



LAWS OF ALASKA

2017

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Source

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Chapter No.

AN ACT

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

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

THE ACT FOLLOWS ON PAGE 1

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

8

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

11 LEGISLATIVE INTENT. It is the intent of the legislature that the Alaska Criminal

1 Justice Commission work with the Department of Public Safety and local law enforcement
2 agencies to offer statewide informational sessions on ch. 36, SLA 2016, ch. 13, SLA 2017,
3 and this Act. The informational sessions should include information on crime trends in the
4 state, the cost of the state corrections system, recidivism rates in the state, successful criminal
5 justice reforms in other states, and the specific changes in state law made by ch. 36, SLA
6 2016, ch. 13, SLA 2017, and this Act that affect sentencing, parole, probation, and treatment.

7 * **Sec. 2.** AS 11.46.130(a) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

30 (7) the property is an access device.

31 * **Sec. 3.** AS 11.46.140(a) is amended to read:

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

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

5 (2) [REPEALED]

6 (3) [REPEALED]

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

12 * Sec. 4. AS 11.46.220(c) is amended to read:

13 (c) Concealment of merchandise is

14 (1) a class C felony if

15 (A) the merchandise is a firearm;

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

18 (C) the value of the merchandise, adjusted for inflation as
19 provided in AS 11.46.982, is \$250 or more but less than **\$750** [\$1,000] and,
20 within the preceding five years, the person has been convicted and sentenced
21 on two or more separate occasions in this or another jurisdiction of

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

25 (ii) an offense under AS 11.46.120, 11.46.130, or
26 11.46.140(a)(1), or an offense under another law or ordinance with
27 similar elements;

28 (2) a class A misdemeanor if

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

31 (B) [REPEALED]

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

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

8 * **Sec. 5.** AS 11.46.260(b) is amended to read:

9 (b) Removal of identification marks is

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

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

16 (3) a class B 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 less than \$250.

19 * **Sec. 6.** AS 11.46.270(b) is amended to read:

20 (b) Unlawful possession is

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

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

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

30 * **Sec. 7.** AS 11.46.280(d) is amended to read:

31 (d) Issuing a bad check is

- 1 (1) a class B felony if the face amount of the check is \$25,000 or more;
- 2 (2) a class C felony if the face amount of the check, adjusted for
- 3 inflation as provided in AS 11.46.982, is **\$750** [\$1,000] or more but less than \$25,000;
- 4 (3) a class A misdemeanor if the face amount of the check, adjusted for
- 5 inflation as provided in AS 11.46.982, is \$250 or more but less than **\$750** [\$1,000];
- 6 (4) a class B misdemeanor if the face amount of the check, adjusted for
- 7 inflation as provided in AS 11.46.982, is less than \$250.

8 * **Sec. 8.** AS 11.46.285(b) is amended to read:

9 (b) Fraudulent use of an access device is

- 10 (1) a class B felony if the value of the property or services obtained is
- 11 \$25,000 or more;
- 12 (2) a class C felony if the value of the property or services obtained,
- 13 adjusted for inflation as provided in AS 11.46.982, is **\$750** [\$1,000] or more but less
- 14 than \$25,000;
- 15 (3) a class A misdemeanor if the value of the property or services
- 16 obtained, adjusted for inflation as provided in AS 11.46.982, is less than **\$750**
- 17 [\$1,000].

18 * **Sec. 9.** AS 11.46.360(a) is amended to read:

19 (a) A person commits the crime of vehicle theft in the first degree if, having

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

21 person drives, tows away, or takes

22 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft

23 of another;

24 (2) the propelled vehicle of another and

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

26 total amount, adjusted for inflation as provided in AS 11.46.982, of **\$750**

27 [\$1,000] or more;

28 (B) the owner incurs reasonable expenses as a result of the loss

29 of use of the vehicle, in a total amount, adjusted for inflation as provided in

30 AS 11.46.982, of **\$750** [\$1,000] or more; or

31 (C) the owner is deprived of the use of the vehicle for seven

1 days or more;

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

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

6 (A) this section or AS 11.46.365;

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

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

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

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

14 * **Sec. 10.** AS 11.46.482(a) is amended to read:

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

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

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

23 (3) the person knowingly

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

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

31 * **Sec. 11.** AS 11.46.484(a) is amended to read:

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

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

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

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

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

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

18 * **Sec. 12.** AS 11.46.486(a) is amended to read:

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

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

25 (2) with intent to damage property of another, the person damages
26 property of another in an amount, adjusted for inflation as provided in AS 11.46.982,
27 less than \$250; or

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

31 * **Sec. 13.** AS 11.46 is amended by adding a new section to read:

1 **Sec. 11.46.489. Community work upon conviction.** A person convicted
2 under AS 11.46.475 - 11.46.486 of an offense involving damage to public or private
3 property shall be required to perform at least 25 hours of community work under
4 AS 12.55.055.

5 * **Sec. 14.** AS 11.46.530(b) is amended to read:

6 (b) Criminal simulation is

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

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

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

15 * **Sec. 15.** AS 11.46.620(d) is amended to read:

16 (d) Misapplication of property is

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

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

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

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

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

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

29 * **Sec. 17.** AS 11.46.982(a) is amended to read:

30 (a) The Alaska Judicial Council shall publish a report on July 1, 2020,
31 calculating the increase in value, if any, of property or services as an element of an

1 offense in this chapter from a base value of \$250 and **\$750** [\$1,000], based on a
2 formula provided by the Department of Labor and Workforce Development, reflecting
3 the change in the Consumer Price Index for the Anchorage metropolitan area compiled
4 by the Bureau of Labor Statistics, United States Department of Labor.

