

33-GH1482\Y
C. Radford
4/29/24

SENATE CS FOR CS FOR HOUSE BILL NO. 66(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal law and procedure; relating to homicide resulting from
2 conduct involving controlled substances; relating to misconduct involving a controlled
3 substance; relating to the crime of stalking; changing the term 'child pornography' to
4 'child sexual abuse material'; relating to competency to stand trial; relating to
5 sentencing; relating to the duty to register as a sex offender; amending the definition of
6 'sex offense'; amending the definition of 'crime involving domestic violence'; relating to
7 multidisciplinary child protection teams; relating to involuntary civil commitments;
8 relating to victims' rights during certain civil commitment proceedings; amending Rule
9 6(s), Alaska Rules of Criminal Procedure; and providing for an effective date."

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

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

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

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

10 (c) The legislature further finds that Rule 6(s), Alaska Rules of Criminal Procedure,
11 as amended by sec. 46 of this Act, is a response, in part, to the decision of the Alaska Court of
12 Appeals in *State v. Powell*, 487 P.3d 609 (Alaska App. 2021).

13 * **Sec. 2.** AS 11.41.110(a) is amended to read:

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

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

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

21 (3) under circumstances not amounting to murder in the first degree
22 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
23 person commits or attempts to commit arson in the first degree, kidnapping, sexual
24 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
25 in the first degree, sexual abuse of a minor in the second degree, burglary in the first
26 degree, escape in the first or second degree, robbery in any degree, or misconduct
27 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)
28 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or
29 in immediate flight from that crime, any person causes the death of a person other than
30 one of the participants;

31 (4) acting with a criminal street gang, the person commits or attempts

1 to commit a crime that is a felony and, in the course of or in furtherance of that crime
2 or in immediate flight from that crime, any person causes the death of a person other
3 than one of the participants; [OR]

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

7 (A) a felony violation of AS 11.41;

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

10 (C) an attempt, a solicitation, or a conspiracy to commit a
11 crime listed in (A) or (B) of this paragraph; or

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

16 * **Sec. 3.** AS 11.41.120(a) is amended to read:

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

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

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

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

28 * **Sec. 4.** AS 11.41.140 is amended to read:

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

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

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

6 * **Sec. 5.** AS 11.41.260(a) is amended to read:

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

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

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

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

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

17 (5) the defendant has been previously convicted of a crime under this
18 section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another
19 jurisdiction with elements similar to a crime under this section, AS 11.41.270, or
20 AS 11.56.740; or

21 (6) the defendant has been previously convicted of a crime, or an
22 attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250,
23 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120, or (B) a
24 law or an ordinance of this or another jurisdiction with elements similar to a crime, or
25 an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250,
26 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, or 11.61.120,
27 involving the same victim as the present offense.

28 * **Sec. 6.** AS 11.61.125(a) is amended to read:

29 (a) A person commits the crime of distribution of child **sexual abuse material**
30 [PORNOGRAPHY] if the person distributes in this state or advertises, promotes,
31 solicits, or offers to distribute in this state any material that is proscribed under

1 AS 11.61.127.

2 * **Sec. 7.** AS 11.61.125(e) is amended to read:

3 (e) Distribution of child **sexual abuse material** [PORNOGRAPHY] is a

4 (1) class B felony; or

5 (2) class A felony if the person has been previously convicted of
6 distribution of child **sexual abuse material** [PORNOGRAPHY] in this jurisdiction or
7 a similar crime in this or another jurisdiction.

