



LAWS OF ALASKA

1966

Source:
SB 176

Chapter No.:

6

AN ACT

Relating to habitual criminals.

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

* Section 1. AS 12.55.060 is amended to read:

Sec. 12.55.060. PROCEDURE UPON DISCOVERY OF PRIOR CONVICTIONS. (a) Before conviction or while sentence is effective, if it appears that a person convicted of a crime in this state has previously been convicted and has not been charged under secs. 40 and 50 of this chapter, the district attorney may file an information in the superior court accusing that person of the previous conviction or convictions. The court shall cause that person, whether confined in prison or otherwise, to be brought before it and shall inform him of the allegations contained in the information and of his right to be tried as to the truth of the allegations, and shall require the accused person to say whether or not he is the same person as charged in the information. If the accused acknowledges or confesses in open court, after being cautioned as to his rights, that he was

previously convicted of the crimes charged, or any of them, the court shall sentence him as provided in secs. 40 or 50 of this chapter, and shall vacate the previous sentence, deducting from the new sentence all time actually served on the sentence so vacated. If the accused says he is not the same person, or refuses to answer, or remains silent, the court shall examine the charge of previous convictions, which shall be the only matter in issue.

(b) If it appears from the examination that there is sufficient cause to believe the accused has been previously convicted as charged in the information, the accused shall be committed to await the action of the grand jury, which shall consider only the fact of previous convictions of the accused. If the grand jury indicts the accused and he says he is not the same person, or refuses to answer, or remains silent, he shall be tried by jury in the superior court, and the only issue before the jury shall be whether the accused was previously convicted as charged. If the jury finds that the accused is the same person previously convicted as charged, or if, after being cautioned as to his rights, the accused acknowledges or confesses in open court that he was previously convicted as charged, the court shall sentence him as provided in secs. 40 or 50 of this chapter, and shall vacate the previous sentence, deducting from the new sentence all time served on the vacated sentence.

(c) The accused may be admitted to bail either while awaiting examination, action of the grand jury, or trial.