5 * **Sec. 18.** AS 11.46.982(b) is amended to read:

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

8 (1) recalculate the base value of property and services of \$250 and
9 **\$750** [\$1,000] every five years; and

10 (2) report the base value of property and services of \$250 and **\$750**
11 [\$1,000] rounded to the nearest \$50 increment.

12 * **Sec. 19.** AS 11.56.757(a) is amended to read:

13 (a) A person commits the **crime** [OFFENSE] of violation of condition of
14 release if the person

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

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

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

19 * **Sec. 20.** AS 11.56.757(b) is amended to read:

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

22 * **Sec. 21.** AS 11.66.130(a) is amended to read:

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

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

27 **(2) with the intent to promote prostitution,**

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

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

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

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

8 * **Sec. 22.** AS 11.66.135(a) is amended to read:

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

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

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

16 * **Sec. 23.** AS 11.66.150 is amended by adding a new paragraph to read:

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

19 * **Sec. 24.** AS 11.71.140(c) is amended to read:

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

- 25 (1) acetylmethadol;
26 (2) allylprodine;
27 (3) alphacetylmethadol;
28 (4) alphameprodine;
29 (5) alphasmethadol;
30 (6) alphaprodine;
31 (7) anileridine;

- 1 (8) benzethidine;
- 2 (9) betacetylmethadol;
- 3 (10) betameprodine;
- 4 (11) betamethadol;
- 5 (12) betaprodine;
- 6 (13) bezitramide;
- 7 (14) clonitazene;
- 8 (15) dextromoramide;
- 9 (16) diampromide;
- 10 (17) diethylthiambutene;
- 11 (18) difenoxin;
- 12 (19) dihydrocodeine;
- 13 (20) dimenoxadol;
- 14 (21) dimepheptanol;
- 15 (22) dimethylthiambutene;
- 16 (23) dioxaphetyl butyrate;
- 17 (24) diphenoxylate;
- 18 (25) dipipanone;
- 19 (26) ethylmethythiamutene;
- 20 (27) etonitazene;
- 21 (28) etoxeridine;
- 22 (29) fentanyl;
- 23 (30) furethidine;
- 24 (31) hydroxpethidine;
- 25 (32) isomethadone;
- 26 (33) ketobemidone;
- 27 (34) levomethorphan;
- 28 (35) levomoramide;
- 29 (36) levorphanol;
- 30 (37) levophenacymorphan;
- 31 (38) meperidine, also known as pethidine;

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

- 1 (66) alfentanil;
- 2 (67) alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)- ethyl-4-
- 3 piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4(N-propanilido) piperidine);
- 4 (68) bulk dextropropoxyphene (non-dosage form);
- 5 (69) carfentanil;
- 6 (70) sufentanil;
- 7 (71) tilidine;
- 8 (72) para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
- 9 piperidinyl] propanamide);
- 10 (73) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-
- 11 phenylpropanamide);
- 12 (74) acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenetnyl)-4-
- 13 piperidinyl]-N-phenylacetamide);
- 14 (75) alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-
- 15 piperidinyl]-N-phenylpropanamide);
- 16 (76) beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 17 piperidinyl]-N-phenylpropan amide);
- 18 (77) beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-
- 19 methyl-4-piperidinyl]-N-phenylpropanamide);
- 20 (78) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 21 piperidinyl]-N-phenylpropanamide);
- 22 (79) thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
- 23 propanamide);
- 24 (80) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 25 (81) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 26 **(82) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-**
- 27 **methylbenzamide, also known as U-47700.**

28 * Sec. 25. AS 11.71.170 is amended by adding a new subsection to read:

- 29 (g) Schedule IVA includes, unless specifically excepted or unless listed in
- 30 another schedule, any material, compound, mixture, or preparation that contains any
- 31 quantity of the following substance or its salts calculated as the free anhydrous base or

1 alkaloid: 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts,
2 optical and geometric isomers, and salts of these isomers, including tramadol.

3 * **Sec. 26.** AS 12.30.006(b), as amended by sec. 55, ch. 36, SLA 2016, is amended to read:

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

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

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

13 **(A) under AS 11.41, AS 11.56.730, AS 28.35.030, or**
14 **28.35.032;**

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

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

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

23 * **Sec. 27.** AS 12.30.011, as repealed and reenacted by sec. 59, ch. 36, SLA 2016, is
24 amended by adding a new subsection to read:

25 (l) If the supreme court establishes a schedule of bail amounts or conditions of
26 release for misdemeanor offenses, the schedule must include a condition providing
27 that a correctional facility shall, at the time of release, conduct a chemical test of the
28 breath of a person who has been arrested and who is intoxicated and may detain the
29 person until the test result indicates that the person's breath has less than 0.08 grams of
30 alcohol for each 210 liters of breath or, with the consent of the person, release the
31 person to another person who is willing and able to provide care for the person.

