

CHAPTER 67

AN ACT

Making certain appropriations; and providing for an effective date.

(C.S.H.B. 45)

Be It Enacted by the Legislature of the State of Alaska:

Section 1. The sum of \$583.95 is appropriated from the general fund to reimburse Northern Consolidated Airlines for services furnished the Alaska Court System, the Department of Health and Welfare, and the Department of Public Safety in prior fiscal years.

Sec. 2. The sum of \$240 is appropriated from the general fund to reimburse the Addressograph-Multigraph Corporation for equipment furnished the Department of Revenue during the fiscal year ending June 30, 1960.

Sec. 3. The sum of \$323.87 is appropriated from the general fund to reimburse the IBM Corporation for services furnished the Department of Highways in prior fiscal years.

Sec. 4. The sum of \$80.96 is appropriated from the general fund to reimburse the General Services Administration for equipment furnished the Alaska Court System during the fiscal year ending June 30, 1960.

Sec. 5. The sum of \$624 is appropriated from the general fund to reimburse Dr. J. Ray. Langdon for consulting services provided for the Department of Health and Welfare during the fiscal year ending June 30, 1961.

Sec. 6. The sum of \$28 is appropriated from the general fund to reimburse Laurel Ragona for services furnished the Department of Health and Welfare during the fiscal year ending June 30, 1962.

Sec. 7. The sum of \$914.35 is appropriated from the general fund to reimburse Frank W. Coletta for losses incurred as a result of rendering services for the Department of Public Safety in July, 1963.

Sec. 8. The sum of \$340.48 is appropriated from the general fund to reimburse the Firestone Tire and Rubber Company for supplies furnished the Department of Public Safety during 1959, 1960, and 1961.

Sec. 9. The sum of \$9,000 is appropriated from the general fund to reimburse Harvey Hodge and Alma Billie Hodge, d/b/a Wrangell Cleaners and Laundry, in accordance with a judgment issued by the Superior Court for the State of Alaska, First Judicial District, on December 2, 1964, Civil Action No. 64-38.

Sec. 10. The sum of \$437.48 is appropriated from the general fund to the Department of Revenue for the reissue of stale date warrants.

Sec. 11. The sum of \$10,322 is appropriated from the general fund to pay Mike Stepovich rent due for office space for the Department of Labor in Fairbanks for April through October 1963. The sum of \$930 is appropriated from the general fund to pay interest on this obligation.

Sec. 12. The sum of \$2,253.17 is appropriated to reimburse the Chugach Electric Association, Inc. for services performed at Kulis Air Force Base in 1957.

From General Fund.....\$ 563.29
From Federal Program Receipts 1,689.88

Sec. 13. The sum of \$12,330 is appropriated from the general fund to the Matanuska-Susitna Borough to recover the proceeds of state sales of borough selected lands in the Matanuska-Susitna Borough during the fiscal year ending June 30, 1964.

Sec. 14. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 14, 1965

CHAPTER 68

AN ACT

Relating to sentencing, probation, and parole of persons convicted in criminal actions; and providing for an effective date.

(H.B. 67)

Be It Enacted by the Legislature of the State of Alaska:

Section 1. AS 11.05.060 is repealed and re-enacted to read:

Sec. 11.05.060. **Judgment of Imprisonment.** A judgment of imprisonment in the penitentiary need only specify the duration and place of confinement. The manner of the confinement and the treatment and employment of the person sentenced shall be regulated and governed by the law in force prescribing the discipline of the penitentiary in which he is confined and the treatment and employment of persons sentenced to confinement in it.

Sec. 2. AS 11.05.140 is repealed and re-enacted to read:

Sec. 11.05.140. **Duty of Court to Determine and Impose Punishment.** The court authorized to pass sentence shall determine and impose the punishment prescribed. When punishment is left undetermined between certain limits or kinds of punishment, the court shall determine the punishment to be inflicted.

Sec. 3. AS 11.05 is amended by adding a new section to read:

Sec. 11.05.150. **Imposing Less Than Prescribed Penalty.** Except in a case of murder or rape, the court may, upon conviction, when in its opinion the facts and circumstances make the minimum penalty provided in this title manifestly too severe, impose a lesser penalty, either of a fine or imprisonment or both. When less than the minimum penalty is imposed, the court shall set out the reasons for its action on the record in the case.