8 * **Sec. 8.** AS 11.61.127(a) is amended to read:

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

16 * **Sec. 9.** AS 11.61.127(g) is amended to read:

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

19 * **Sec. 10.** AS 11.66.100(c) is amended to read:

20 (c) A person may not be prosecuted under (a)(1) of this section if the

21 (1) person witnessed or was a victim of, and reported to law
22 enforcement in good faith, one or more of the following crimes:

23 (A) murder in the first degree under AS 11.41.100;

24 (B) murder in the second degree under AS 11.41.110;

25 (C) manslaughter under AS 11.41.120;

26 (D) criminally negligent homicide under AS 11.41.130;

27 (E) assault in the first degree under AS 11.41.200;

28 (F) assault in the second degree under AS 11.41.210;

29 (G) assault in the third degree under AS 11.41.220;

30 (H) assault in the fourth degree under AS 11.41.230;

31 (I) sexual assault in the first degree under AS 11.41.410;

- 1 (J) sexual assault in the second degree under AS 11.41.420;
- 2 (K) sexual assault in the third degree under AS 11.41.425;
- 3 (L) sexual assault in the fourth degree under AS 11.41.427;
- 4 (M) sexual abuse of a minor in the first degree under
- 5 AS 11.41.434;
- 6 (N) sexual abuse of a minor in the second degree under
- 7 AS 11.41.436;
- 8 (O) sexual abuse of a minor in the third degree under
- 9 AS 11.41.438;
- 10 (P) sexual abuse of a minor in the fourth degree under
- 11 AS 11.41.440;
- 12 (Q) robbery in the first degree under AS 11.41.500;
- 13 (R) robbery in the second degree under AS 11.41.510;
- 14 (S) extortion under AS 11.41.520;
- 15 (T) coercion under AS 11.41.530;
- 16 (U) distribution of child sexual abuse material
- 17 [PORNOGRAPHY] under AS 11.61.125;
- 18 (V) possession of child sexual abuse material
- 19 [PORNOGRAPHY] under AS 11.61.127;
- 20 (W) sex trafficking in the first degree under AS 11.66.110;
- 21 (X) sex trafficking in the second degree under AS 11.66.120;
- 22 (Y) sex trafficking in the third degree under AS 11.66.130; or
- 23 (Z) sex trafficking in the fourth degree under AS 11.66.135;
- 24 (2) evidence supporting the prosecution under (a)(1) of this section
- 25 was obtained or discovered as a result of the person reporting the crime to law
- 26 enforcement; and
- 27 (3) person cooperated with law enforcement personnel.
- 28 * **Sec. 11.** AS 11.71.010(a) is amended to read:
- 29 (a) Except as authorized in AS 17.30, a person commits the crime of
- 30 misconduct involving a controlled substance in the first degree if the person
- 31 (1) delivers any amount of a schedule IA controlled substance to a

1 person under 19 years of age who is at least three years younger than the person
2 delivering the substance;

3 (2) delivers any amount of a schedule IIA or IIIA controlled substance
4 to a person under 19 years of age who is at least three years younger than the person
5 delivering the substance; [OR]

6 (3) engages in a continuing criminal enterprise; or

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

9 (A) mentally incapable;

10 (B) incapacitated; or

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

12 * **Sec. 12.** AS 11.71.010(b) is amended to read:

13 (b) For purposes of this section,

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

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

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

19 (i) [(A)] which the person undertakes in concert with at
20 least five other persons organized, supervised, or otherwise managed by
21 the person; and

22 (ii) [(B)] from which the person obtains substantial
23 income or resources;

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

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

26 * **Sec. 13.** AS 11.71.021(a) is amended to read:

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

29 (1) manufactures or delivers any amount of a schedule IA controlled
30 substance or possesses any amount of a schedule IA controlled substance with intent
31 to manufacture or deliver;

1 (2) manufactures or delivers any material, compound, mixture, or
2 preparation that contains

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

4 or

5 (B) an immediate precursor of methamphetamine, or its salts,
6 isomers, or salts of isomers;

7 (3) possesses an immediate precursor of methamphetamine, or the
8 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,
9 with the intent to manufacture any material, compound, mixture, or preparation that
10 contains methamphetamine, or its salts, isomers, or salts of isomers;

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

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

14 or

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

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

19 (6) under circumstances not proscribed under AS 11.71.010(a)(2),
20 delivers

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

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

29 (i) methamphetamine, or its salts, isomers, or salts of
30 isomers;

31 (ii) an immediate precursor of methamphetamine, or its

1 salts, isomers, or salts of isomers; or
 2 (iii) methamphetamine, or its salts, isomers, or salts of isomers in an organic
 3 solution.