1 * **Sec. 28.** AS 12.55.025(a) is amended to read:

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

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

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

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

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

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

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

22 (5) in the case of a conviction for a felony offense, information
23 assessing

24 (A) the financial, emotional, and medical effects of the offense
25 on the victim;

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

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

28 * **Sec. 29.** AS 12.55.027 is amended by adding a new subsection to read:

29 (h) Nothing in this section authorizes the release of a person on electronic
30 monitoring after conviction and while awaiting sentencing if the person is ineligible
31 for release under AS 12.30.040(b).

1 * **Sec. 30.** AS 12.55.090(g) is amended to read:

2 (g) A probation officer shall recommend to the court that probation be
3 terminated and a defendant be discharged from probation if the defendant

4 (1) has completed at least

5 (A) two years on probation if the person was convicted of a
6 class A or class B felony that is not a crime under (5) of this subsection; or

7 (B) **18 months** [ONE YEAR] on probation if the person was
8 convicted of a crime that is not a crime

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

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

11 (2) has completed all treatment programs required as a condition of
12 probation;

13 (3) has not been found in violation of conditions of probation by the
14 court for the period specified in (1) of this subsection;

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

17 (5) has not been convicted of an unclassified felony offense, a sexual
18 felony as defined in AS 12.55.185, or a crime involving domestic violence as defined
19 in AS 18.66.990.

20 * **Sec. 31.** AS 12.55.115 is amended to read:

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

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

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

31 (1) if the offense is a first felony conviction and does not involve

1 circumstances described in (2) of this subsection, three to six years;

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

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

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

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

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

14 * **Sec. 33.** AS 12.55.125(e) is amended to read:

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

19 (1) if the offense is a first felony conviction and does not involve
20 circumstances described in (4) of this subsection, [PROBATION, WITH A
21 SUSPENDED TERM OF IMPRISONMENT OF] zero to **two years** [18 MONTHS]; a
22 defendant sentenced under this paragraph may, if the court finds it appropriate, be
23 granted a suspended imposition of sentence under AS 12.55.085, **and the court may,**
24 **as a condition of probation under AS 12.55.086, require the defendant to serve an**
25 **active term of imprisonment within the range specified in this paragraph;**

26 (2) if the offense is a second felony conviction, one to **four** [THREE]
27 years;

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

29 (4) if the offense is a first felony conviction, and the defendant violated
30 [(A)] AS 08.54.720(a)(15), one to two years [;

31 (B) AS 28.35.030(n)(1)(A) OR 28.35.032(p)(1)(A), 120 DAYS

1 TO 239 DAYS;

2 (C) AS 28.35.030(n)(1)(B) OR 28.35.032(p)(1)(B), 240 DAYS

3 TO 359 DAYS;

4 (D) AS 28.35.030(n)(1)(C) OR 23.35.032(p)(1)(C), 360 DAYS

5 TO TWO YEARS].

6 * **Sec. 34.** AS 12.55.125 is amended by adding a new subsection to read:

7 (q) Other than for convictions subject to a mandatory 99-year sentence, the
8 court shall impose, in addition to an active term of imprisonment imposed under (i) of
9 this section, a minimum period of (1) suspended imprisonment of five years and a
10 minimum period of probation supervision of 15 years for conviction of an unclassified
11 felony, (2) suspended imprisonment of three years and a minimum period of probation
12 supervision of 10 years for conviction of a class A or class B felony, or (3) suspended
13 imprisonment of two years and a minimum period of probation supervision of five
14 years for conviction of a class C felony. The period of probation is in addition to any
15 sentence received under (i) of this section.

16 * **Sec. 35.** AS 12.55.135(a) is amended to read:

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

19 (1) one year, if the

20 (A) conviction is for a crime with a mandatory minimum term
21 of 30 days or more of active imprisonment;

22 (B) trier of fact finds the aggravating factor that the conduct
23 constituting the offense was among the most serious conduct included in the
24 definition of the offense;

25 (C) defendant has past criminal convictions for conduct
26 violative of criminal laws, punishable as felonies or misdemeanors, similar in
27 nature to the offense for which the defendant is being sentenced;

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

30 (E) conviction is for a violation of

31 (i) AS 11.41.427;

1 (ii) AS 11.41.440;

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

4 (iv) AS 11.61.116(c)(2); or

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

6 (2) 30 days.

7 * **Sec. 36.** AS 12.55.135(b) is amended to read:

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

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

12 (2) 90 days if the conviction is for a violation of

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

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

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

18 * **Sec. 37.** AS 12.55.135(l) is amended to read:

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

24 (1) a sentence of more than 15 [FIVE] days of active [SUSPENDED]
25 imprisonment and a term of probation of more than six months if the person has
26 previously been convicted two [OR MORE] times of an offense under AS 11.46.110 -
27 11.46.220, 11.46.260 - 11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of
28 this or another jurisdiction with substantially similar elements; [OR]

29 (2) a sentence of more than 10 days of active [OR SUSPENDED]
30 imprisonment and a term of probation of more than six months if the person has
31 [NOT BEEN PREVIOUSLY CONVICTED, OR HAS] previously been convicted

1 once [,] of an offense under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290,
2 11.46.360, or 11.46.365, or a law or ordinance of this or another jurisdiction with
3 substantially similar elements; or

