

SENATE BILL NO. 67

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATORS HALFORD, Green, Donley

Introduced: 1/29/97

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the imposition of criminal sentences; and amending Rule 32.2,
2 Alaska Rules of Criminal Procedure."

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

4 * **Section 1.** This Act may be known as the "Truth in Sentencing Act of 1997."

5 * **Sec. 2** AS 12.55.025(a) is amended to read:

6 (a) When imposing a sentence for conviction of a felony offense or a sentence
7 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a
8 regulation adopted under AS 04, or an ordinance adopted in conformity with
9 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that
10 includes the following:

11 (1) a verbatim record of the sentencing hearing and any other in-court
12 sentencing procedures;

13 (2) findings on material issues of fact and on factual questions required
14 to be determined as a prerequisite to the selection of the sentence imposed;

1 (3) a clear statement of the terms of the sentence imposed; **this**
 2 **statement must include, at a minimum,**

3 (A) **the sentence imposed;**

4 (B) **the term of incarceration imposed, if any, including the**
 5 **minimum term the defendant is expected to actually serve prior to being**
 6 **released or placed on mandatory parole if the defendant's deduction for**
 7 **good conduct under AS 33.20.010 is not forfeited; and**

8 (C) **the minimum term of incarceration the defendant must**
 9 **serve before becoming eligible for release on discretionary parole;**

10 (4) any recommendations as to the place of confinement or the manner
 11 of treatment; and

12 (5) in the case of a conviction for a felony offense, information
 13 assessing

14 (A) the financial, emotional, and medical effects of the offense
 15 on the victim;

16 (B) the need of the victim for restitution; and

17 (C) any other information required by the court.

18 * **Sec. 3.** Rule 32.2(e), Alaska Rules of Criminal Procedure, is amended to read:

19 (e) **Imposition of sentence.** At the sentencing hearing, the judge shall impose
 20 sentence and shall clearly state the precise terms of the sentence imposed, the reasons
 21 for the selecting the particular sentence, and the purposes the sentence is intended to
 22 serve. **In stating the precise terms of the sentence imposed, the judge shall**
 23 **identify the minimum term of incarceration imposed, if any, the term of**
 24 **incarceration the defendant is expected to actually serve if the defendant is**
 25 **eligible for and does not forfeit good conduct deductions under AS 33.20.010, and**
 26 **the minimum term of incarceration, if any, the defendant must serve before**
 27 **becoming eligible for release on discretionary parole.**

28 * **Sec. 4.** The amendment of AS 12.55.025(a), made by sec. 2 of this Act, amends
 29 Rule 32.2, Alaska Rules of Criminal Procedure, by adding requirements for sentencing reports.

30 * **Sec. 5.** This Act takes effect only if secs. 3 and 4 of this Act receive the two-thirds
 31 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.