4 * **Sec. 14.** AS 12.10.010(a) is amended to read:

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

- 6 (1) murder;
- 7 (2) attempt, solicitation, or conspiracy to commit murder or hindering
 8 the prosecution of murder;
- 9 (3) felony sexual abuse of a minor;
- 10 (4) sexual assault that is an unclassified, class A, or class B felony or a
 11 violation of AS 11.41.425(a)(2) - (4);
- 12 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,
 13 AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person
 14 who, at the time of the offense, was under 18 years of age;
- 15 (6) kidnapping;
- 16 (7) distribution of child sexual abuse material [PORNOGRAPHY] in
 17 violation of AS 11.61.125;
- 18 (8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an
 19 unclassified, class A, or class B felony or that is committed against a person who, at
 20 the time of the offense, was under 20 years of age;
- 21 (9) human trafficking in violation of AS 11.41.360 or 11.41.365.

22 * **Sec. 15.** AS 12.47.070(a) is amended to read:

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

1 may select psychologists to provide assistance. If the defendant has filed notice under
2 AS 12.47.090(a), the report shall consider whether the defendant can still be
3 committed under AS 12.47.090(c). The court may order the defendant to be committed
4 to a secure facility for the purpose of the examination for not more than 60 days or **for**
5 **a** [SUCH] longer period as the court determines to be necessary for the purpose and
6 may direct that a qualified psychiatrist retained by the defendant be permitted to
7 witness and participate in the examination.

8 * **Sec. 16.** AS 12.47.100(b) is amended to read:

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

26 * **Sec. 17.** AS 12.47.100 is amended by adding new subsections to read:

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

31 (1) any medical information provided by the Department of Family

1 and Community Services;

2 (2) the defendant's mental condition;

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

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

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

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

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

15 * **Sec. 18.** AS 12.47.110 is amended by adding new subsections to read:

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

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

23 (2) the defendant's mental condition;

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

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

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

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

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

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

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

7 * **Sec. 19.** AS 12.55.125(c) is amended to read:

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

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

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

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

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

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

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

31 **(C) and the conviction is for manufacturing or delivery**

1 **under AS 11.71.021(a)(1) related to a schedule IA controlled substance set**
 2 **out in AS 11.71.140(c)(29) or under AS 11.71.021(a)(6) related to a**
 3 **schedule IIA controlled substance set out in AS 11.71.150(e)(2), four to 11**
 4 **years;**

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

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

8 * **Sec. 20.** AS 12.55.125(i) is amended to read:

9 (i) A defendant convicted of

10 (1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2),
 11 (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor
 12 under AS 11.41.455(c)(2), or sex trafficking in the first degree under
 13 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
 14 than 99 years and shall be sentenced to a definite term within the following
 15 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

19 (i) less than 13 years of age, 25 to 35 years;

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

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

24 (C) if the offense is a second felony conviction and does not
 25 involve circumstances described in (D) of this paragraph, 30 to 40 years;

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

28 (E) if the offense is a third felony conviction and the defendant
 29 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
 30 to 60 years;

31 (F) if the offense is a third felony conviction, the defendant is

1 not subject to sentencing under (l) of this section, and the defendant has two
2 prior convictions for sexual felonies, 99 years;

3 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B),
4 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor
5 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault
6 in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a
7 minor in the first degree, or sex trafficking in the first degree under
8 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
9 than 99 years and shall be sentenced to a definite term within the following
10 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

29 (3) sexual assault in the second degree, sexual abuse of a minor in the
30 second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the
31 first degree under AS 11.41.458(b)(2), distribution of child **sexual abuse material**

