FIRST PAROLE ELIGIBILITY DATE;

30 (2) FOR THE SECOND AND SUBSEQUENT DENIALS, WITHIN
 31 TWO YEARS AFTER THE MOST RECENT PAROLE HEARING].

1 * **Sec. 50.** AS 33.16.140 is amended to read:

2 **Sec. 33.16.140. Order for parole.** An order for parole issued by the board,
3 setting out the conditions imposed under AS 33.16.150(a) and (b) and the date parole
4 custody ends, shall be furnished to each prisoner released on special medical,
5 [ADMINISTRATIVE,] discretionary, or mandatory parole.

6 * **Sec. 51.** AS 33.16.150(a) is amended to read:

7 (a) As a condition of parole, a prisoner released on special medical,
8 [ADMINISTRATIVE,] discretionary, or mandatory parole

9 (1) shall obey all state, federal, or local laws or ordinances, and any
10 court orders applicable to the parolee;

11 (2) shall make diligent efforts to maintain steady employment or meet
12 family obligations;

13 (3) shall, if involved in education, counseling, training, or treatment,
14 continue in the program unless granted permission from the parole officer assigned to
15 the parolee to discontinue the program;

16 (4) shall report

17 (A) upon release to the parole officer assigned to the parolee;

18 (B) at other times, and in the manner, prescribed by the board
19 or the parole officer assigned to the parolee that accommodate the diligent
20 efforts of the parolee to secure and maintain steady employment or to
21 participate in educational courses or training programs;

22 (5) shall reside at a stated place and not change that residence without
23 notifying, and receiving permission from, the parole officer assigned to the parolee;

24 (6) shall remain within stated geographic limits unless written
25 permission to depart from the stated limits is granted the parolee;

26 (7) may not use, possess, handle, purchase, give, distribute, or
27 administer a controlled substance as defined in AS 11.71.900 or under federal law or a
28 drug for which a prescription is required under state or federal law without a
29 prescription from a licensed medical professional to the parolee;

30 (8) may not possess or control a firearm; in this paragraph, "firearm"
31 has the meaning given in AS 11.81.900;

1 (9) may not enter into an agreement or other arrangement with a law
2 enforcement agency or officer that will place the parolee in the position of violating a
3 law or parole condition without the prior approval of the board;

4 (10) may not contact or correspond with anyone confined in a
5 correctional facility of any type serving any term of imprisonment or a felon without
6 the permission of the parole officer assigned to a parolee;

7 (11) shall agree to waive extradition from any state or territory of the
8 United States and to not contest efforts to return the parolee to the state;

9 (12) shall provide a blood sample, an oral sample, or both, when
10 requested by a health care professional acting on behalf of the state to provide the
11 sample or samples, or an oral sample when requested by a juvenile or adult
12 correctional, probation, or parole officer, or a peace officer, if the prisoner is being
13 released after a conviction of an offense requiring the state to collect the sample or
14 samples for the deoxyribonucleic acid identification registration, per state editorial
15 review of AS 33 system under AS 41.41.035;

16 (13) from a conviction for a sex offense shall submit to regular
17 periodic polygraph examinations; in this paragraph, "sex offense" has the meaning
18 given in AS 12.63.100.

19 * **Sec. 52.** AS 33.16.150(b) is amended to read:

20 (b) The board may require as a condition of special medical,
21 [ADMINISTRATIVE,] discretionary, or mandatory parole, or a member of the board
22 acting for the board under (e) of this section may require as a condition of
23 [ADMINISTRATIVE OR] mandatory parole, that a prisoner released on parole

24 (1) not possess or control a defensive weapon, a deadly weapon other
25 than an ordinary pocket knife with a blade three inches or less in length, or
26 ammunition for a firearm, or reside in a residence where there is a firearm capable of
27 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly
28 weapon," "defensive weapon," and "firearm" have the meanings given in
29 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

30 (2) refrain from possessing or consuming alcoholic beverages;

31 (3) submit to reasonable searches and seizures by a parole officer, or a

1 peace officer acting under the direction of a parole officer;

2 (4) submit to appropriate medical, mental health, or controlled
3 substance or alcohol examination, treatment, or counseling;

