

CS FOR SENATE BILL NO. 67(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/5/97

Referred: Finance

Sponsor(s): SENATORS HALFORD, Green, Donley, Kelly, Taylor, Leman, Sharp, Pearce, Torgerson, Mackie, Miller, Phillips

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the imposition of criminal sentences; and amending Rule 32.2,
2 Alaska Rules of Criminal Procedure."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. This Act may be known as the "Truth in Sentencing Act of 1997."

5 * Sec. 2. AS 12.55.015 is amended by adding a new subsection to read:

6 (h) Unless a defendant is ineligible for a deduction under AS 33.20, when a
7 defendant is sentenced to a term of imprisonment of two years or more, the sentence
8 consists of two parts: (1) a minimum term of imprisonment that is equal to not less
9 than two-thirds of the total term of imprisonment; and (2) a maximum term of
10 supervised release on mandatory parole that is equal to not more than one-third of the
11 total term of imprisonment; the amount of time that the inmate actually serves in
12 imprisonment and on supervised release is subject to the provisions of AS 33.20.010 -
13 33.20.060.

14 * Sec. 3. AS 12.55.025(a) is amended to read:

(a) When imposing a sentence for conviction of a felony offense or a sentence of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a regulation adopted under AS 04, or an ordinance adopted in conformity with AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that includes the following:

(1) a verbatim record of the sentencing hearing and any other in-court sentencing procedures;

(2) findings on material issues of fact and on factual questions required to be determined as a prerequisite to the selection of the sentence imposed;

(3) a clear statement of the terms of the sentence imposed; **if a term of imprisonment is imposed, the statement must include**

(A) the approximate minimum term the defendant is expected to serve before being released or placed on mandatory parole if the defendant is eligible for and does not forfeit good conduct deductions under AS 33.20.010; and

(B) if applicable, the approximate minimum term of imprisonment the defendant must serve before becoming eligible for release on discretionary parole;

(4) any recommendations as to the place of confinement or the manner of treatment; and

(5) in the case of a conviction for a felony offense, information assessing

(A) the financial, emotional, and medical effects of the offense on the victim;

(B) the need of the victim for restitution; and

(C) any other information required by the court.

* **Sec. 4.** AS 12.55.025 is amended by adding a new subsection to read:

(j) The approximate minimum terms provided under (a)(3) of this section in the sentencing report are for information purposes only. The approximate minimum terms are not part of the sentence imposed and do not form a basis for review or appeal of the sentence imposed or provide a defendant with a right to any specific term

1 of imprisonment or supervised release on mandatory parole.

2 * **Sec. 5.** Rule 32.2(e), Alaska Rules of Criminal Procedure, is amended to read:

3 (e) **Imposition of Sentence.** At the sentencing hearing, the judge shall impose
4 sentence and shall clearly state the precise terms of the sentence imposed, the reasons
5 for the selecting the particular sentence, and the purposes the sentence is intended to
6 serve. **If a term of imprisonment is imposed, the judge shall, for information**
7 **purposes, identify the approximate term of imprisonment the defendant must**
8 **serve if the defendant is eligible for and does not forfeit good conduct deductions**
9 **under AS 33.20.010, and if applicable, the approximate minimum term of**
10 **imprisonment the defendant must serve before becoming eligible for release on**
11 **discretionary parole. The approximate terms of imprisonment provided for**
12 **information purposes are not part of the sentence imposed and do not form a**
13 **basis for review or appeal of the sentence imposed.**

14 * **Sec. 6.** The amendments of AS 12.55.025, made by secs. 3 - 4 of this Act, amend
15 Rule 32.2, Alaska Rules of Criminal Procedure, by adding requirements for sentencing reports.

16 * **Sec. 7.** This Act takes effect only if secs. 5 and 6 of this Act receive the two-thirds
17 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.