

Alaska State Legislature

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Senator John Coghill

SENATE BILL 91

SECTIONAL ANALYSIS

Omnibus Criminal Law & Procedure; Corrections

Version N

Section 1

11.46.130(a) - Theft in the Second Degree (Amended)

Increases the threshold value for theft in the second degree from \$750 to \$2,000.

Section 2

11.46.140(a) - Theft in the Third Degree (Amended)

Increases the threshold value for theft in the third degree from \$750 to \$2,000.

Section 3

11.46.220(c) - Concealment of Merchandise (Amended)

Increases the threshold value for concealment of merchandise from \$750 to \$2,000.

Section 4

11.46.260(b) - Removal of Identification Marks (Amended)

Increases the threshold value for removal of identification marks from \$750 to \$2,000.

Section 5

11.46.270(b) - Unlawful Possession (Amended)

Increases the threshold value for unlawful possession from \$750 to \$2,000.

Section 6

11.46.280(d) - Issuing a Bad Check (Amended)

Increases the threshold value for issuing a bad check from \$750 to \$2,000.

Section 7

11.46.285(b) - Fraudulent Use of an Access Device (Amended)

Increases the threshold value for fraudulent use of an access device from \$750 to \$2,000.

Section 8

11.46.330 - Criminal Trespass in the Second Degree (Amended)

Reclassifies the crime of criminal trespass in the second degree to an arrestable violation punishable by up to 24 hours detainment.

Section 9

11.46.360(a) - Vehicle Theft in the First Degree (Amended)

Increases the threshold value for vehicle theft in the first degree from \$750 to \$2,000.

Section 10

11.46.460 - Disregard of a Highway Obstruction (Amended)

Reclassifies the crime of disregard of a highway obstruction to a violation punishable by up to \$1,000 fine.

Section 11

11.46.482(a) - Criminal Mischief in the Third Degree (Amended)

Increases the threshold value for criminal mischief in the third degree from \$750 to \$2,000.

Section 12

11.46.484(a) - Criminal Mischief in the Fourth Degree (Amended)

Increases the threshold value for criminal mischief in the fourth degree from \$750 to \$2,000.

Section 13

11.46.486 - Criminal Mischief in the Fifth Degree (Amended)

Reclassifies the crime of criminal mischief in the fifth degree to an arrestable violation punishable by up to 24 hours detainment.

Section 14

11.46.530(b) - Criminal Simulation (Amended)

Increases the threshold value for criminal simulation from \$750 to \$2,000.

Section 15

11.46.620(d) - Misapplication of Property (Amended)

Increases the threshold value for misapplication of property from \$750 to \$2,000.

Section 16

11.46.730(c) - Defrauding Creditors (Amended)

Increases the threshold value for defrauding creditors from \$750 to \$2,000.

Section 17

AS 11.46.982 - Annual Adjustment for Inflation Increasing the Value of Property or Services as an Element of an Offense (New Section)

Directs the Alaska Judicial Council to annually calculate the increase in value, if any, of the property crime threshold, based on a change in the Consumer Price Index, compiled by the Bureau of Labor Statistics. The Council shall provide notice to various criminal justice and law enforcement agencies.

Section 18

11.56.730(a) - Failure to Appear (Amended)

Conforming to reclassifying several elements of the the crime of failure to appear as a violation punishable by a fine up to \$1,000.

Section 19

11.56.730(c) - Failure to Appear (Amended)

Reclassifies elements of the crime of failure to appear as a violation punishable by a fine up to \$1,000 and forfeiture of any bond.

Section 20

11.56.730 - Failure to Appear (New Subsection)

Reestablishes the crime of failure to appear, a Class A misdemeanor to apply to defendants missing a scheduled hearing to avoid prosecution or to defendants not making contact with the court within 30 days after not appearing at a scheduled hearing,

Section 21

11.56.757(a) - Violation of Condition of Release (Amended)

Conforming to reclassifying the crime of violation of condition of release to a violation punishable by a fine up to \$1,000.

Section 22

11.56.757(b) - Violation of Condition of Release (Amended)

Reclassifies the crime of violation of condition of release to a violation punishable by a fine up to \$1,000.

