

**Sec. 33.05.020. Duties of commissioner.**

(a) The commissioner shall appoint and make available to the superior court, where necessary, qualified probation officers and assistants.

(b) The commissioner shall fix probation officers' and assistants' salaries, assign them to the various judicial districts, and shall provide for their necessary expenses including clerical services and travel. The commissioner may assign to all probation officers and personnel any duties concerning the administration of the parole system as provided in AS 33.16.

(c) The commissioner shall by regulation

(1) establish standards for calibration, certification, maintenance, and monitoring of ignition interlock devices required as a condition of probation or as part of a sentence under AS 12.55.102 or another statute; and

(2) establish a fee to be paid by the manufacturer for the cost of certifying an ignition interlock device.

(d) The regulations in (c) of this section must require that the ignition interlock device operate reliably over the range of automobile environments, otherwise known as automobile manufacturing standards, for the geographic area for which the device is certified.

(e) The commissioner shall notify the manufacturer of the ignition interlock device when the device is certified. The commissioner may not certify an ignition interlock device unless the device prominently displays a label warning that a person circumventing or tampering with the device violates AS 11.76.140 and may be imprisoned and fined.

History -

(Sec. 2 ch 105 SLA 1960; am Sec. 8 ch 57 SLA 1989; am Sec. 10, 11 ch 85 SLA 2010)

Amendment Notes -

The 2010 amendment, effective September 14, 2010, in (c), substituted "as a condition of probation or as part of a sentence under AS 12.55.102 or another statute;" for "as a condition of probation under AS 12.55.102"; in (e), substituted "violates AS 11.76.140 and may be imprisoned and fined" for "in violation of AS 11.76.140 may be imprisoned up to 30 days and fined up to \$500".

Decisions -

Probation officers executive officers. The constitution does not assign probation officers to the exclusive jurisdiction of either the executive or the judicial branch of government, such that placing probation officers in the executive branch does not violate the separation of powers doctrine. *Smith v. State, Dep't of Cors.*, 872 P.2d 1218 (Alaska 1994).

Judicial supervision of probation held proper. - Nothing in this section prohibits a trial judge from imposing, on a juvenile defendant who has violated AS 04.16.050, a requirement for defendant to report back to the judge every other week to provide updates on the status of the probation. *Jackson v. State*, 127 P.3d 835 (Alaska Ct. App. 2006).

Applied in *Granato v. Occhipinti*, 602 P.2d 442 (Alaska 1979).

Quoted in *State v. Alaska Pub. Employees Ass'n*, 644 P.2d 236 (Alaska 1982).