4 (5) submit to periodic examinations designed to detect the use of
5 alcohol or controlled substances; the periodic examinations may include testing under
6 the program established under AS 33.16.060(c);

7 (6) make restitution ordered by the court according to a schedule
8 established by the board;

9 (7) refrain from opening, maintaining, or using a checking account or
10 charge account;

11 (8) refrain from entering into a contract other than a prenuptial contract
12 or a marriage contract;

13 (9) refrain from operating a motor vehicle;

14 (10) refrain from entering an establishment where alcoholic beverages
15 are served, sold, or otherwise dispensed;

16 (11) refrain from participating in any other activity or conduct
17 reasonably related to the parolee's offense, prior record, behavior or prior behavior,
18 current circumstances, or perceived risk to the community, or from associating with
19 any other person that the board determines is reasonably likely to diminish the
20 rehabilitative goals of parole, or that may endanger the public; in the case of special
21 medical parole, for a prisoner diagnosed with a communicable disease, comply with
22 conditions set by the board designed to prevent the transmission of the disease;

23 (12) refrain from traveling in the state to make diligent efforts to
24 secure or maintain steady employment or to participate in educational courses or
25 training programs only if the travel violates other conditions of parole.

26 * **Sec. 53.** AS 33.16.150(e) is amended to read:

27 (e) The board may designate a member of the board to act on behalf of the
28 board in imposing conditions of [ADMINISTRATIVE OR] mandatory parole under
29 (a) and (b) of this section, in delegating imposition of conditions of
30 [ADMINISTRATIVE OR] mandatory parole under (c) of this section, and in setting
31 the period of compliance with the conditions of [ADMINISTRATIVE OR] mandatory

1 parole under (d) of this section. The decision of a member of the board under this
 2 section is the decision of the board. A prisoner or parolee aggrieved by a decision of a
 3 member of the board acting for the board under this subsection may apply to the board
 4 under AS 33.16.160 for a change in the conditions of [ADMINISTRATIVE OR]
 5 mandatory parole.

6 * **Sec. 54.** AS 33.16.150(f) is amended to read:

7 (f) In addition to other conditions of parole imposed under this section, the
 8 board may impose as a condition of special medical, [ADMINISTRATIVE,]
 9 discretionary, or mandatory parole for a prisoner serving a term for a crime involving
 10 domestic violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) -
 11 (7); (2) a requirement that, at the prisoner's expense, the prisoner participate in and
 12 complete, to the satisfaction of the board, a program for the rehabilitation of
 13 perpetrators of domestic violence that meets the standards set by, and that is approved
 14 by, the department under AS 44.28.020(b); and (3) any other condition necessary to
 15 rehabilitate the prisoner. The board shall establish procedures for the exchange of
 16 information concerning the parolee with the victim and for responding to reports of
 17 nonattendance or noncompliance by the parolee with conditions imposed under this
 18 subsection. The board may not under this subsection require a prisoner to participate
 19 in and complete a program for the rehabilitation of perpetrators of domestic violence
 20 unless the program meets the standards set by, and is approved by, the department
 21 under AS 44.28.020(b).

22 * **Sec. 55.** AS 33.16.150(g) is amended to read:

23 (g) In addition to other conditions of parole imposed under this section for a
 24 prisoner serving a sentence for an offense where the aggravating factor provided in
 25 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a
 26 condition of special medical, [ADMINISTRATIVE,] discretionary, and mandatory
 27 parole a requirement that the prisoner submit to electronic monitoring. Electronic
 28 monitoring under this subsection must comply with AS 33.30.011(a)(10) and provide
 29 for monitoring of the prisoner's location and movements by Global Positioning System
 30 technology. The board shall require a prisoner serving a period of parole with
 31 electronic monitoring as provided under this subsection to pay all or a portion of the

1 costs of the electronic monitoring, but only if the prisoner has sufficient financial
 2 resources to pay the costs or a portion of the costs. A prisoner subject to electronic
 3 monitoring under this subsection is not entitled to a credit for time served in a
 4 correctional facility while the defendant is on parole. In this subsection, "correctional
 5 facility" has the meaning given in AS 33.30.901.