Section 23

11.56.759(a) - Violation by Sex Offender of Condition of Probation (Amended)

Conforming to renumbered statutes.

Section 24

11.61.110(a) - Disorderly Conduct (Amended)

Conforming to reclassifying the crime of disorderly conduct to an arrestable violation punishable by up to 24 hours detainment.

Section 25

11.61.110(c) - Disorderly Conduct (Amended)

Reclassifies the crime of disorderly conduct to an arrestable violation punishable by up to 24 hours detainment.

Section 26

11.61.120 - Harassment in the Second Degree (Amended)

Reclassifies the crime of harassment in the second degree to an arrestable violation punishable by up to 24 hours detainment.

Section 27

11.61.145(d) - Promoting an Exhibition of Fighting Animals (Amended)

Reclassifies the crime of attending an exhibition of fighting animals as a violation for the second offense. Each subsequent offense is a class A misdemeanor.

Section 28

11.61.150(a) - Obstruction of Highways (Amended)

Conforming to reclassifying the crime of obstruction of highways to a violation punishable by a fine up to \$1,000.

Section 29

11.61.150(c) - Obstruction of Highways (Amended)

Reclassifies the crime of obstruction of highways to a violation punishable by a fine up to \$1,000.

Section 30

11.66.200(c) - Gambling (Amended)

Reclassifies the crime of unlawful gambling to a violation punishable by a fine up to \$1,000.

Section 31

11.71.020(a) - Misconduct Involving a Controlled Substance in the Second Degree (Amended)

Aligns misconduct involving delivery of IA, IIA, and IIIA substances to a person under 19 to be one level higher (Class A Felony) than the same misconduct with IVA, VA, or VIA controlled substances (Class-B Felony). Adds in manufacture of methamphetamine in front of children as an element of misconduct involving a controlled substance in the second degree, rather than exist as an enhanced presumptive range in the sentencing statutes.

Section 32

11.71.030(a) - Misconduct Involving a Controlled Substance in the Third Degree (Amended)

Provides for a weight-based penalty system for manufacture and delivery of IA, IIA, or IIIA controlled substances, whereby offenses relating to greater than 2.5 grams are sentenced under misconduct involving a controlled substance in the third degree.

Section 33

11.71.040(a) - Misconduct Involving a Controlled Substance in the Fourth Degree (Amended)

Consolidates misconduct involving possession of any controlled substance within 500 feet of school grounds and provides that manufacture or delivery of less than 2.5 grams of a IA, IIA, or IIIA controlled substance, or any amount of a schedule IVA or VA controlled substance, is misconduct involving a controlled substance in the fourth degree.

Section 34

11.71.050(a) - Misconduct Involving a Controlled Substance in the Fifth Degree (Amended)

Consolidates simple possession of all schedules of controlled substances into the crime of misconduct involving a controlled substance in the fifth degree, excepting small quantities of specified IIIA drugs as set forth in AS 11.71.060.

Section 35

11.71.210 - Purchase or Receipt of Restricted Amounts of Certain Chemicals

Conforming to delete references to a repealed section of law.

Section 36

11.71.311(a) - Restriction on Prosecution for Certain Persons in Connection with a Drug Overdose (Amended)

Conforming to refer to the realigned misconduct involving controlled substances statutes.

Section 37

12.25.180 - When Peace Officer May Issue Citation or Take Person Before the Court (Amended)

Establishes a presumption to cite and summons to court for non-violent misdemeanors and non-violent class C felonies, unless the officer believes the person is a significant danger to others or at risk of failing to appear in court. Detainment is authorized for up to 24 hours for criminal trespass in the second degree, criminal mischief in the fifth degree, harassment in the second degree, and disorderly conduct. A peace officer with probable cause shall arrest a person for violating conditions of release.

Section 38

12.25.190(b) - When person to be Given Five-Day Notice to Appear in Court (Amended)

Reduces the minimum duration, when issued a citation, before the first appearance from five days to two days.

Section 39

12.30.006(c) - Release Procedures (Amended)

Requires judicial review and reconsideration of the conditions of release for instances where the defendant is detained pre-trial due to those conditions, unless the judicial officer finds that less restrictive release conditions cannot reasonably ensure the appearance of the person in court and safety of the victim, other persons, and the community.