1 [PORNOGRAPHY] under AS 11.61.125(e)(2), or attempt, conspiracy, or solicitation
2 to commit sexual assault in the first degree under AS 11.41.410(a)(1)(B) may be
3 sentenced to a definite term of imprisonment of not more than 99 years and shall be
4 sentenced to a definite term within the following presumptive ranges, subject to
5 adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

29 (B) if the offense is a first felony conviction under
30 AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this
31 paragraph, four to 12 years;

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

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

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

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

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

15 * **Sec. 21.** AS 12.55.127(d) is amended to read:

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

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

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

1 * **Sec. 23.** AS 12.63.010(b) is amended to read:

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

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

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

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

24 (C) all aliases used;

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

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

31 (F) any identifying features of the sex offender or child

1 kidnapper;

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

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

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

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

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

17 * **Sec. 24.** AS 12.63.010(d) is amended to read:

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

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

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

1 * **Sec. 25.** AS 12.63.010 is amended by adding new subsections to read:

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

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

16 * **Sec. 26.** AS 12.63.020(a) is amended to read:

17 (a) The duty of a sex offender or child kidnapper to comply with the
18 requirements of AS 12.63.010 is as follows:

19 (1) for a sex offender or child kidnapper, as that term is defined in
20 AS 12.63.100(6)(A), for each sex offense or child kidnapping, the duty

21 (A) continues for the lifetime of a sex offender or child
22 kidnapper convicted of

23 (i) one aggravated sex offense; or

24 (ii) two or more sex offenses, two or more child
25 kidnappings, or one sex offense and one child kidnapping; for purposes
26 of this section, a person convicted of indecent exposure before a person
27 under 16 years of age under AS 11.41.460 more than two times has
28 been convicted of two or more sex offenses;

29 (B) ends 15 years following the sex offender's or child
30 kidnapper's unconditional discharge from a conviction for a single sex offense
31 that is not an aggravated sex offense or for a single child kidnapping if the sex

1 offender or child kidnapper has supplied proof that is acceptable to the
2 department of the unconditional discharge; the registration period under this
3 subparagraph

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

9 (ii) may include the time a sex offender or child
10 kidnapper was absent from this state if the sex offender or child
11 kidnapper has complied with any sex offender or child kidnapper
12 registration requirements of the jurisdiction in which the offender or
13 kidnapper was located and if the sex offender or child kidnapper
14 provides the department with proof of the compliance while the sex
15 offender or child kidnapper was absent from this state; and

16 (iii) continues for a sex offender or child kidnapper who
17 has not supplied proof acceptable to the department of the offender's or
18 kidnapper's unconditional discharge for the sex offense or child
19 kidnapping requiring registration;

20 (2) for a sex offender or child kidnapper, as that term is defined in
21 AS 12.63.100(6)(B), the duty continues for the period determined by the department
22 under (b) of this section.

23 * **Sec. 27.** AS 12.63.100(7) is amended to read:

24 (7) "sex offense" means

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

30 (B) a crime under AS 11.41.110(a)(3), or a similar law of
31 another jurisdiction, in which the person committed or attempted to commit

one of the following crimes, or a similar law of another jurisdiction:

- (i) sexual assault in the first degree;
- (ii) sexual assault in the second degree;
- (iii) sexual abuse of a minor in the first degree; or
- (iv) sexual abuse of a minor in the second degree;

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

- (i) AS 11.41.410 - 11.41.438;
- (ii) AS 11.41.440(a)(2);
- (iii) AS 11.41.450 - 11.41.458;
- (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent exposure is before a person under 16 years of age and the offender has previously been convicted under AS 11.41.460 or AS 26.05.900(c);
- (v) AS 11.61.125 - 11.61.128;
- (vi) [AS 11.66.110,] 11.66.130(a)(2)(B), or AS 26.05.900(b) if the person who was induced or caused to engage in prostitution was under 20 years of age at the time of the offense;
- (vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200;
- (viii) AS 11.61.118(a)(2) if the offender has a previous conviction for that offense;
- (ix) AS 11.66.100(a)(2) if the offender is subject to punishment under AS 11.66.100(e);
- (x) AS 26.05.890 if the person engaged in sexual penetration or sexual contact with the victim;
- (xi) AS 26.05.890 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command over the victim;
- (xii) AS 26.05.893 if the person engaged in sexual

