

SENATE BILL NO. 264

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATORS HALFORD, Taylor, Green, Donley

Introduced: 2/7/96

Referred: JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act limiting the authority of courts to suspend the imposition of sentence
2 in criminal cases."

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

4 * **Section 1.** AS 12.55.085(f) is amended to read:

5 (f) The court may not suspend the imposition of sentence of a person who

6 (1) is convicted of a **crime against a person or arson in the first**
7 **degree** [VIOLATION OF AS 11.41.410 - 11.41.455];

8 (2) uses a firearm in the commission of the offense for which the
9 person is convicted; or

10 (3) is convicted of a **felony** [VIOLATION OF AS 11.41.210 -
11 11.41.270 OR 11.41.510 - 11.41.530,] and the person has [, WITHIN THE 10 YEARS
12 PRECEDING THE COMMISSION OF THE OFFENSE FOR WHICH THE PERSON
13 HAS BEEN CONVICTED,] one or more prior convictions for a **felony** [VIOLATION
14 OF AS 11.41] or for a violation of a law in this or another jurisdiction having

1 substantially similar elements to an offense defined as a felony in this state [IN
2 AS 11.41]; for the purposes of this paragraph, a person shall be considered to have a
3 prior conviction even if that conviction has been set aside under (e) of this section or
4 under the equivalent provision of the laws of another jurisdiction.

5 * **Sec. 2.** AS 12.55.135(e) is amended to read:

6 (e) Except as provided in AS 12.55.055(f), if a defendant is sentenced under

7 (1) (c) or (d) [(c), (d), OR (f)] of this section,

8 (A) [(1)] execution of sentence may not be suspended and
9 probation or parole may not be granted until the minimum term of
10 imprisonment has been served;

11 (B) [(2)] IMPOSITION OF A SENTENCE MAY NOT BE
12 SUSPENDED EXCEPT UPON CONDITION THAT THE DEFENDANT BE
13 IMPRISONED FOR NO LESS THAN THE MINIMUM TERM OF
14 IMPRISONMENT PROVIDED IN THE SECTION; AND

15 (3)] the minimum term of imprisonment may not otherwise be reduced;

16 **and**

17 (2) (f) of this section,

18 (A) execution of sentence may not be suspended and
19 probation or parole may not be granted until the minimum term of
20 imprisonment has been served;

21 (B) the minimum term of imprisonment may not otherwise
22 be reduced; and

23 (C) imposition of sentence may not be suspended except
24 upon condition that the defendant be imprisoned for no less than the
25 minimum term of imprisonment provided in the section.

26 * **Sec. 3.** APPLICABILITY. This Act applies to offenses committed on or after the
27 effective date of this Act. References to prior convictions refer to convictions occurring
28 before, on, or after the effective date of this Act.