Section 40

12.30.006(d) - Release Procedures (Amended)

Includes a defendant's inability to pay as a factor to be considered at bail review hearings.

Section 41

12.30.006(f) - Release Procedures (Amended)

Conforming to refer to a pretrial services officer's authority to arrest a person without a warrant for violation of conditions of release.

Section 42

12.30.006(h) - Release Procedures (New Subsection)

Directs the first appearance to occur within 24 hours after a person's arrest absent compelling circumstances.

Section 43

12.30.011 - Release Before Trial (Amended)

Limits judicial discretion to detain low- and moderate-risk pretrial defendants charged with non-violent, non-DUI misdemeanors and low-risk pretrial defendants charged with non-violent, non-DUI Class C felonies. This section prevents the use of secured monetary bail for lower-risk defendants while ensuring conditions can be imposed to require defendants to refrain from alcohol consumption, to avoid all contact with victims, and to keep regular contact with a pretrial services officer. In determining the conditions of release, the court shall consider the conditions of release recommended by the pretrial services officer and the person's pretrial risk assessment score.

Section 44

12.30.011 - Release Before Trial (New Subsection)

Creates a presumption of release on personal recognizance or unsecured bond, with appropriate release conditions, for low-risk defendants and for most nonviolent misdemeanor and Class C felony defendants who are not included in Section 43. The court can overcome this presumption and order partially- or fully-secured money bond if it finds on the record that no less restrictive conditions can reasonably assure court appearance and public safety.

Section 45

12.30.016(b) - Release Before Trial in Certain Cases (Amended)

Conforming to authorize a pretrial services officer to search a person's residence for the presence of alcohol under conditions to refrain from alcohol.

Section 46

12.30.016(c) - Release Before Trial in Certain Cases (Amended)

Conforming to authorize a pretrial services officer to search a person's residence for the presence of a controlled substance under conditions to refrain from consuming from controlled substances. A judicial officer may order a defendant to participate in a random drug testing program with testing to occur at least once a week, or random drug testing by the pretrial services division.

Section 47

12.30.021(a) - Third-Party Custodians (Amended)

Restricts availability of third-party custodian release conditions to cases in which pretrial supervision is not available, secured money bond has not been ordered, and no other combination of release conditions can reasonably assure court appearance and public safety.

Section 48

12.30.021(c) - Third-Party Custodians (Amended)

Changes the restrictions on people who are eligible to serve as third-party custodians to prohibit those who are likely to be called as witnesses, as opposed to those who may be called as witnesses.

Section 49

12.30.055 - Persons Appearing on Petition to Revoke (New Subsection)

Requires that probationers and parolees who are in custody awaiting a revocation hearing for a technical violation are released back to probation or parole supervision without bail after serving the maximum allowable time for a revocation.

Section 50

12.55.015(a) - Authorized Sentences; Forfeiture (Amended)

Conforming to reflect new community work service conditions specified under 12.55.055.

Section 51

12.55.025(a) - Sentencing Procedures (Amended)

Conforming to include administrative parole as a type of parole that the court must include in its sentencing report in stating the minimum term of imprisonment the defendant must serve before becoming eligible for parole.

Section 52

12.55.025(c) - Sentencing Procedures (Amended)

Conforming to ensure credit is applied for time spent in custody for a violation of a condition of probation or parole pending a revocation hearing.

Section 53

12.55.027(d) - Credit for Time Spent Toward Service of a Sentence of Imprisonment (Amended)

Limits pretrial credit to 120 days for time spent on electronic monitoring that complies with the Department of Corrections guidelines.

Section 54

AS 12.55.051(a) - Enforcement of Fines and Restitution (Amended)

Conforming to reflect changes to the probation revocation process.

Section 55

12.55.051 - Enforcement of Fines and Restitution (New Subsection)

Authorizes the Department of Law to garnish a permanent fund dividend to collect restitution ordered by the court.

Section 56

12.55.055(a) - Community Work (Amended)

Limits the court to imposing community work service only for offenses where community work is a mandatory component of the penalty for the offense.

Section 57

12.55.055(c) - Community Work (Amended)

Increases the value of an hour of community work from three dollars to the state's minimum wage if the defendant is unable to pay the fine and the court offers the defendant the option of performing community work in lieu of a fine.