1 penetration or sexual contact with the victim;

2 (xiii) AS 26.05.900(a) [AS 26.05.900(a)(1) - (4)] if the
3 victim is under 18 years of age at the time of the offense;

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

8 (xv) AS 11.61.123 if the offender is subject to
9 punishment under AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR
10 (2)];

11 (xvi) AS 11.61.130(a)(2); or

12 (xvii) AS 11.66.110 and 11.66.120;

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

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

19 (ii) pandering and prostitution if the person who is
20 induced, enticed, caused, or procured to engage in a sexual act is under
21 20 years of age at the time of the offense; or

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

24 * **Sec. 28.** AS 15.80.010(10) is amended to read:

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

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

9 * **Sec. 29.** AS 18.66.990(3) is amended to read:

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

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

15 (B) burglary under AS 11.46.300 - 11.46.310;

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

17 (D) arson or criminally negligent burning under AS 11.46.400 -
 18 11.46.430;

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

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

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

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

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

24 a pet;

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

28 **or**

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

30 * **Sec. 30.** AS 28.15.046(c) is amended to read:

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

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

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

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

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

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

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

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

(G) felony prostitution under AS 11.66.100(e);

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

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

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

or

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

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

(B) reckless endangerment under AS 11.41.250;

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

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

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

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

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

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

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

11 (B) the minor's alleged commission of

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

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

17 (iii) arson under AS 11.46.400 - 11.46.410;

18 (iv) burglary under AS 11.46.300;

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

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

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

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

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

1 adjudication of the minor as a delinquent.

2 * **Sec. 32.** AS 47.12.315(a) is amended to read:

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

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

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

9 (3) burglary in the first degree;

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

11 (5) sex trafficking in the first degree;

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

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

15 * **Sec. 33.** AS 47.14.300(a) is amended to read:

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

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

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

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

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

6 * **Sec. 34.** AS 47.30 is amended by adding a new section to read:

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

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

13 (b) Upon receiving a petition under (a) of this section, a court shall, unless the
14 presumption in (d) of this section has been successfully rebutted, issue an ex parte
15 order orally or in writing stating that there is probable cause to believe the respondent
16 is mentally ill and that condition causes the respondent to present a likelihood of
17 serious harm to self or others. The court shall appoint an attorney to represent the
18 respondent and may direct that a peace officer take the respondent into custody and
19 deliver the respondent to the nearest appropriate facility for evaluation. The ex parte
20 order shall be provided to the respondent and made a part of the respondent's clinical
21 record. The court shall set a date, time, and place for a 30-day commitment hearing, to
22 be held within 72 hours after entry of the ex parte order. The court shall confirm an
23 oral order in writing within 24 hours after it is issued.

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

27 (d) A defendant charged with a felony offense against a person under
28 AS 11.41 or felony arson and found to be incompetent to proceed under AS 12.47.100
29 is rebuttably presumed to be mentally ill and to present a likelihood of serious harm to
30 self or others. In evaluating whether a defendant is likely to cause serious harm under
31 this section, the court may consider the conduct with which the defendant was

1 originally charged as evidence of recent behavior, regardless of any time spent in
2 custody.

3 * **Sec. 35.** AS 47.30.710(a) is amended to read:

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

9 * **Sec. 36.** AS 47.30.715 is repealed and reenacted to read:

10 **Sec. 47.30.715. Procedure after order.** (a) After the court grants an ex parte
11 order under AS 47.30.705(a) or 47.30.706 authorizing hospitalization for evaluation,
12 the department shall immediately transport a person who is detained at a medical or
13 other facility, including a correctional facility, to a crisis residential center or
14 evaluation facility for an evaluation.

