

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 218

BY REPRESENTATIVE CHENAULT

1 Page 1, line 3, following "**employee**":

2 Insert "; **providing that deportation is not a proper factor for referral of a case to**
3 **a three-judge panel for sentencing for a felony; and providing for an effective date**"

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5 Page 1, following line 4:

6 Insert a new bill section to read:

7 **"* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 LEGISLATIVE INTENT FOR SECTIONS 3 AND 4 OF THIS ACT. It is the intent
10 of the legislature that AS 12.55.165(d), added by sec. 3 of this Act, and AS 12.55.175(g),
11 added by sec. 4 of this Act, overturn the decision of the Alaska Court of Appeals in State v.
12 Silvera, 309 P.3d 1277 (Alaska Ct. App. 2013), and the Alaska Supreme Court in Dale v.
13 State, 626 P.2d 1062 (Alaska 1980) to the extent that the decisions hold that the risk of
14 deportation may be considered a basis for referral of a felony sentencing to a three-judge
15 panel."

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17 Page 1, line 5:

18 Delete "**Section 1**"

19 Insert "**Sec. 2**"

20

21 Renumber the following bill section accordingly.

22

23 Page 6, following line 4:

1 Insert new bill sections to read:

2 **"* Sec. 3.** AS 12.55.165 is amended by adding a new subsection to read:

3 (d) A court may not refer a case to a three-judge panel under (a) of this section
4 if the request for referral is based, in whole or in part, on the claim that a sentence
5 within the presumptive range may result in the classification of the defendant as
6 deportable under federal immigration law or that collateral consequences may or will
7 result if the defendant is classified as deportable.

8 *** Sec. 4.** AS 12.55.175 is amended by adding a new subsection to read:

9 (g) A defendant being sentenced under AS 12.55.125(c), (d), (e) or (i) may not
10 establish, nor may a three-judge panel find under (b) of this section or any other
11 provision of law, that manifest injustice would result from imposing a sentence within
12 the presumptive range based, in whole or in part, on the claim that the sentence may
13 result in the classification of the defendant as deportable under federal immigration
14 law or that collateral consequences may or will result if the defendant is classified as
15 deportable.

16 *** Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **APPLICABILITY.** (a) Section 2 of this Act applies to offenses committed on or after
19 the effective date of this Act.

20 (b) Sections 3 and 4 of this Act apply to offenses committed before, on, or after the
21 effective date of this Act if the sentence is imposed on or after the effective date of this Act.

22 *** Sec. 6.** This Act takes effect July 1, 2014."