Section 58

12.55.055 - Community Work (New Subsection)

Prevents the court from converting community work service into a sentence of imprisonment or offering the defendant the option of serving jail time in lieu of completing community work service.

Section 59

12.55.078 - Suspended Entry of Judgement (New Section)

Establishes a process for suspending an entry of judgement, whereby if a person pleads guilty to a crime, the court may, with the consent of the defense and prosecution, impose conditions of probation without imposing or entering a judgement of guilt. Upon successful completion of probation, the court shall discharge the person and dismiss the case after one year.

Section 60

12.55.090(b) - Granting of Probation (Amended)

Conforming to reflect the new early discharge process.

Section 61

12.55.090(c) - Granting of Probation (Amended)

Limits probation terms to five years for an unclassified felony or felony sex offense, three years for any other felony offense, two years for a second-time DUI or DV-related misdemeanor assault, and one year for all other misdemeanor offenses.

Section 62

12.55.090(c) - Granting of Probation (Amended)

Authorizes the court to alter a term of probation in accordance with the earned compliance policy, or if a probation officer recommends to the court that the probationer be discharged from probation for completing treatment and complying with the conditions of probation

Section 63

12.55.090 - Granting of Probation (New Subsection)

Requires probation officers to recommend early discharge from probation to the court for any probationer who has served at least one year, completed any required treatment, and is currently in compliance with the conditions of probation. The court would maintain discretion to follow or disregard the recommendation. This section also establishes an opportunity for a crime victim to be notified and comment at an early discharge hearing.

Section 64

12.55.100(a) - Conditions of Probation (Amended)

Conforming to ensure that probationers can be required to comply with the graduated sanctions imposed by a probation officer.

Section 65

12.55.100(c) - Conditions of Probation (Amended)

Conforming to accommodate renumbered statutes.

Section 66

12.55.110 - Notice and Grounds for Revocation and Suspension (New Subsection)

Limits the maximum sentence for technical violations of probation for probationers who are not in the PACE program to 3 days for the first revocation, 5 days for the second revocation, 10 days for the third revocation, and up to the remainder of the suspended sentence for the fourth or subsequent revocation. Exceptions are made for absconding and failure to complete sex offender treatment.

Section 67

12.55.115 - Fixing Eligibility for Discretionary Parole at Sentencing (Amended)

Conforming to reference administrative parole among the types of parole that the court has discretion to restrict eligibility.

Section 68

12.55.125(c) - Sentences of Imprisonment for Felonies (Amended)

Truncates the presumptive range for a non-sex class A felony offense that is a first felony conviction from five to eight years (with a maximum of 20) to three to six years (with a maximum of 20). If the defendant uses a dangerous instrument or the offense is directed at a first responder, the presumptive range is five to nine years, with a maximum of twenty. The presumptive range for a non-sex class A felony offense that is a second felony conviction is eight to twelve years, with a maximum of twenty, and for a third felony conviction, thirteen to twenty years.

Section 69

12.55.125(d) - Sentences of Imprisonment for Felonies (Amended)

Truncates the presumptive range for a non-sex class B felony offense that is a first felony conviction from one to three years (with a maximum of ten) to zero to two years (with a maximum of ten). The presumptive range for an enhanced class B felony offense that is a first felony conviction is one to three years, with a maximum of ten. The presumptive range for a non-sex second and third felony

conviction is two to five years (with a maximum of ten) and four to ten years, respectively.

Section 70

12.55.125(e) - Sentences of Imprisonment for Felonies (Amended)

Truncates the presumptive range for a non-sex class C felony offense that is a first felony conviction from zero to two years (with a maximum of five) to a suspended term of imprisonment of zero to eighteen months (with a maximum of five years of active imprisonment). The presumptive range for a non-sex second and third felony conviction would be one to three years and two to five years, respectively.

Section 71

12.55.135(a) – Sentences of Imprisonment for Misdemeanors (Amended)

Provides for a presumptive range of zero to thirty days for class A misdemeanors; allows the presumptive range to be overcome if one of two aggravating factors is proven by the prosecution: (1) the conduct constituting the offense was the most serious included in the definition of the offense; or (2) the defendant has past criminal convictions similar in nature to the offense in question. Additionally, a term of imprisonment of up to one year can be imposed for an assault in the fourth degree involving domestic violence if the defendant has a criminal history of repeated instances of DV-related assault.

