

SENATE BILL NO. 209

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 establishing a minimum sentence of imprisonment for certain kidnappings;
2 and amending Alaska Rule of Criminal Procedure 35(b)(3)."

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

4 * **Section 1.** AS 12.55.025(e) is amended to read:

5 (e) Except as provided in (g) and (h) of this section, if the defendant has been
6 convicted of two or more crimes, sentences of imprisonment shall run consecutively.

7 If the defendant is imprisoned upon a previous judgment of conviction for a crime, the
8 judgment shall provide that the imprisonment commences at the expiration of the term
9 imposed by the previous judgment. Nothing in AS 12.55.125(a) or 12.55.125(b)(2)
10 limits the court's ability to impose consecutive sentences.

11 * **Sec. 2.** AS 12.55.125(b) is amended to read:

12 (b) A defendant convicted of

13 (1) murder in the second degree, attempted murder in the first degree,
14 conspiracy to commit murder in the first degree, [KIDNAPPING,] or misconduct

1 involving a controlled substance in the first degree shall be sentenced to a definite term
2 of imprisonment of at least five years but not more than 99 years;

3 (2) kidnapping shall be sentenced to a definite term of
4 imprisonment of at least five years but not more than 99 years; however, a
5 defendant convicted of the unclassified felony of kidnapping shall be sentenced to
6 a mandatory term of imprisonment of 99 years if, on the date of imposition of
7 sentence, as a result of the kidnapping, the court does not know the whereabouts
8 of the victim.

9 * **Sec. 3.** AS 12.55.125(j) is amended to read:

10 (j) A defendant sentenced to a mandatory term of imprisonment of 99 years
11 under (a) or (b)(2) of this section may apply for a modification or reduction of
12 sentence under the Alaska Rules of Criminal Procedure after serving one-half of the
13 mandatory term without consideration of good time earned under AS 33.20.010.

14 * **Sec. 4.** AS 33.16.090(b) is amended to read:

15 (b) Except as provided in (e) of this section, a prisoner is not eligible for
16 discretionary parole during the term of a presumptive sentence; however, a prisoner
17 is eligible for discretionary parole during a term of sentence enhancement imposed
18 under AS 12.55.155(a) or during the term of a consecutive or partially consecutive
19 presumptive sentence imposed under AS 12.55.025(e) or (g). A prisoner sentenced to
20 a mandatory 99-year term under AS 12.55.125(a) or 12.55.125(b)(2) is not eligible for
21 discretionary parole during the entire term.

22 * **Sec. 5.** The amendment of AS 12.55.125(j) made by sec. 3 of this Act has the effect of
23 amending Alaska Rule of Criminal Procedure 35(b)(3) by allowing a defendant who was
24 sentenced to a mandatory 99-year term of imprisonment under AS 12.55.125(b)(2) to apply
25 for a modification or reduction of the sentence after serving one-half of the mandatory term
26 without consideration of good time earned under AS 33.20.010.