6 * **Sec. 56.** AS 33.16.150(h) is amended to read:

7 (h) In addition to other conditions of parole imposed under this section, for a
 8 prisoner serving a sentence for an offense involving the use of alcohol or controlled
 9 substances, the board may impose, as a condition of special medical,
 10 [ADMINISTRATIVE,] discretionary, or mandatory parole, a requirement that the
 11 prisoner comply with a program established under AS 33.16.060(c) or AS 47.38.020.
 12 The board may require a prisoner serving a period of parole and complying with a
 13 program established under AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of
 14 the costs associated with the program.

15 * **Sec. 57.** AS 33.16.180 is amended to read:

16 **Sec. 33.16.180. Duties of the commissioner.** The commissioner shall

17 (1) conduct investigations of prisoners eligible for
 18 [ADMINISTRATIVE OR] discretionary parole, as requested by the board and as
 19 provided in this section;

20 (2) supervise the conduct of parolees;

21 (3) appoint and assign parole officers and personnel;

22 (4) [PROVIDE THE BOARD, WITHIN 30 DAYS AFTER
 23 SENTENCING, INFORMATION ON A SENTENCED PRISONER WHO MAY BE
 24 ELIGIBLE FOR ADMINISTRATIVE PAROLE UNDER AS 33.16.089 OR
 25 DISCRETIONARY PAROLE UNDER AS 33.16.090;

26 (5) notify the board and provide information on a prisoner 120 days
 27 before the prisoner's mandatory release date, if the prisoner is to be released on
 28 mandatory parole;

29 (5) [(6)] maintain records, files, and accounts as requested by the
 30 board;

31 (6) [(7)] prepare preparole reports under AS 33.16.110(a);

1 (7) [(8)] notify the board in writing of a prisoner's compliance or
 2 noncompliance with the prisoner's case plan created under AS 33.30.011(8) not less
 3 than 30 days before the prisoner's next parole eligibility date or the prisoner's parole
 4 hearing date, whichever is earlier;

5 (8) [(9)] establish an administrative sanction and incentive program to
 6 facilitate a swift and certain response to a parolee's compliance with or violation of the
 7 conditions of parole and shall adopt regulations to implement the program; at a
 8 minimum, the regulations must include

9 (A) a decision-making process to guide parole officers in
 10 determining the suitable response to positive and negative offender behavior
 11 that includes a list of sanctions for the most common types of negative
 12 behavior, including technical violations of conditions of parole, and a list of
 13 incentives for compliance with conditions and positive behavior that exceeds
 14 those conditions;

15 (B) policies and procedures that ensure

16 (i) a process for responding to negative behavior that
 17 includes a review of previous violations and sanctions;

18 (ii) that enhanced sanctions for certain negative conduct
 19 are approved by the commissioner or the commissioner's designee; and

20 (iii) that appropriate due process protections are
 21 included in the process, including notice of negative behavior, an
 22 opportunity to dispute the accusation and the sanction, and an
 23 opportunity to request a review of the accusation and the sanction; and

24 (9) [(10)] within 30 days after sentencing of an offender, provide the
 25 victim of a crime information on the earliest dates the offender could be released on
 26 furlough, probation, or parole, including deductions or reductions for good time or
 27 other good conduct incentives, and the process for release, including contact
 28 information for the decision-making bodies.

29 * **Sec. 58.** AS 33.16.200 is amended to read:

30 **Sec. 33.16.200. Custody of parolee.** Except as provided in AS 33.16.210, the
 31 board retains custody of special medical, [ADMINISTRATIVE,] discretionary, and

1 mandatory parolees until the expiration of the maximum term or terms of
2 imprisonment to which the parolee is sentenced.

3 * **Sec. 59.** AS 33.16.270 is amended to read:

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

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

12 (2) include policies and procedures for

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

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

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

20 * **Sec. 60.** AS 33.30.061 is amended by adding a new subsection to read:

21 (d) A prisoner serving a term of imprisonment at a private residence as
22 required by statute when electronic monitoring is not available does not have a liberty
23 interest in that status. The commissioner may return the prisoner to a correctional
24 facility if the commissioner finds that the prisoner has violated the terms and
25 conditions of the imprisonment at the private residence.