Section 72

12.55.135(b) – Sentences of Imprisonment for Misdemeanors (Amended)

Truncates the maximum term of imprisonment for a class B misdemeanor to ten days.

Section 73

12.55.135 – Sentences of Imprisonment for Misdemeanors (Amended)

Provides that the court may not impose a sentence of imprisonment or suspended imprisonment for a person convicted of theft in the fourth degree who has not been convicted of theft in any degree at least twice; concealment of merchandise who has not been convicted of concealment of merchandise at least twice; removal of identification marks who has not been convicted of removal of identification marks at least twice; unlawful possession who has not been convicted of unlawful possession at least twice; issuing a bad check who has not been convicted of issuing a bad check at least twice; criminal simulation who has not been convicted of criminal simulation at least twice.

If the state seeks to establish a fact-based aggravating factor at sentencing, the factor must be established by clear and convincing evidence before the court

sitting without a jury. If the state seeks to establish a law-based aggravating factor at sentencing, the factor must be presented to a trial jury and proved beyond a reasonable doubt, unless the defendant waives trial by jury, stipulates to the existence of the factor, or consents to allow the court to establish the aggravator by clear and convincing evidence without a jury.

Section 74

28.15.165 - Administrative Revocations and Disqualifications resulting from chemical sobriety tests and refusals to submit to tests.

Requires the DMV to restore a person's driver's license if all charges have been dismissed or if the person has been acquitted of driving while under the influence.

Section 75

28.15.181(f) - Court Suspensions, Revocations, and Limitations (Amended)

Allows for the court to terminate a revocation if the person has successfully completed the therapeutic court program, has not been convicted of DUI, and has successfully driven under the limited license for three years without being revoked.

Section 76

28.15.201 - Limitation of Driver's License (New Subsection)

Authorizes the court to grant limited license privileges for felony DUI offenders if the person has completed the therapeutic court program, has proof of insurance, and an installed ignition interlock device. This section allows the court or the department to revoke a limited license if the person is convicted of a DUI or refusal.

Section 77

28.15.291 (Driving While License Suspended)

Conforming to section 78 by differentiating DWLS offenses related to DUI license revocations and those unrelated to DUI license revocations.

Section 78

28.15.291(b) - Driving While License Suspended (Repealed and Reenacted)

Reduces the mandatory minimum for second time DWLS offenders whose license revocation is related to DUI offenses to 10 days. Removes the mandatory minimum for first time DWLS offenders whose license revocation is related to DUI offenses. Reduces the penalty for non-DUI-related DWLS offenses from a misdemeanor to an infraction.

Section 79

28.35.028(b) - Court-Ordered Treatment (Amended)

Authorizes the court to reduce a license revocation for the purposes of granting a limited license to eligible offenders.

Section 80

28.35.030(k) - Operating a Vehicle... Under the Influence (Amended)

Requires first-time DUI offenders to serve a mandatory term of electronic monitoring. If unavailable, imprisonment is determined by the department.

Section 81

28.35.030(l) - Operating a Vehicle... Under the Influence (Amended)

Conforming to provisions requiring a fiscal analysis of legislation that causes an increase or decrease in the prison population. This recommendation was removed, making this conforming section unnecessary.

Section 82

28.35.030(o) - Operating a Vehicle... Under the Influence (Amended)

Requires the department restore a driver's license to a person who has been granted a limited license and has successfully driven for three years without having driving privileges revoked, has successfully completed the therapeutic court program, has not been convicted of a DUI or refusal, and provides proof of insurance.

Section 83

28.35.032(o) - Refusal to Submit to Chemical Test (Amended)

Requires first-time refusal to submit to a chemical test to serve a mandatory term of electronic monitoring. If unavailable, imprisonment is determined by the department.

