

CS FOR SENATE BILL NO. 67(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/6/97

Referred: Judiciary

Sponsor(s): SENATORS HALFORD, Green, Donley

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

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

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

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

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

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

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

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

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

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

31 * **Sec. 5.** This Act takes effect only if secs. 3 and 4 of this Act receive the two-thirds

- 1 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.