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SPONSOR STATEMENT AND BILL ANALYSIS

HB 355 – CRIMINAL FINES FOR ORGANIZATIONS

"An Act relating to criminal fines for organizations."

HB 355 closes a loophole. An organization may not be imprisoned for its criminal acts; only a fine may be levied as punishment. Under current law, the court may impose the greater of (1) the maximum fines set out in the schedule under AS 12.55.035(c)(1), (2) three times the pecuniary gain realized by the defendant, or (3) three times the pecuniary damage or loss caused by the defendant to another. Under the particular factual situations of some crimes, the treble penalties are not applicable. One instance would be if a corporation bribes legislators to stop a piece of legislation (such as tax legislation), but the legislation passes anyway. In this case, there is neither a loss to the government nor a gain to the corporation. HB 355 would allow the court to issue fines in the amount of three times the pecuniary gain *sought* by the defendant or three times the pecuniary damage or loss to another *sought* by the defendant. These would provide alternatives to statutorily set fines.