

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 125

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR DONLEY

Introduced: 1/9/96

Referred: JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act increasing fines and imposing, and relating to, surcharges for certain
2 criminal offenses."

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

4 * **Section 1.** AS 12.55.035(b) is amended to read:

5 (b) Except as provided in AS 12.55.036, upon conviction of an offense, a
6 defendant who is not an organization may be sentenced to pay, unless otherwise
7 specified in the provision of law defining the offense, a fine of no more than

8 (1) \$500,000 [\$75,000] for murder in the first or second degree,
9 attempted murder in the first degree, sexual assault in the first degree, sexual abuse of
10 a minor in the first degree, kidnapping, or misconduct involving a controlled substance
11 in the first degree;

12 (2) \$250,000 [\$50,000] for a class A **felony, \$100,000 for a class** [,]
13 **B felony,** or \$50,000 for a class C felony;

14 (3) \$5,000 for a class A misdemeanor;

- 1 (4) \$1,000 for a class B misdemeanor;
2 (5) \$300 for a violation.

3 * **Sec. 2.** AS 12.55.035(c) is amended to read:

4 (c) Except as provided in AS 12.55.036, upon conviction of an offense, a
5 defendant that is an organization may be sentenced to pay a fine not exceeding the
6 greater of

7 (1) an amount that is

8 (A) **\$1,000,000** [\$500,000] for a felony offense or for a
9 misdemeanor offense that results in death;

10 (B) \$200,000 for a class A misdemeanor offense that does not
11 result in death;

12 (C) \$25,000 for a class B misdemeanor offense that does not
13 result in death;

14 (D) \$10,000 for a violation;

15 (2) **three** [TWO] times the pecuniary gain realized by the defendant as
16 a result of the offense; or

17 (3) **three** [TWO] times the pecuniary damage or loss caused by the
18 defendant to another, or to the property of another, as a result of the offense.

19 * **Sec. 3.** AS 12.55.039(a) is amended to read:

20 (a) In addition to any fine or other penalty **or surcharge or other cost**
21 prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail
22 for, or is convicted of a violation of a vehicle or traffic offense under AS 28, a
23 regulation adopted under AS 28, or a municipal ordinance under AS 28.01.010 shall
24 be assessed a **law enforcement training** surcharge of

25 (1) \$10 if the violation is for other than a violation of AS 28.15.291,
26 AS 28.33.030, 28.33.031, AS 28.35.030, 28.35.032, 28.35.040, 28.35.060, or a
27 comparable municipal ordinance; or

28 (2) \$25 if the violation is a violation of AS 28.15.291, AS 28.33.030,
29 28.33.031, AS 28.35.030, 28.35.032, 28.35.040, 28.35.060, or a comparable municipal
30 ordinance.

31 * **Sec. 4.** AS 12.55 is amended by adding a new section to read:

1 Sec. 12.55.041. CRIME VICTIMS' SURCHARGE FOR FELONY AND
2 MISDEMEANOR CONVICTIONS. (a) In addition to a fine or other penalty
3 or a surcharge or other cost prescribed by law, a defendant who pleads guilty or
4 nolo contendere to, forfeits bail for, or is convicted of a felony or misdemeanor
5 under the laws of this state shall be assessed a crime victims' surcharge of

6 (1) \$50 if the matter is a misdemeanor;

7 (2) \$100 if the matter is a felony other than a felony listed in (3)
8 of this subsection; and

9 (3) \$200 if the matter is a felony under AS 11.41 or is arson in the
10 first degree under AS 11.46.400.

11 (b) A court may not fail to impose the surcharge required under this
12 section. The surcharge may not be waived, deferred, or suspended. A court may
13 allow a defendant, who is unable to pay the surcharge required to be imposed
14 under this section, to perform community work under AS 12.55.055(c) in lieu of
15 the surcharge.

16 (c) The surcharge shall be paid within 10 days of imposition or such
17 shorter period of time as ordered by the court. Failure to pay the surcharge is
18 punishable as contempt of court. Proceedings to collect the surcharge may be
19 instituted by the state or by the court on its own motion.

20 (d) Money collected under this section shall be deposited into the general
21 fund and accounted for under AS 37.05.142. The legislature may appropriate the
22 annual estimated balance in the account maintained under this section to the crime
23 victim compensation fund under AS 18.67.162, for the operation of the Violent Crimes
24 Compensation Board, or for another public purpose. Nothing in this subsection creates
25 a dedicated fund.

26 * **Sec. 5. APPLICABILITY.** The amendments made by this Act apply to offenses
27 committed on or after the effective date of this Act.