4 **(3) a sentence of more than five days of active imprisonment and a**
5 **term of probation of more than six months if the person has not been previously**
6 **convicted of an offense under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290,**
7 **11.46.360, or 11.46.365, or a law or ordinance of this or another jurisdiction with**
8 **substantially similar elements.**

9 * Sec. 38. AS 12.55.145(a) is amended to read:

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

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

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

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

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

26 (2) AS 12.55.125(l),

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

30 (B) commission of and conviction for offenses relied on as
31 prior most serious felony offenses must occur in the following order:

1 conviction for the first offense must occur before commission of the second
2 offense, and conviction for the second offense must occur before commission
3 of the offense for which the defendant is being sentenced;

4 (3) AS 12.55.135(g),

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

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

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

19 (4) AS 12.55.125(i),

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

23 (B) a felony conviction in another jurisdiction making it a
24 crime to commit any lewd and lascivious act upon a child under the age of 16
25 years, with the intent of arousing, appealing to, or gratifying the sexual desires
26 of the defendant or the victim is a prior conviction for a sexual felony;

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

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

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

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

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

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

20 * Sec. 39. AS 12.63.100(6) is amended to read:

21 (6) "sex offense" means

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

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

30 (i) sexual assault in the first degree;

31 (ii) sexual assault in the second degree;

- 1 (iii) sexual abuse of a minor in the first degree; or
2 (iv) sexual abuse of a minor in the second degree; or
3 (C) a crime, or an attempt, solicitation, or conspiracy to commit
4 a crime, under the following statutes or a similar law of another jurisdiction:
5 (i) AS 11.41.410 - 11.41.438;
6 (ii) AS 11.41.440(a)(2);
7 (iii) AS 11.41.450 - 11.41.458;
8 (iv) AS 11.41.460 if the indecent exposure is before a
9 person under 16 years of age and the offender has a previous conviction
10 for that offense;
11 (v) AS 11.61.125 - 11.61.128;
12 (vi) AS 11.66.110 or **11.66.130(a)(2)(B)**
13 [11.66.130(a)(2)] if the person who was induced or caused to engage in
14 prostitution was under 20 years of age at the time of the offense;
15 (vii) former AS 11.15.120, former 11.15.134, or assault
16 with the intent to commit rape under former AS 11.15.160, former
17 AS 11.40.110, or former 11.40.200;
18 (viii) AS 11.61.118(a)(2) if the offender has a previous
19 conviction for that offense; or
20 (ix) AS 11.66.100(a)(2) if the offender is subject to
21 punishment under AS 11.66.100(e);

22 * **Sec. 40.** AS 18.67.101 is amended to read:

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

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

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

31 (A) murder in any degree;

- 1 (B) manslaughter;
- 2 (C) criminally negligent homicide;
- 3 (D) assault in any degree;
- 4 (E) kidnapping;
- 5 (F) sexual assault in any degree;
- 6 (G) sexual abuse of a minor;
- 7 (H) robbery in any degree;
- 8 (I) threats to do bodily harm;
- 9 (J) driving while under the influence of an alcoholic beverage,
- 10 inhalant, or controlled substance or another crime resulting from the operation
- 11 of a motor vehicle, boat, or airplane when the offender is under the influence
- 12 of an alcoholic beverage, inhalant, or controlled substance;
- 13 (K) arson in the first degree;
- 14 (L) sex trafficking in violation of AS 11.66.110 or
- 15 **11.66.130(a)(2)(B)** [11.66.130(a)(2)];
- 16 (M) human trafficking in any degree; or
- 17 (N) unlawful exploitation of a minor.

18 * **Sec. 41.** AS 22.20 is amended by adding a new section to article 4 to read:

19 **Sec. 22.20.220. Prison inmate characteristics information.** (a) The judicial

20 council shall design and implement a project for the purposes of studying risk factors

21 related to criminal activity, informing the legislature's policy and funding decisions

22 related to primary crime prevention, and improving primary crime prevention

23 strategies in the state. Under the project, the Department of Corrections shall transmit

24 information about offenders sentenced to serve terms of incarceration of 30 days or

25 more, and the judicial council shall analyze the information and provide to the

26 legislature the judicial council's conclusions and recommendations in the report

27 required under (b) of this section. The judicial council shall, in consultation with the

28 Justice Center at the University of Alaska, the Department of Corrections, and other

29 relevant entities or state agencies, create a list of the types of information and inmate

30 characteristics the Department of Corrections shall collect for the project and may

31 revise the list when necessary to meet project goals. The information may include data

1 relating to adverse childhood experiences, mental health and substance abuse history,
2 education, income, and employment of inmates. The Department of Corrections shall
3 adopt policies establishing procedures for collecting the information identified in the
4 list required under this subsection and providing the information to the judicial
5 council. The procedures may provide for the collection of the information as part of
6 the risk assessment program established under AS 33.30.011(a)(7). Requirements for
7 collection of information under this subsection terminate on July 1, 2024. In this
8 subsection, "primary crime prevention" means intervention programs and strategies
9 designed to reduce crime risk factors among the general population and prevent crime
10 from happening.

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

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

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

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

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

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

24 (6) not later than February 14 of each year, submit the report to the
25 senate secretary and the chief clerk of the house of representatives and notify the
26 legislature that the report is available; and

27 (7) present the summary and analysis to the legislature within 10 days
28 after the convening of the next regular session of the legislature following the
29 submission of the report.