26 * **Sec. 61.** AS 34.03.360(10) is amended to read:

27 (10) "illegal activity involving a place of prostitution" means a
28 violation of AS 11.66.120(a)(1) or **11.66.130(a)(2)(A) or (D)** [11.66.130(a)(1) OR
29 (4)];

30 * **Sec. 62.** AS 44.19.645(g) is amended to read:

31 (g) The Department of Corrections shall report quarterly to the working group

1 authorized in (b)(3) of this section. The report shall include the following information:

2 (1) data on pretrial decision making and outcomes, including
3 information on pretrial detainees admitted for a new criminal charge; detainees
4 released at any point before case resolution; time spent detained before first release or
5 case resolution; pretrial defendant risk level and charge; pretrial release
6 recommendations made by pretrial services officers; pretrial conditions imposed on
7 pretrial detainees by judicial officers, including amount of bail, and supervision
8 conditions; and information on pretrial outcomes, including whether or not the
9 defendant appeared in court or was re-arrested during the pretrial period;

10 (2) data on offenders admitted to the Department of Corrections for a
11 new criminal conviction, including the offense type, number of prior felony
12 convictions, sentence length, and length of stay;

13 (3) data on the population of the Department of Corrections, using a
14 one-day snapshot on the first day of the first month of each quarter, broken down by
15 type of admission, offense type, and risk level;

16 (4) data on offenders on probation supervised by the Department of
17 Corrections, including the total number of offenders supervised using a one-day
18 snapshot on the first month of each quarter; admissions to probation; assignments to a
19 program under AS 33.05.020(f); probation sentence length; time served on the
20 sentence; whether probation was successfully completed, any new convictions for a
21 felony offense, and any sentences to a term of imprisonment while on probation;

22 (5) data on parole, including the number of offenders supervised on
23 parole, using a one-day snapshot on the first month of each quarter; the number of
24 parole hearings; the parole grant rate and number of parolees released on
25 [ADMINISTRATIVE,] discretionary [,] and special medical parole; and information
26 on parolees, including time spent on parole, whether parole was successfully
27 completed, any new convictions for a new felony offense, and any sentences to a term
28 of imprisonment while on parole;

29 (6) data on the implementation of policies from the 2015 justice
30 reinvestment report, including the number and percentage of offenders who earn
31 compliance credits under AS 33.05.020(h) or AS 33.16.270 in one or more months,

1 and the total amount of credits earned; the average number of sanctions issued under
2 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most
3 common violations of probation or parole; and

4 (7) data on probation and parole revocations, including information on
5 probationers and parolees admitted for a supervision violation pre-case and post-case
6 resolution; probationers and parolees admitted solely for a technical violation;
7 probationers and parolees admitted for a new arrest; the number of previous
8 revocations on the current sentence, if any; the length of time held pre-case resolution;
9 the length of time to case resolution; and the length of stay.

10 * **Sec. 63.** AS 44.19.645 is amended by adding a new subsection to read:

11 (h) Beginning in the fiscal year ending June 30, 2019, the commission shall
12 design and implement a project for the purposes of studying risk factors related to
13 criminal activity, informing the legislature's policy and funding decisions related to
14 primary crime prevention, and improving primary crime prevention strategies in the
15 state. Under the project, the Department of Corrections shall transmit information
16 about offenders sentenced to serve terms of incarceration of 30 days or more to the
17 commission, and the commission shall analyze the information and provide to the
18 legislature, in the report required under AS 44.19.647, the commission's conclusions
19 and recommendations. The commission, in consultation with the Justice Center at the
20 University of Alaska, the Alaska Judicial Council, the Department of Corrections, and
21 other relevant entities or state agencies, create a list of the types of information and
22 inmate characteristics the Department of Corrections shall collect for the project and
23 may revise the list when necessary to meet project goals. The information may include
24 data relating to adverse childhood experiences, mental health and substance abuse
25 history, education, income, and employment of inmates. The Department of
26 Corrections shall adopt policies establishing procedures for collecting the information
27 identified in the list required under this subsection and providing the information to
28 the commission. The procedures may provide for the collection of the information as
29 part of the risk assessment program established under AS 33.30.011(a)(7).
30 Requirements for collection of information under this subsection terminate July 1,
31 2024. In this subsection, "primary crime prevention" means intervention programs and

1 strategies designed to reduce crime risk factors among the general population and
2 prevent crime from happening.