Section 84

29.10.200(21) - Limitation of Home Rule Powers (Amended)

Conforming to the requirement that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 85

29.25.070(a) - Penalties (Amended)

Conforming to the requirement that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 86

29.25.070 - Penalties (New Subsection)

Requires that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 87

33.05.020 - Duties of Commissioner (New Subsection)

Requires the commissioner to establish an administrative sanction and incentive program to facilitate a prompt and effective response to violations of probation.

Section 88

33.05.025 - Probation Incentive Reduction (New Section)

Establishes a day-for-day earned compliance credit for probationers who are complying with their conditions of probation, including meetings, drug tests, and paying victim restitution.

Section 89

33.05.040 - Duties of Probation Officers (Amended)

Conforming section to include earned compliance credits, administrative sanctions, and early discharge to the duties of probation officers.

Section 90

33.05.080 - Definitions (New Paragraph)

Defines “administrative sanctions and incentives” to mean responses by a probation officer to a probationer’s compliance or noncompliance with the conditions of probation.

Section 91

33.07.010 - Pretrial Services Program (New Section)

Establishes a pretrial services program at the Department of Corrections to conduct pretrial risk assessments, make recommendations to the court regarding release decisions, and supervise pretrial defendants who are released. Directs the Commissioner to adopt a risk assessment tool and relevant training and regulations.

Outlines duties of pretrial services officers to conduct pretrial risk assessments, make recommendations to the court regarding release and conditions of release, and provide supervision for defendants released pretrial. Authorizes pretrial services officers to make pretrial diversion recommendations and to arrest defendants who have failed to appear or violated their release conditions.

Requires pretrial services officers to recommend release on personal recognizance or unsecured bond for nonviolent, non-DV misdemeanor and Class C felony charges, low- or moderate-risk DUI charges, and other low-risk charges, with limited options for departing from this requirement if the pretrial services officer finds that no combination of non-money conditions can reasonably ensure court appearance and public safety.

Section 92

33.16.010(c) - Parole (Amended)

Conforming to include administrative and special medical parole as not limiting eligibility for mandatory parole.

Section 93

33.16.010(d) - Parole (Amended)

Conforming to include prisoners released on administrative parole as being subject to the conditions of parole imposed by the board.

Section 94

33.16.010 Parole (New Subsection)

Provides for a prisoner meeting the eligibility requirements to be released on administrative parole by the board of parole.

Section 95

33.16.060(a) Duties of the Board (Amended)

Conforming to ensure the parole board shall impose conditions on all prisoners released on parole. Additionally, this section requires the board to notify prisoners who are eligible for administrative and discretionary parole at least 90 days before eligibility.

Section 96

33.16.089 - Eligibility for Administrative Parole (New Section)

Creates administrative parole for inmates convicted of a misdemeanor or Class B or C felony who have not been previously convicted of a felony. These inmates are eligible for administrative parole if they complete the requirements of their

case action plan (including following institutional rules and completing treatment requirements) and if no victim requests a hearing.

Section 97

33.16.090(a) - Eligibility for Discretionary Parole and Minimum Terms to be Served (Amended)

Expands eligibility for discretionary parole to all inmates who are over the age of 55 and have served at least 10 years of a sentence.

Section 98

33.16.090(b) - Eligibility for Discretionary Parole and Minimum Terms to be Served (Amended)

Expands eligibility for discretionary parole to all offenders except Class A or Unclassified sex offenders with a prior felony conviction.

Section 99

33.16.100(a) - Granting of Discretionary Parole (Amended)

Conforming to the expansion of eligibility for discretionary parole.

Section 100

33.16.100(b) - Granting of Discretionary Parole (Amended)

Authorizes the parole board to rescind or revise a previously granted parole release date if there is a change in circumstances in a prisoner's preparole report.

Section 101

33.16.100 - Granting of Discretionary Parole (New Subsection)

Authorizes the parole board to grant discretionary parole to a prisoner who has been convicted of more than one felony, except for an unclassified felony, provided the prisoner is eligible for discretionary parole and has met the requirements of their case plan. If the board finds by clear and convincing evidence that the prisoner poses a threat to the public, discretionary parole is denied.

Section 102

33.16.110(a) - Preparole Reports (Amended)

Requires the parole board to consider the inmate's case plan and re-entry plan when evaluating an inmate's suitability for discretionary parole.

Section 103

33.16.120(a) - Rights of Certain Victims in Connection with Parole (Amended)

Conforming to reflect changes to the parole application process.