30 * **Sec. 42.** AS 28.15.011 is amended by adding a new subsection to read:

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

1 * **Sec. 43.** AS 33.05.020(h) is amended to read:

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

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

9 (2) include policies and procedures for

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

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

13 (C) notifying a victim under AS 33.30.013;

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

18 * **Sec. 44.** AS 33.05.040 is amended by adding a new subsection to read:

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

24 * **Sec. 45.** AS 33.07.010, enacted by sec. 117, ch. 36, SLA 2016, is amended to read:

25 **Sec. 33.07.010. Pretrial services program; establishment.** The commissioner
26 shall establish and administer a pretrial services program that provides a pretrial risk
27 assessment for all defendants **detained in custody in a correctional facility**
28 **following arrest and for any defendant for whom the prosecution requests to**
29 **have a pretrial risk assessment at the next hearing or arraignment. The pretrial**
30 **services program shall make** [,] recommendations to the court concerning pretrial
31 release decisions [,] and **provide** supervision of defendants released while awaiting

1 trial as ordered by the court.

2 * **Sec. 46.** AS 33.16.010(c) is amended to read:

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

8 * **Sec. 47.** AS 33.16.010(d) is amended to read:

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

12 * **Sec. 48.** AS 33.16.060(a) is amended to read:

13 (a) The board shall

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

15 (2) consider the suitability for parole of a prisoner who is eligible for
16 discretionary parole at least 90 days before the prisoner's first date of eligibility and
17 upon receipt of the prisoner's application for special medical parole;

18 (3) impose parole conditions on all prisoners released under special
19 medical, [ADMINISTRATIVE,] discretionary, or mandatory parole;

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

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

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

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

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

30 (9) execute other responsibilities prescribed by law.

31 * **Sec. 49.** AS 33.16.090(a) is amended to read:

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

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

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

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

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

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

18 * **Sec. 50.** AS 33.16.100(f) is amended to read:

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

29 * **Sec. 51.** AS 33.16.120(f) is amended to read:

30 (f) Upon request of the victim, if a prisoner is released under AS 33.16.010(c)
31 [, 33.16.089,] or 33.16.090, the board shall make every reasonable effort to notify the

1 victim before the prisoner's release date. Notification under this subsection must
2 include the expected date of the prisoner's release, the geographic area in which the
3 prisoner is required to reside, and other pertinent information concerning the prisoner's
4 conditions of parole that may affect the victim.

5 * **Sec. 52.** AS 33.16.130(a) is amended to read:

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

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

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

17 * **Sec. 53.** AS 33.16.130(c) is amended to read:

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

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

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

26 * **Sec. 54.** AS 33.16.140 is amended to read:

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

31 * **Sec. 55.** AS 33.16.150(a) is amended to read:

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

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

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

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

10 (4) shall report

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

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

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

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

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

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

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

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

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

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

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

13 * **Sec. 56.** AS 33.16.150(b) is amended to read:

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

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

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

25 (3) submit to reasonable searches and seizures by a parole officer, or a
26 peace officer acting under the direction of a parole officer;

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

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

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

3 (7) refrain from opening, maintaining, or using a checking account or
4 charge account;

5 (8) refrain from entering into a contract other than a prenuptial contract
6 or a marriage contract;

7 (9) refrain from operating a motor vehicle;

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

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

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

20 * **Sec. 57.** AS 33.16.150(e) is amended to read:

21 (e) The board may designate a member of the board to act on behalf of the
22 board in imposing conditions of [ADMINISTRATIVE OR] mandatory parole under
23 (a) and (b) of this section, in delegating imposition of conditions of
24 [ADMINISTRATIVE OR] mandatory parole under (c) of this section, and in setting
25 the period of compliance with the conditions of [ADMINISTRATIVE OR] mandatory
26 parole under (d) of this section. The decision of a member of the board under this
27 section is the decision of the board. A prisoner or parolee aggrieved by a decision of a
28 member of the board acting for the board under this subsection may apply to the board
29 under AS 33.16.160 for a change in the conditions of [ADMINISTRATIVE OR]
30 mandatory parole.

31 * **Sec. 58.** AS 33.16.150(f) is amended to read:

1 (f) In addition to other conditions of parole imposed under this section, the
2 board may impose as a condition of special medical, [ADMINISTRATIVE,]
3 discretionary, or mandatory parole for a prisoner serving a term for a crime involving
4 domestic violence (1) any of the terms of protective orders under AS 18.66.100(c)(1) -
5 (7); (2) a requirement that, at the prisoner's expense, the prisoner participate in and
6 complete, to the satisfaction of the board, a program for the rehabilitation of
7 perpetrators of domestic violence that meets the standards set by, and that is approved
8 by, the department under AS 44.28.020(b); and (3) any other condition necessary to
9 rehabilitate the prisoner. The board shall establish procedures for the exchange of
10 information concerning the parolee with the victim and for responding to reports of
11 nonattendance or noncompliance by the parolee with conditions imposed under this
12 subsection. The board may not under this subsection require a prisoner to participate
13 in and complete a program for the rehabilitation of perpetrators of domestic violence
14 unless the program meets the standards set by, and is approved by, the department
15 under AS 44.28.020(b).