3 * **Sec. 64.** AS 44.19.647(b) is amended to read:

4 (b) The commission shall submit the reports, summaries, and
5 recommendations provided under [(a) OF] this section not later than November 1 of
6 each year.

7 * **Sec. 65.** AS 44.19.647 is amended by adding a new subsection to read:

8 (c) In the report required under (a) of this section, the commission shall
9 include a summary and analysis of the information collected under AS 44.19.645(h).
10 The commission shall

11 (1) provide a summary in the form of tables, charts, graphs, or other
12 formats that are easily understood;

13 (2) include a review of the data and the commission's interpretations,
14 findings, or conclusions related to the information collected;

15 (3) describe any changes in the types of information collected during
16 the preceding fiscal year;

17 (4) make the summary and analysis required under this subsection
18 available to the public; the commission may not publish or present individually
19 identifiable information relating to an inmate;

20 (5) include, when possible, information from the previous fiscal year,
21 comparisons to previous fiscal years, and cumulative information; and

22 (6) present the summary and analysis to the legislature within 10 days
23 after the convening of the next regular session of the legislature following the
24 submission of the report.

25 * **Sec. 66.** AS 47.37.040 is amended to read:

26 **Sec. 47.37.040. Duties of department.** The department shall

27 (1) develop, encourage, and foster statewide, regional, and local plans
28 and programs for the prevention of alcoholism and drug abuse and treatment of
29 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with
30 public and private agencies, organizations, and individuals, and provide technical
31 assistance and consultation services for these purposes;

1 (2) coordinate the efforts and enlist the assistance of all public and
2 private agencies, organizations, and individuals interested in prevention of alcoholism,
3 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug
4 abusers, and inhalant abusers;

5 (3) cooperate with the Department of Corrections in establishing and
6 conducting programs to provide treatment for alcoholics, intoxicated persons, drug
7 abusers, and inhalant abusers in or on parole from penal institutions;

8 (4) cooperate with the Department of Education and Early
9 Development, school boards, schools, police departments, courts, and other public and
10 private agencies, organizations, and individuals in establishing programs for the
11 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
12 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
13 materials for use at all levels of school education;

14 (5) prepare, publish, evaluate, and disseminate educational material
15 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous
16 volatile substances;

17 (6) develop and implement, as an integral part of treatment programs,
18 an educational program for use in the treatment of alcoholics, intoxicated persons,
19 drug abusers, and inhalant abusers that includes the dissemination of information
20 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

21 (7) organize and foster training programs for all persons engaged in
22 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
23 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant
24 abuse workers;

25 (8) sponsor and encourage research into the causes and nature of
26 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
27 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse
28 for information relating to alcoholism, drug abuse, and inhalant abuse;

29 (9) specify uniform methods for keeping statistical information by
30 public and private agencies, organizations, and individuals, and collect and make
31 available relevant statistical information, including number of persons treated,

1 frequency of admission and readmission, and frequency and duration of treatment;

2 (10) conduct program planning activities approved by the Advisory
3 Board on Alcoholism and Drug Abuse;

4 (11) review all state health, welfare, and treatment plans to be
5 submitted for federal funding, and advise the commissioner on provisions to be
6 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant
7 abusers;

8 (12) assist in the development of, and cooperate with, alcohol, drug
9 abuse, and inhalant abuse education and treatment programs for employees of state
10 and local governments and businesses and industries in the state;

11 (13) use the support and assistance of interested persons in the
12 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to
13 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo
14 treatment;

15 (14) cooperate with the Department of Public Safety and the
16 Department of Transportation and Public Facilities in establishing and conducting
17 programs designed to deal with the problem of persons operating motor vehicles while
18 under the influence of an alcoholic beverage, inhalant, or controlled substance, and
19 develop and approve alcohol information courses required to be taken by drivers under
20 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic
21 laws;