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

20 (c) A person may not be detained for more than seven days while awaiting
21 transportation to a crisis residential center or evaluation facility; however, the
22 department or a facility detaining a person under this section, AS 47.30.705(a), or
23 47.30.706 may file a request to extend the detention based on the person continuing to
24 meet the standards for commitment under AS 47.30.700 and the need for a continued
25 hold. The request must be supported by the verified or certified statement of a mental
26 health professional and be served on the respondent, the respondent's attorney, and the
27 division of the Department of Law that has responsibility for civil cases. When the
28 court decides a request to extend the detention pending transportation, the court shall
29 consider the factors identified in (d) of this section.

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

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

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

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

19 (g) When an evaluation facility receives a proper order for evaluation, it shall
20 accept the order and the respondent for an evaluation period not to exceed 72 hours.
21 The evaluation facility shall promptly notify the court of the date and time of the
22 respondent's arrival. The court shall set a date, time, and place for a 30-day
23 commitment hearing, to be held if needed within 72 hours after the respondent's
24 arrival, and the court shall notify the evaluation facility, the respondent, the
25 respondent's guardian, if any, the respondent's attorney, the petitioner's attorney, if
26 any, and the attorney general of the time and place of the hearing. Evaluation
27 personnel, when used, shall similarly notify the court of the date and time when they
28 first met with the respondent.

29 * **Sec. 37.** AS 47.30.725 is amended by adding new subsections to read:

30 (g) If a criminal charge of a felony offense against a person under AS 11.41 or
31 felony arson against a respondent has been dismissed under AS 12.47.110 and the

1 respondent is detained for evaluation or committed under AS 47.30.700 - 47.30.915,

2 (1) the Department of Law shall notify a victim in the dismissed
3 criminal case

4 (A) of the time and place of a hearing under AS 47.30.700 -
5 47.30.915;

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

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

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

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

15 * **Sec. 38.** AS 47.30 is amended by adding a new section to read:

16 **Sec. 47.30.727. Provision of records and notice following a finding of**
17 **incompetency in a criminal case.** (a) Within 30 days after a respondent has been
18 found incompetent to proceed under AS 12.47.110 and committed under AS 47.30.700
19 - 47.30.915, and every 30 days thereafter until the civil commitment case has
20 concluded, the division of the Department of Law that has responsibility for civil cases
21 shall provide all information and records obtained during the civil commitment to the
22 division of the Department of Law that has responsibility for criminal cases.

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

28 (c) A facility housing a respondent found incompetent to proceed under
29 AS 12.47.110 and committed under AS 47.30.700 - 47.30.915 shall provide notice to
30 the prosecutor in the criminal case of all hearings scheduled by the court in the civil
31 commitment case. The prosecutor, or a staff member of the prosecutor's office, may

1 attend a hearing in the civil commitment case but may not participate in the hearing as
2 a party.

3 * **Sec. 39.** AS 47.30.735(b) is amended to read:

4 (b) The hearing shall be conducted in a physical setting least likely to have a
5 harmful effect on the mental or physical health of the respondent, within practical
6 limits. At the hearing, in addition to other rights specified in AS 47.30.660 -
7 47.30.915, the respondent has the right

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

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

16 (3) to have the hearing open or closed to the public as the respondent
17 elects, **except that, if the respondent was charged with a felony offense against a**
18 **person under AS 11.41 or felony arson and the criminal case was dismissed under**
19 **AS 12.47.110, an alleged victim in the dismissed criminal case and the prosecutor,**
20 **or a staff member of the prosecutor's office, may attend the hearing, but may not**
21 **disclose confidential information from the hearing;**

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

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

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

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

28 (8) to remain silent;

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

31 * **Sec. 40.** AS 47.30 is amended by adding a new section to read:

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

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

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

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

19 (3) the respondent has been found incompetent to stand trial under
20 AS 12.47.100 and 12.47.110 for a felony offense against a person under AS 11.41 or
21 felony arson and that finding of incompetence led directly to the respondent's current
22 period of commitment; and