16 * **Sec. 59.** AS 33.16.150(g) is amended to read:

17 (g) In addition to other conditions of parole imposed under this section for a
18 prisoner serving a sentence for an offense where the aggravating factor provided in
19 AS 12.55.155(c)(29) has been proven or admitted, the board shall impose as a
20 condition of special medical, [ADMINISTRATIVE,] discretionary, and mandatory
21 parole a requirement that the prisoner submit to electronic monitoring. Electronic
22 monitoring under this subsection must comply with AS 33.30.011(a)(10) and provide
23 for monitoring of the prisoner's location and movements by Global Positioning System
24 technology. The board shall require a prisoner serving a period of parole with
25 electronic monitoring as provided under this subsection to pay all or a portion of the
26 costs of the electronic monitoring, but only if the prisoner has sufficient financial
27 resources to pay the costs or a portion of the costs. A prisoner subject to electronic
28 monitoring under this subsection is not entitled to a credit for time served in a
29 correctional facility while the defendant is on parole. In this subsection, "correctional
30 facility" has the meaning given in AS 33.30.901.

31 * **Sec. 60.** AS 33.16.150(h) is amended to read:

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

9 * **Sec. 61.** AS 33.16.180 is amended to read:

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

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

14 (2) supervise the conduct of parolees;

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

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

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

23 **(5)** [(6)] maintain records, files, and accounts as requested by the
24 board;

25 **(6)** [(7)] prepare preparole reports under AS 33.16.110(a);

26 **(7)** [(8)] notify the board in writing of a prisoner's compliance or
27 noncompliance with the prisoner's case plan created under AS 33.30.011(a)(8) not less
28 than 30 days before the prisoner's next parole eligibility date or the prisoner's parole
29 hearing date, whichever is earlier;

30 **(8)** [(9)] establish an administrative sanction and incentive program to
31 facilitate a swift and certain response to a parolee's compliance with or violation of the

1 conditions of parole and shall adopt regulations to implement the program; at a
2 minimum, the regulations must include

3 (A) a decision-making process to guide parole officers in
4 determining the suitable response to positive and negative offender behavior
5 that includes a list of sanctions for the most common types of negative
6 behavior, including technical violations of conditions of parole, and a list of
7 incentives for compliance with conditions and positive behavior that exceeds
8 those conditions;

9 (B) policies and procedures that ensure

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

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

14 (iii) that appropriate due process protections are
15 included in the process, including notice of negative behavior, an
16 opportunity to dispute the accusation and the sanction, and an
17 opportunity to request a review of the accusation and the sanction; and

18 9 [(10)] within 30 days after sentencing of an offender, provide the
19 victim of a crime information on the earliest dates the offender could be released on
20 furlough, probation, or parole, including deductions or reductions for good time or
21 other good conduct incentives, and the process for release, including contact
22 information for the decision-making bodies.

23 * **Sec. 62.** AS 33.16.200 is amended to read:

24 **Sec. 33.16.200. Custody of parolee.** Except as provided in AS 33.16.210, the
25 board retains custody of special medical, [ADMINISTRATIVE,] discretionary, and
26 mandatory parolees until the expiration of the maximum term or terms of
27 imprisonment to which the parolee is sentenced.

28 * **Sec. 63.** AS 33.16.270 is amended to read:

29 **Sec. 33.16.270. Earned compliance credits.** The commissioner shall establish
30 by regulation a program allowing parolees to earn credits for complying with the
31 conditions of parole. The earned compliance credits reduce the period of parole.

1 Nothing in this section prohibits the department from recommending to the board the
2 early discharge of the parolee as provided in this chapter. At a minimum, the
3 regulations must

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

6 (2) include policies and procedures for

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

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

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

14 * **Sec. 64.** AS 33.30.061 is amended by adding a new subsection to read:

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

20 * **Sec. 65.** AS 34.03.360(10) is amended to read:

21 (10) "illegal activity involving a place of prostitution" means a
22 violation of AS 11.66.120(a)(1) or **11.66.130(a)(2)(A) or (D)** [11.66.130(a)(1) OR
23 (4)];

24 * **Sec. 66.** AS 44.19.642(a) is amended to read:

25 (a) The commission consists of **14** [13] members as follows:

26 (1) the chief justice of the Alaska Supreme Court or another active or
27 retired justice of the supreme court or an active or retired judge of the court of appeals
28 designated by the chief justice;

29 (2) an active or retired superior court judge designated by the chief
30 justice for a three-year term;

31 (3) an active or retired district court judge designated by the chief

1 justice for a three-year term;

2 (4) a member of the Alaska Native community designated by the
3 Alaska Native Justice Center for a three-year term;

4 (5) the attorney general or a designee of the attorney general;

5 (6) the public defender or a designee of the public defender;

6 (7) the commissioner of corrections or the commissioner's designee;

7 (8) the commissioner of public safety or the commissioner's designee;

8 (9) the chief executive officer of the Alaska Mental Health Trust
9 Authority or the chief executive officer's designee for a three-year term;

10 (10) an active duty member of a municipal law enforcement agency
11 appointed by the governor for a three-year term;

12 (11) one victims' rights advocate appointed by the governor for a three-
13 year term;

14 (12) one nonvoting member, serving ex officio, who is a member of
15 the senate appointed by the president of the senate; [AND]