Section 104

33.15.120(f) - Rights of Certain Victims in Connection with Parole (Amended)

Conforming to ensure victims receive notification for inmates eligible for administrative parole.

Section 105

33.16.120(g) - Rights of Certain Victims in Connection with Parole (Amended)

Conforming to requires the parole board to notify a victim of a crime involving domestic violence thirty days in advance of discretionary and geriatric parole hearings. Additionally, the board shall inform the victim of any decision to grant or deny parole, and notify the victim of release on parole, including mandatory parole.

Section 106

33.16.120 - Rights of Certain Victims in Connection with Parole (New Subsection)

Requires notice to a victim who has a right to receive notice from the parole board and enables the victim to request a hearing before a prisoner is administratively paroled. The notice to the victim must include the procedure for requesting a hearing.

Section 107

33.16.130 - Parole Procedures (Repealed and Reenacted)

Streamlines the hearing process for discretionary parole by requiring the parole board to hold hearings for all prisoners who are eligible, rather than wait for prisoners to determine eligibility and prepare an application prior to a hearing. If the board denies parole, the board shall provide a written plan for addressing all of the factors relevant to the denial. The board shall schedule a subsequent hearing within two years after the first parole eligibility date, and for additional denials, within two years after the most recent hearing.

Section 108

33.16.140 - Order for Parole (Amended)

Conforming to include administrative parole in list of parole types where a parole order is issued by the board that sets out conditions of release.

Section 109

33.16.150(a) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries mandatory conditions of parole.

Section 110

33.16.150(b) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries conditions that can be imposed by the board or a designated member of the board.

Section 111

33.16.150(e) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that can carry conditions imposed by a designated member of the board acting on behalf of the full board.

Section 112

33.16.150(f) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries additional conditions for a prisoner serving a term for a crime involving domestic violence.

Section 113

33.16.150(g) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries the additional condition of electronic monitoring if the prisoner was sentenced with an aggravating factor relating to street gangs.

Section 114

33.16.180 - Duties of the Commissioner (Amended)

Includes administrative parole as a type of parole that the commissioner is responsible for conducting investigations of prisoner eligibility and notifying the board within 30 days after sentencing of potential eligibility. Requires preparation of pre-parole reports and notification to the parole board of compliance or noncompliance with the prisoner's case plan no less than 30 days before the next parole eligibility date or hearing. The commissioner is required to implement and administer a schedule of sanctions and incentives to facilitate a swift and certain response to violations, while including a process for due process considerations. Additionally, the commissioner shall facilitate the application of earned credit for compliance with the conditions of parole.

Section 115

33.16.200 - Custody of Parolee (Amended)

Conforming to include administrative parolees as a type of parolees that the board retains custody of until the expiration of the maximum term of imprisonment to which the parolee is sentenced.

Section 116

33.16.210 - Discharge of Parolee (Amended)

Reduces the period of time before a parolee becomes eligible for unconditional discharge from parole, in some cases to serve a residual period of probation.

Section 117

33.16.210 - Discharge of Parolee (New Subsection)

Requires the board to initiate early discharge if the parolee has completed at least one year on parole, has completed all required treatment programs, and is in compliance with all other conditions. The board shall also grant monthly parole incentive reductions for compliance with conditions imposed by the board.

Section 118

33.16.215 - Sanctions for a Technical Violation of Parole (New Section)

Provides for a system of imprisonment for technical violations not to exceed three days for the first petition to revoke parole; five days for the second petition to revoke parole; 10 days for the third petition to revoke parole; and up to the remainder of the suspended portion of the sentence for a fourth or subsequent petition to revoke parole. For defendants found absconding, the board may impose a period of imprisonment of up to 30 days. For probationers failing to complete sex offender treatment, the board may impose a period of imprisonment up to the remainder of the suspended portion of the sentence. These limits would not apply to parolees enrolled in the PACE program. Additionally, for probationers with court ordered treatment requirements, it is an affirmative defense that the defendant is unable to afford the cost of treatment despite having made good faith efforts.