22 (15) encourage hospitals and other appropriate health facilities to
23 admit without discrimination alcoholics, intoxicated persons, drug abusers, and
24 inhalant abusers and to provide them with adequate and appropriate treatment;

25 (16) encourage all health insurance programs to include alcoholism
26 and drug abuse as a covered illness;

27 (17) prepare an annual report covering the activities of the department
28 and notify the legislature that the report is available;

29 (18) develop and implement a training program on alcoholism and
30 drug abuse for employees of state and municipal governments, and private institutions;

31 (19) develop curriculum materials on drug and alcohol abuse and the

1 misuse of hazardous volatile substances for use in grades kindergarten through 12, as
 2 well as a course of instruction for teachers to be charged with presenting the
 3 curriculum;

4 (20) develop and implement or designate, in cooperation with other
 5 state or local agencies, a juvenile alcohol safety action program that provides alcohol
 6 and substance abuse screening, referral, and monitoring of persons under 18 years of
 7 age who have been referred to it by

8 (A) a court in connection with a charge or conviction of a
 9 violation or misdemeanor related to the use of alcohol or a controlled
 10 substance;

11 (B) the agency responsible for the administration of motor
 12 vehicle laws in connection with a license action related to the use of alcohol or
 13 a controlled substance; or

14 (C) department staff after a delinquency adjudication that is
 15 related to the use of alcohol or a controlled substance;

16 (21) develop and implement, or designate, in cooperation with other
 17 state or local agencies, an alcohol safety action program that provides **alcohol and**
 18 **substance abuse screening, referral, and monitoring** services to persons who have
 19 been referred by a court **in connection with a charge or conviction of a**
 20 **misdemeanor involving the use of alcohol or a controlled substance or** under
 21 AS 04.16.049 **or** [,] 04.16.050 [, AS 28.35.028, 28.35.030, OR 28.35.032,] or referred
 22 by an agency of the state with the responsibility for administering motor vehicle laws
 23 in connection with a driver's license action involving the use of alcohol or a controlled
 24 substance;

25 (22) whenever possible, apply evidence-based, research-based, and
 26 consensus-based substance abuse and co-occurring substance abuse and mental health
 27 disorders treatment practices and remove barriers that prevent the use of those
 28 practices;

29 (23) collaborate with first responders, hospitals, schools, primary care
 30 providers, developmental disability treatment providers, law enforcement, corrections,
 31 attorneys, the Alaska Court System, community behavioral treatment providers,

1 Alaska Native organizations, and federally funded programs in implementing
2 programs for co-occurring substance abuse and mental health disorders treatment.

3 * **Sec. 67.** AS 11.66.130(b), 11.66.135(b); AS 12.55.125(e)(4)(C), 12.55.125(e)(4)(D),
4 12.55.125(e)(4)(E); AS 33.16.010(f), 33.16.089, and 33.16.900(1) are repealed.

5 * **Sec. 68.** AS 44.19.645(h) and 44.19.647(c) are repealed.

6 * **Sec. 69.** AS 22.20.220 is repealed February 14, 2025.