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

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

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

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

9 * **Sec. 41.** AS 47.30.780(a) is amended to read:

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

15 * **Sec. 42.** AS 47.30.780 is amended by adding new subsections to read:

16 (c) If a respondent committed under AS 47.30.770 or 47.30.771 has a criminal
17 history that includes a felony offense against a person under AS 11.41 or felony arson,
18 including an offense for which the respondent was found incompetent to stand trial
19 under AS 12.47.100 and 12.47.110, the professional person in charge may not
20 discharge the respondent under (a) of this section unless the court enters an order
21 officially terminating the involuntary commitment. The court shall give the
22 prosecuting authority 10 days' notice before the professional person in charge may
23 discharge a respondent under this subsection.

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

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

1 previous petition for early discharge.

2 * **Sec. 43.** AS 47.30.805(a) is amended to read:

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

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

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

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

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

19 (5) a 180-day commitment period expires at the end of the 180th day,
20 after the expiration of a 90-day period of treatment or previous 180-day period,
21 whichever is applicable;

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

24 * **Sec. 44.** AS 47.30.845 is amended to read:

25 **Sec. 47.30.845. Confidential records.** Information and records obtained in the
26 course of a screening investigation, evaluation, examination, or treatment are
27 confidential and are not public records, except as the requirements of a hearing under
28 AS 47.30.660 - 47.30.915 may necessitate a different procedure. Information and
29 records may be copied and disclosed under regulations established by the department
30 only to

31 (1) a physician or a provider of health, mental health, or social and

1 welfare services involved in caring for, treating, or rehabilitating the patient;

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

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

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

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

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

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

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

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

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

24 * **Sec. 45.** The uncodified law of the State of Alaska enacted in sec. 142(c), ch. 4, FSSLA
25 2019, is amended to read:

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

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

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

31 **(B) AS 12.63.020(a)(2) and (b)** [(2) AS 12.63.020], as

amended by sec. 83, ch. 4, FSSLA 2019 [OF THIS ACT];

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

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

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

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

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

* **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to read:

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

(s) Admissibility of Evidence.

(1) Evidence which would be legally admissible at trial shall be admissible before the grand jury. Witnesses [IN APPROPRIATE CASES, HOWEVER, WITNESSES] may be presented to summarize admissible evidence if the admissible evidence will be available at trial. [EXCEPT AS STATED IN SUBPARAGRAPHS (2), (3), AND (6), HEARSAY EVIDENCE SHALL NOT BE PRESENTED TO THE GRAND JURY ABSENT COMPELLING JUSTIFICATION FOR ITS INTRODUCTION. IF HEARSAY EVIDENCE IS PRESENTED TO THE GRAND JURY, THE REASONS FOR ITS USE SHALL BE STATED ON THE RECORD.]

(2) The rules regarding hearsay under Article VIII, Alaska Rules of Evidence, do not apply to grand jury proceedings.

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

1 (i) THE CIRCUMSTANCES OF THE STATEMENT
2 INDICATE ITS RELIABILITY;

3 (ii) THE CHILD IS UNDER 10 YEARS OF AGE
4 WHEN THE HEARSAY EVIDENCE IS SOUGHT TO BE
5 ADMITTED;

6 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
7 TO CORROBORATE THE STATEMENT; AND

8 (iv) THE CHILD TESTIFIES AT THE GRAND JURY
9 PROCEEDING OR THE CHILD WILL BE AVAILABLE TO
10 TESTIFY AT TRIAL.

