

House Bill 14 – Additional Statutory References

Sec. 12.55.005. Declaration of purpose.

The purpose of this chapter is to provide the means for determining the appropriate sentence to be imposed upon conviction of an offense. The legislature finds that the elimination of unjustified disparity in sentences and the attainment of reasonable uniformity in sentences can best be achieved through a sentencing framework fixed by statute as provided in this chapter. In imposing sentence, the court shall consider

- (1) the seriousness of the defendant's present offense in relation to other offenses;
- (2) the prior criminal history of the defendant and the likelihood of rehabilitation;
- (3) the need to confine the defendant to prevent further harm to the public;
- (4) the circumstances of the offense and the extent to which the offense harmed the victim or endangered the public safety or order;
- (5) the effect of the sentence to be imposed in deterring the defendant or other members of society from future criminal conduct;
- (6) the effect of the sentence to be imposed as a community condemnation of the criminal act and as a reaffirmation of societal norms; and
- (7) the restoration of the victim and the community.

Sec. 12.55.027. Credit for time spent toward service of a sentence of imprisonment.

- (a) A court may grant a defendant credit toward a sentence of imprisonment for time spent in a [treatment program](#) that furthers the reformation and rehabilitation of the defendant if the court finds that the program places a substantial restriction on the defendant's freedom of movement and behavior and is consistent with this section.
- (b) A court may only grant credit under this section
 - (1) in the amount of one day of credit toward a sentence of imprisonment for each full day the defendant spent in a [treatment program](#); and
 - (2) if the court ordered the defendant to participate in and comply with the conditions of the [treatment program](#) before the defendant entered the program.
- (c) In granting credit toward a sentence of imprisonment for time spent in a [treatment program](#), a court shall consider the following factors:
 - (1) the restrictions on the defendant's freedom of movement and behavior;
 - (2) the circumstances under which the defendant was enrolled in the program;
 - (3) the residency requirements of the program;
 - (4) the physical custody and supervision of the defendant at the program;
 - (5) the circumstances under which the defendant is permitted to leave the program's facility;
 - (6) the rules of the program and the requirement that the defendant obey the orders of persons who have immediate custody or control over the defendant;
 - (7) the sanctions on the defendant for violating the program's rules or orders;
 - (8) whether the defendant is subject to arrest for leaving the program's facility without permission;
 - (9) the use of an electronic monitoring device;
 - (10) whether the program provides substance abuse treatment;

- (11) the use of other technology that monitors or restricts the defendant's movement and behavior;
 - (12) other factors that support the court's finding that the program places a substantial restriction on the defendant's freedom of movement and behavior;
 - (13) other factors that support the court's finding that the program furthers the reformation and rehabilitation of the defendant.
- (d) A court may grant credit against a sentence of imprisonment for time spent under **electronic monitoring** if the person has not committed a criminal offense while under electronic monitoring and the court imposes restrictions on the person's freedom of movement and behavior while under the electronic monitoring program, including requiring the person to be confined to a residence except for a
- (1) court appearance;
 - (2) meeting with counsel; or
 - (3) period during which the person is at a location ordered by the court for the purposes of employment, attending educational or vocational training, performing community volunteer work, or attending a rehabilitative activity or medical appointment.
- (e) If a defendant intends to claim credit toward a sentence of imprisonment for time spent in a **treatment program** or under **electronic monitoring** either as a condition of probation or as a condition of bail release after a petition to revoke probation has been filed, the defendant shall file notice with the court and the prosecutor 10 days before the disposition hearing. The notice shall include the amount of time the defendant is claiming. The defendant must prove by a preponderance of the evidence that the credit claimed meets the requirements of this section. A court may not consider, except for good cause, a request for credit made under this subsection more than 90 days after the disposition hearing.
- (f) To qualify as a **treatment program** under this section, a program must
- (1) be intended to address criminogenic traits or behaviors;
 - (2) provide measures of progress or completion; and
 - (3) require notification to the pretrial services office or probation officer if the person is discharged from the program for noncompliance.
- (g) A court granting credit against a sentence of imprisonment under (d) of this section may grant credit of not more than 360 days against a total term of imprisonment imposed for
- (1) a felony crime against a person under AS 11.41;
 - (2) a crime involving domestic violence as defined in AS 18.66.990;
 - (3) a sex offense as defined in AS 12.63.100;
 - (4) an offense under AS 11.71 involving the delivery of a controlled substance to a person under 19 years of age;
 - (5) burglary in the first degree under AS 11.46.300; or
 - (6) arson in the first degree under AS 11.46.400.
- (h) Nothing in this section authorizes the release of a person on **electronic monitoring** after conviction and while awaiting sentencing if the person is ineligible for release under AS 12.30.040(b).