7 * **Sec. 70.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

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

- 11 (1) AS 11.46.130(a), as amended by sec. 1 of this Act;
- 12 (2) AS 11.46.140(a), as amended by sec. 2 of this Act;
- 13 (3) AS 11.46.220(c), as amended by sec. 3 of this Act;
- 14 (4) AS 11.46.260(b), as amended by sec. 4 of this Act;
- 15 (5) AS 11.46.270(b), as amended by sec. 5 of this Act;
- 16 (6) AS 11.46.280(d), as amended by sec. 6 of this Act;
- 17 (7) AS 11.46.285(b), as amended by sec. 7 of this Act;
- 18 (8) AS 11.46.360(a), as amended by sec. 8 of this Act;
- 19 (9) AS 11.46.482(a), as amended by sec. 9 of this Act;
- 20 (10) AS 11.46.484(a), as amended by sec. 10 of this Act;
- 21 (11) AS 11.46.530(b), as amended by sec. 11 of this Act;
- 22 (12) AS 11.46.620(d), as amended by sec. 12 of this Act;
- 23 (13) AS 11.46.730(c), as amended by sec. 13 of this Act;
- 24 (14) AS 11.56.757(a), as amended by sec. 16 of this Act;
- 25 (15) AS 11.56.757(b), as amended by sec. 17 of this Act;
- 26 (16) AS 11.66.130(a), as amended by sec. 18 of this Act;
- 27 (17) AS 11.66.135(a), as amended by sec. 19 of this Act;
- 28 (18) AS 11.66.150(4), enacted by sec. 20 of this Act;
- 29 (19) AS 12.30.006(b), as amended by sec. 23 of this Act;
- 30 (20) AS 28.15.011(d), enacted by sec. 38 of this Act;
- 31 (21) AS 33.05.020(h), as amended by sec. 39 of this Act; and

1 (22) AS 33.16.270, as amended by sec. 59 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 12.30.011(l), enacted by sec. 24 of this Act;

5 (2) AS 12.55.125(c), as amended by sec. 27 of this Act;

6 (3) AS 12.55.125(e), as amended by sec. 28 of this Act;

7 (4) AS 12.55.125(q), enacted by sec. 29 of this Act;

8 (5) AS 12.55.135(a), as amended by sec. 30 of this Act;

9 (6) AS 12.55.135(b), as amended by sec. 31 of this Act;

10 (7) AS 12.55.135(l), as amended by sec. 32 of this Act;

11 (8) AS 12.55.135(p), as amended by sec. 33 of this Act; and

12 (9) AS 12.55.145(a), as amended by sec. 34 of this Act.

13 (c) AS 33.16.130(c), as amended by sec. 49 of this Act, applies to sentences imposed
14 on or after the effective date of sec. 49 of this Act.

15 * **Sec. 71.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 **CONDITIONAL EFFECT FOR SECS. 37 AND 69.** (a) AS 22.20.220, added by sec.
18 37 of this Act, takes effect only if the Alaska Criminal Justice Commission expires under
19 AS 44.66.010 before February 14, 2025.

20 (b) Section 69 of this Act takes effect only if sec. 37 of this Act takes effect under (a)
21 of this section.

22 * **Sec. 72.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 **CONDITIONAL EFFECT FOR SEC. 66; NOTIFICATION TO REVISOR OF**
25 **STATUTES.** (a) Section 66 of this Act takes effect only if, on or before July 1, 2018, the
26 director of the division of legislative finance provides notice to the revisor of statutes under
27 (b) of this section.

28 (b) The director of the division of legislative finance shall, on or before July 1, 2018,
29 notify the revisor of statutes if the Thirtieth Alaska State Legislature passes an appropriation
30 bill that is enacted into law that makes an appropriation to the Department of Health and
31 Social Services for the alcohol safety action program for the fiscal year ending June 30, 2019,

1 that is at least 50 percent greater than the amount appropriated to the Department of Health
2 and Social Services for the alcohol safety action program for the fiscal year ending June 30,
3 2018.

4 * **Sec. 73.** Sections 23, 24, and 41 of this Act take effect January 1, 2018.

5 * **Sec. 74.** If, under sec. 72 of this Act, sec. 66 of this Act takes effect, it takes effect July 1,
6 2018.

7 * **Sec. 75.** Section 40 of this Act takes effect July 1, 2019.

8 * **Sec. 76.** If sec. 37 of this Act takes effect under sec. 71(a) of this Act, it takes effect on the
9 day after the date the Alaska Criminal Justice Commission expires under AS 44.66.010.

10 * **Sec. 77.** If sec. 69 of this Act takes effect under sec. 71(b) of this Act, it takes effect
11 February 14, 2025.

12 * **Sec. 78.** Section 68 of this Act takes effect on the earlier of the following:

13 (1) the date sec. 37 of this Act takes effect under sec. 76 of this Act; or

14 (2) February 14, 2025.

15 * **Sec. 79.** Except as provided in secs. 73 - 78 of this Act, this Act takes effect immediately
16 under AS 01.10.070(c).