11 (3) HEARSAY EVIDENCE RELATED TO THE OFFENSE, NOT
12 OTHERWISE ADMISSIBLE, MAY BE ADMITTED INTO EVIDENCE BEFORE
13 THE GRAND JURY IF

14 (i) THE INDIVIDUAL PRESENTING THE
15 HEARSAY EVIDENCE IS A PEACE OFFICER INVOLVED IN THE
16 INVESTIGATION; AND

17 (ii) THE HEARSAY EVIDENCE CONSISTS OF THE
18 STATEMENT AND OBSERVATIONS MADE BY ANOTHER
19 PEACE OFFICER IN THE COURSE OF AN INVESTIGATION;
20 AND

21 (iii) ADDITIONAL EVIDENCE IS INTRODUCED
22 TO CORROBORATE THE STATEMENT.

23 (4) If the testimony presented by a peace officer [UNDER
24 PARAGRAPH (3) OF THIS SECTION] is inaccurate because of intentional, grossly
25 negligent, or negligent misstatements or omissions, then the court shall dismiss an
26 indictment resulting from the testimony if the defendant shows that the inaccuracy
27 prejudices substantial rights of the defendant.

28 [(5) IN THIS SECTION "STATEMENT" MEANS AN ORAL OR
29 WRITTEN ASSERTION OR NONVERBAL CONDUCT IF THE NONVERBAL
30 CONDUCT IS INTENDED AS AN ASSERTION.

31 (6) WHEN A PRIOR CONVICTION IS AN ELEMENT OF AN

1 OFFENSE, HEARSAY EVIDENCE RECEIVED THROUGH THE ALASKA
2 PUBLIC SAFETY INFORMATION NETWORK OR FROM OTHER
3 GOVERNMENT AGENCIES OF PRIOR CONVICTIONS MAY BE PRESENTED
4 TO THE GRAND JURY.]

5 * **Sec. 47.** AS 12.40.110 is repealed.

6 * **Sec. 48.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 APPLICABILITY. (a) AS 11.41.110(a), as amended by sec. 2 of this Act,
9 AS 11.41.120(a), as amended by sec. 3 of this Act, AS 11.41.140, as amended by sec. 4 of
10 this Act, AS 11.41.260(a), as amended by sec. 5 of this Act, AS 11.71.010(a), as amended by
11 sec. 11 of this Act, AS 11.71.010(b), as amended by sec. 12 of this Act, AS 11.71.021(a), as
12 amended by sec. 13 of this Act, AS 12.55.125(c), as amended by sec. 19 of this Act, and
13 AS 18.66.990(3), as amended by sec. 29 of this Act, apply to offenses committed on or after
14 the effective date of secs. 2 - 5, 11 - 13, and 29 of this Act.

15 (b) Except as otherwise provided in this Act, the duty imposed by AS 12.63.010(b), as
16 amended by sec. 23 of this Act, AS 12.63.010(d), as amended by sec. 24 of this Act, and
17 AS 12.63.010(g) and (h), enacted by sec. 25 of this Act, applies to the duty to register as a sex
18 offender or child kidnapper for offenses committed before, on, or after the effective date of
19 secs. 23 - 25 of this Act.

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

24 (d) Nothing in AS 12.63.020(a), as amended by sec. 26 of this Act, may be construed
25 as invalidating a decision by the Department of Public Safety to toll the period of registration
26 or continue the period of registration under AS 12.63 before the effective date of sec. 26 of
27 this Act.

28 (e) AS 12.63.100(7), as amended by sec. 27 of this Act, applies to the duty to register
29 as a sex offender for offenses committed on or after the effective date of sec. 27 of this Act.

30 (f) Rule 6(s), Alaska Rules of Criminal Procedure, as amended by sec. 46 of this Act,
31 applies to indictments occurring on or after the effective date of sec. 46 of this Act for

1 offenses committed before, on, or after the effective date of sec. 46 of this Act.

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

4 **CONDITIONAL EFFECT.** Rule 6(s), Alaska Rules of Criminal Procedure, as
5 amended by sec. 46 of this Act, takes effect only if sec. 46 of this Act receives the two-thirds
6 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

7 * **Sec. 50.** Section 45 of this Act takes effect immediately under AS 01.10.070(c).

8 * **Sec. 51.** Except as provided in sec. 50 of this Act, this Act takes effect January 1, 2025.