16 (13) one nonvoting member, serving ex officio, who is a member of
17 the house of representatives appointed by the speaker of the house of representatives;

18 **and**

19 **(14) one nonvoting member, serving ex officio, who is the**
20 **commissioner of health and social services or the commissioner's designee.**

21 * **Sec. 67.** AS 44.19.645(g) is amended to read:

22 (g) The Department of Corrections shall report quarterly to the working group
23 authorized in (b)(3) of this section. The report shall include the following information:

24 (1) data on pretrial decision making and outcomes, including
25 information on pretrial detainees admitted for a new criminal charge; detainees
26 released at any point before case resolution; time spent detained before first release or
27 case resolution; pretrial defendant risk level and charge; pretrial release
28 recommendations made by pretrial services officers; pretrial conditions imposed on
29 pretrial detainees by judicial officers, including amount of bail, and supervision
30 conditions; and information on pretrial outcomes, including whether or not the
31 defendant appeared in court or was re-arrested during the pretrial period;

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

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

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

13 (5) data on parole, including the number of offenders supervised on
14 parole, using a one-day snapshot on the first month of each quarter; the number of
15 parole hearings; the parole grant rate and number of parolees released on
16 [ADMINISTRATIVE,] discretionary [,] and special medical parole; and information
17 on parolees, including time spent on parole, whether parole was successfully
18 completed, any new convictions for a new felony offense, and any sentences to a term
19 of imprisonment while on parole;

20 (6) data on the implementation of policies from the 2015 justice
21 reinvestment report, including the number and percentage of offenders who earn
22 compliance credits under AS 33.05.020(h) or AS 33.16.270 in one or more months,
23 and the total amount of credits earned; the average number of sanctions issued under
24 AS 33.05.020(g) before a petition to revoke probation or parole is filed; and the most
25 common violations of probation or parole; and

26 (7) data on probation and parole revocations, including information on
27 probationers and parolees admitted for a supervision violation pre-case and post-case
28 resolution; probationers and parolees admitted solely for a technical violation;
29 probationers and parolees admitted for a new arrest; the number of previous
30 revocations on the current sentence, if any; the length of time held pre-case resolution;
31 the length of time to case resolution; and the length of stay.

1 * **Sec. 68.** AS 44.19.645 is amended by adding a new subsection to read:

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

25 * **Sec. 69.** AS 44.19.647(b) is amended to read:

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

29 * **Sec. 70.** AS 44.19.647 is amended by adding a new subsection to read:

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

1 The commission shall

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

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

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

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

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

13 (6) present the summary and analysis to the legislature within 10 days
14 after the convening of the next regular session of the legislature following the
15 submission of the report.

16 * **Sec. 71.** AS 47.37.040 is amended to read:

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

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

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

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

30 (4) cooperate with the Department of Education and Early
31 Development, school boards, schools, police departments, courts, and other public and

1 private agencies, organizations, and individuals in establishing programs for the
2 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
3 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
4 materials for use at all levels of school education;

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

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

12 (7) organize and foster training programs for all persons engaged in
13 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
14 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant
15 abuse workers;

16 (8) sponsor and encourage research into the causes and nature of
17 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
18 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse
19 for information relating to alcoholism, drug abuse, and inhalant abuse;

20 (9) specify uniform methods for keeping statistical information by
21 public and private agencies, organizations, and individuals, and collect and make
22 available relevant statistical information, including number of persons treated,
23 frequency of admission and readmission, and frequency and duration of treatment;

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

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

30 (12) assist in the development of, and cooperate with, alcohol, drug
31 abuse, and inhalant abuse education and treatment programs for employees of state

1 and local governments and businesses and industries in the state;

2 (13) use the support and assistance of interested persons in the
3 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to
4 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo
5 treatment;

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

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

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

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

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

22 (19) develop curriculum materials on drug and alcohol abuse and the
23 misuse of hazardous volatile substances for use in grades kindergarten through 12, as
24 well as a course of instruction for teachers to be charged with presenting the
25 curriculum;

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

30 (A) a court in connection with a charge or conviction of a
31 violation or misdemeanor related to the use of alcohol or a controlled

1 substance;

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

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

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

16 (22) whenever possible, apply evidence-based, research-based, and
17 consensus-based substance abuse and co-occurring substance abuse and mental health
18 disorders treatment practices and remove barriers that prevent the use of those
19 practices;

20 (23) collaborate with first responders, hospitals, schools, primary care
21 providers, developmental disability treatment providers, law enforcement, corrections,
22 attorneys, the Alaska Court System, community behavioral treatment providers,
23 Alaska Native organizations, and federally funded programs in implementing
24 programs for co-occurring substance abuse and mental health disorders treatment.

25 * **Sec. 72.** AS 11.66.130(b), 11.66.135(b); AS 33.16.010(f), 33.16.089, and 33.16.900(1) are
26 repealed.

27 * **Sec. 73.** AS 44.19.645(h) and 44.19.647(c) are repealed.

28 * **Sec. 74.** AS 22.20.220 is repealed February 14, 2025.

