

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 27, 2016

SUBJECT: Presumptive range for class C felony (HCS CSSSSB 91(FIN);
Work Order No. 29-LS0541\T.8)

TO: Representative Steve Thompson
Co-Chair of the House Finance Committee
Attn: Brodie Anderson

FROM: Hilary V. Martin 
Legislative Counsel

You have asked about the language in amendment T.8 to HCS CSSSSB 91(FIN).

The amendment changes the presumptive range for a sentence for a first felony conviction of a class C felony in AS 12.55.125(e)(1) to match language that was in version "V" of the bill. If the amendment is adopted, the presumptive range for a class C felony when the offense is a first felony conviction would be probation, with a suspended term of imprisonment of zero to 18 months.

You have also asked whether the sentencing aggravators and mitigators in AS 12.55.155 would apply to this sentence. The answer is yes. AS 12.55.125(e) states:

(e) Except as provided in (i) of this section, a defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to a definite term within the following presumptive ranges, *subject to adjustment as provided in AS 12.55.155 - 12.55.175 . . .*^[1] [Emphasis added.]

The language in (e) allows for a sentence to be imposed outside of the presumptive range of probation with a suspended term of imprisonment of zero to 18 months if an aggravating or mitigating factor is found under AS 12.55.155.²

If I may be of further assistance, please advise.

HVM:lem
16-400.lem

¹ AS 12.55.165 and AS 12.55.175 relate to when and how a case can be sent to a three-judge panel for sentencing.

² AS 12.55.155(a)(1) allows a sentence to be increased "up to the maximum term of imprisonment for factors in aggravation."