Sec. 4. AS 11.15.010 is amended to read:

Sec. 11.15.010. **First Degree Murder.** A person who, being of sound memory and discretion, purposely, and either of deliberate and premeditated malice or by means of poison, or in perpetrating or in attempting to perpetrate, rape, arson, robbery, or burglary kills another, is guilty of murder in the first degree,

and shall be sentenced to imprisonment for not less than 20 years to life.

Sec. 5. AS 11.15.020 is amended to read:

Sec. 11.15.020. **Obstructing or Injuring Railroad or Aircraft.** A person who maliciously (1) places an obstruction upon a railroad or street railroad, or displaces or injures anything appertaining to a railroad or street railroad, or does any other act with intent to endanger the passage of a locomotive or car, and thereby occasions the death of another, or (2) causes or attempts to cause damage or injury to, or places obstruction or explosive material on, in or about an aircraft, or who commits any other act with intent to endanger the safety of flight, operation or passage of an aircraft and thereby occasions or implements the death of another, is guilty of murder in the first degree, and shall be sentenced to imprisonment for not less than 20 years to life.

Sec. 6. AS 11.15.030 is amended to read:

Sec. 11.15.030. **Second Degree Murder.** Except as provided in secs. 10 and 20 of this chapter, a person who purposely and maliciously kills another is guilty of murder in the second degree, and shall be sentenced to imprisonment for a term of not less than 15 years to life.

Sec. 7. AS 12.55.050(3) is amended to read:

(3) If the person has previously been convicted of three or more felonies, then on the fourth conviction he shall be adjudged an habitual criminal, and is punishable by imprisonment for not less than 20 years nor more than the remainder of his natural life.

Sec. 8. AS 12.55.080 is repealed and re-enacted to read:

Sec. 12.55.080. **Suspension of Sentence and Probation.** Upon entering a judgment of conviction of a crime, or at any time within 60 days from the date of entry of that judgment of conviction, a court, when satisfied that the ends of justice and the best interest of the public

as well as the defendant will be served thereby, may suspend the imposition or execution or balance of the sentence or a portion thereof, and place the defendant on probation for a period and upon the terms and conditions as the court considers best.

Sec. 9. AS 33.15.180 is amended to read:

Sec. 33.15.180. **Persons Eligible for Parole.** A state prisoner, other than a juvenile delinquent, wherever confined and serving a definite term of over 180 days or a term the minimum of which is at least 181 days, whose record shows that he has observed the rules of the institution in which he is confined, may, in the discretion of the board, be released on parole.

Sec. 10. AS 33.15 is amended by adding a new section to read:

Sec. 33.15.230. **Fixing Eligibility for Parole at Time of Sentencing.** (a) Upon entering a judgment of conviction, the court having jurisdiction to impose sentence, when in its opinion the ends of justice and best interests of the public require that the defendant be sentenced to imprisonment for a term exceeding one year, may

(1) designate in the sentence of imprisonment imposed a minimum term at the expiration of which the prisoner is eligible for parole, which term may be less than, but shall not be more than one-third of the maximum sentence imposed by the court; or

(2) fix the maximum sentence of imprisonment to be served, in which

case the court may specify that the prisoner is eligible for parole at the time the board determines.

(b) Upon commitment of a prisoner sentenced to imprisonment under (a) of this section, the commissioner, under such regulations as the board prescribes, shall have a complete study made of the prisoner and shall furnish to the board a summary report together with any recommendations which, in his opinion, would be helpful in determining the suitability of the prisoner for parole. This report may include, but shall not be limited to, data regarding the prisoner's previous delinquency or criminal experience, circumstances of his social background, his capabilities, his mental and physical health, and such other factors considered pertinent. The board may make such other investigation as it considers necessary.

(c) Parole officers and government bureaus and agencies shall furnish the board information concerning the prisoner, and, whenever not incompatible with the public interest, their views and recommendations with respect to the parole disposition of his case.

(d) The board may adopt rules and regulations for the supervision, discharge from supervision, or recommitment of paroled prisoners.

Sec. 11. AS 12.55.090(d) and (e) are repealed.

Sec. 12. This Act takes effect July 1, 1965.

Approved April 14, 1965

CHAPTER 69

AN ACT

Relating to the Alaska net income tax; and providing for an effective date.

(C.S.H.B. 69)

Be It Enacted by the Legislature of the State of Alaska:

Section 1. AS 43.20.010(a) is repealed and re-enacted to read:

(a) There is levied and there shall be collected and paid for each taxable year upon the net income of every resident and nonresident individual, fiduciary and bank that is required to make