Section 119

33.16.220(b) - Revocation of Parole (Amended)

Conforming to include the commission of a new offense or failing to complete a sex offender treatment program as conduct that requires a preliminary hearing to determine if a violation of the conditions of parole occurred.

Section 120

33.16.220(f) - Revocation of Parole (Amended)

Conforming to ensure that revocation hearings for technical violations of parole occur within 15 days, while preserving current process for non-technical offenses.

Section 121

33.16.220(i) - Revocation of Parole (Amended)

Conforming to ensure the limits on parole revocations listed in Section 118 apply. Also conforming to ensure that any credits a parolee earned for compliance under Section 88 cannot indirectly be taken away through a board extension of the term of parole.

Section 122

33.16.220 - Revocation of Parole (New Subsection)

Changes the parole hearing process to ensure that revocation hearings for technical violations of parole occur within 15 days

Section 123

33.16.240(e) - Arrest of a Parole Violator (Amended)

Restricts no-bail orders to the commission of new crimes or probation violations that include failure to comply with sex offender treatment.

Section 124

33.16.240 - Arrest of a Parole Violator (New Subsection)

Provides for a parolee arrested for a technical violation to be released without bail upon reaching imprisonment limits.

Section 125

33.16.900 - Definitions (New Paragraph)

Defines “administrative sanctions and incentives” as a response by a parole officer to a parolee’s compliance or noncompliance with the conditions of parole.

Section 126

33.20.010(c) - Computation of Good Time (Amended)

In addition to providing good time credit for time spent in community residential centers, this section extends credit to individuals on electronic monitoring.

Section 127

33.20.010 - Computation of Good Time (New Subsection)

Allows prisoners convicted of a sexual felony to receive earned credit upon completion of treatment requirements listed in the prisoner's case plan.

Section 128

33.30.011 - Duties of Commissioner (Amended)

Requires the commissioner of corrections to establish a program to assess risk levels for pretrial defendants, as well as establish a procedure for providing a written case plan to prisoners within 90 days of sentencing and a reentry plan at least 90 days before release. Additionally, this section establishes standards for electronic monitoring and the approval of private contractors that provide electronic monitoring.

Section 129

33.30.013(a) - Commissioner to Notify Victims (New Subsection)

Requires the Department of Corrections to notify the victim if the parolee is eligible for a parole reduction for compliance with conditions.

Section 130

30.30.095 - Duties of Commissioner Before Release of Prisoner (New Section)

Requires the Department of Corrections to establish a program to prepare a prisoner for re-entry that begins 90 days before the date of release. The program must include a re-entry plan and instruction on resources available in the community and obtaining state identification.

Section 131

33.30.151 - Correctional Restitution Centers (Amended)

Requires CRC's to provide treatment, reduce mixing low and high risk offenders, and adopt quality assurance measures, including standards for assessing risk levels.

Section 132

43.23.065(b) - Exemption of and Levy on Permanent Fund Dividends (Amended)

Conforming to ensure that forfeiture of an appearance or performance bond is not exempted from permanent fund dividend garnishment

Section 133

47.27.015 - Disqualifying Conditions (New Subsection)

Ends the restriction on eligibility for food stamps for persons convicted of drug felonies, provided the individual is compliant with conditions of probation, has completed treatment, or is working toward rehabilitation.

Section 134

Uncodified Law

Amendment to Court Rule 38 of the Alaska Rules of Criminal Procedure providing for hearing reminders to defendants.

Section 135

Uncodified Law

Amendment to Court Rule 41 of the Alaska Rules of Criminal Procedure prohibiting bail schedules for misdemeanors or felonies.

Section 136

Uncodified Law

Repeals Court Rules 41(d) and (e) in conformance with

Section 137

Uncodified Law

Repealed statutes.

Section 138

Uncodified Law

Indirect Court Rule Amendments to the Alaska Rules of Criminal Procedure.

Section 139

Uncodified Law

Applicability provisions.

Section 140

Uncodified Law

Provides that certain sections of the bill are conditional on a two-thirds majority vote of each house.

Section 141

Uncodified Law

Establishes effective dates for Sections 39-48, 55, 91, and 132.

Section 142

Uncodified Law

Establishes effective dates for Sections 20 and 134.

Section 143

Uncodified Law

Establishes effective dates for Sections 135 and 136.