29 * **Sec. 75.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **APPLICABILITY.** (a) The following sections apply to offenses committed on or after

1 the effective date of those sections:

- 2 (1) AS 11.46.130(a), as amended by sec. 2 of this Act;
- 3 (2) AS 11.46.140(a), as amended by sec. 3 of this Act;
- 4 (3) AS 11.46.220(c), as amended by sec. 4 of this Act;
- 5 (4) AS 11.46.260(b), as amended by sec. 5 of this Act;
- 6 (5) AS 11.46.270(b), as amended by sec. 6 of this Act;
- 7 (6) AS 11.46.280(d), as amended by sec. 7 of this Act;
- 8 (7) AS 11.46.285(b), as amended by sec. 8 of this Act;
- 9 (8) AS 11.46.360(a), as amended by sec. 9 of this Act;
- 10 (9) AS 11.46.482(a), as amended by sec. 10 of this Act;
- 11 (10) AS 11.46.484(a), as amended by sec. 11 of this Act;
- 12 (11) AS 11.46.486(a), as amended by sec. 12 of this Act;
- 13 (12) AS 11.46.489, enacted by sec. 13 of this Act;
- 14 (13) AS 11.46.530(b), as amended by sec. 14 of this Act;
- 15 (14) AS 11.46.620(d), as amended by sec. 15 of this Act;
- 16 (15) AS 11.46.730(c), as amended by sec. 16 of this Act;
- 17 (16) AS 11.56.757(a), as amended by sec. 19 of this Act;
- 18 (17) AS 11.56.757(b), as amended by sec. 20 of this Act;
- 19 (18) AS 11.66.130(a), as amended by sec. 21 of this Act;
- 20 (19) AS 11.66.135(a), as amended by sec. 22 of this Act;
- 21 (20) AS 11.66.150(4), enacted by sec. 23 of this Act;
- 22 (21) AS 12.30.006(b), as amended by sec. 26 of this Act;
- 23 (22) AS 28.15.011(d), enacted by sec. 42 of this Act;
- 24 (23) AS 33.05.020(h), as amended by sec. 43 of this Act; and
- 25 (24) AS 33.16.270, as amended by sec. 63 of this Act.

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

- 28 (1) AS 12.30.011(l), enacted by sec. 27 of this Act;
- 29 (2) AS 12.55.125(c), as amended by sec. 32 of this Act;
- 30 (3) AS 12.55.125(e), as amended by sec. 33 of this Act;
- 31 (4) AS 12.55.125(q), enacted by sec. 34 of this Act;

- 1 (5) AS 12.55.135(a), as amended by sec. 35 of this Act;
2 (6) AS 12.55.135(b), as amended by sec. 36 of this Act;
3 (7) AS 12.55.135(l), as amended by sec. 37 of this Act; and
4 (8) AS 12.55.145(a), as amended by sec. 38 of this Act.

5 (c) AS 12.55.090(g), as amended by sec. 30 of this Act, applies to probation ordered
6 on or after the effective date of sec. 30 of this Act, for offenses committed on or after the
7 effective date of sec. 30 of this Act.

8 (d) AS 33.16.130(c), as amended by sec. 53 of this Act, applies to sentences imposed
9 on or after the effective date of sec. 53 of this Act.

10 * **Sec. 76.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 CONDITIONAL EFFECT FOR SECS. 41 AND 74. (a) AS 22.20.220, added by sec.
13 41 of this Act, takes effect only if the Alaska Criminal Justice Commission expires under
14 AS 44.66.010 before February 14, 2025.

15 (b) Section 74 of this Act takes effect only if sec. 41 of this Act takes effect under (a)
16 of this section.

17 * **Sec. 77.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 CONDITIONAL EFFECT FOR SEC. 71; NOTIFICATION TO REVISOR OF
20 STATUTES. (a) Section 71 of this Act takes effect only if, on or before July 1, 2018, the
21 director of the division of legislative finance provides notice to the revisor of statutes under
22 (b) of this section.

23 (b) The director of the division of legislative finance shall, on or before July 1, 2018,
24 notify the revisor of statutes if the Thirtieth Alaska State Legislature passes an appropriation
25 bill that is enacted into law that makes an appropriation to the Department of Health and
26 Social Services for the alcohol safety action program for the fiscal year ending June 30, 2019,
27 that is at least 50 percent greater than the amount appropriated to the Department of Health
28 and Social Services for the alcohol safety action program for the fiscal year ending June 30,
29 2018.

30 * **Sec. 78.** Sections 26, 27, and 45 of this Act take effect January 1, 2018.

31 * **Sec. 79.** If, under sec. 77 of this Act, sec. 71 of this Act takes effect, it takes effect July 1,

1 2018.

2 * **Sec. 80.** Section 44 of this Act takes effect July 1, 2019.

3 * **Sec. 81.** If sec. 41 of this Act takes effect under sec. 76(a) of this Act, it takes effect on the
4 day after the date the Alaska Criminal Justice Commission expires under AS 44.66.010.

5 * **Sec. 82.** If sec. 74 of this Act takes effect under sec. 76(b) of this Act, it takes effect
6 February 14, 2025.

7 * **Sec. 83.** Section 73 of this Act takes effect on the earlier of the following:

8 (1) the date sec. 41 of this Act takes effect under sec. 81 of this Act; or

9 (2) February 14, 2025.

10 * **Sec. 84.** Except as provided in secs. 78 - 83 of this Act, this Act takes effect immediately
11 under AS 01.10.070(c).