

CS FOR HOUSE BILL NO. 372(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/7/00

Referred: Rules

Sponsor(s): REPRESENTATIVES DYSON, Berkowitz, Davies, Ogan, Kemplen, Murkowski, Smalley, James, Therriault, Croft, Cissna

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal sentencing and restitution."**

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

3 * **Section 1.** AS 12.55 is amended by adding a new section to read:

4 **Sec. 12.55.011. Victim and community involvement in sentencing.** A court,
5 when considering and imposing sentence under this chapter for an offense other than
6 a violation of AS 11.41, AS 11.46.400, or a crime involving domestic violence, may
7 permit the victim and the offender to submit a sentence for the court's review based
8 upon a negotiated agreement between the victim and the offender, or between the
9 offender and the community if there is no victim. The court may, with the consent of
10 the victim and the offender, impose the sentence that has been determined by the
11 negotiated agreement between the offender and the victim, or between the offender and
12 the community if there is no victim, if that sentence otherwise complies with this
13 chapter and accomplishes the goals of restoration of the victim and the community and
14 rehabilitation of the offender. Before accepting a negotiated agreement, the court shall
15 determine that the victim has not been intimidated or coerced in reaching the

1 agreement. In this section, "community" has the meaning determined by the court.

2 * **Sec. 2.** AS 12.55.045 is amended by adding a new subsection to read:

3 (h) In imposing restitution under this section, the court may require the
4 defendant to make restitution by means other than the payment of money if the
5 restitution has been determined under a negotiated agreement for a sentence under
6 AS 12.55.011.

7 * **Sec. 3.** AS 12.55.155(d) is amended by adding a new paragraph to read:

8 (18) the defendant and the victim, or the defendant and the community
9 if there is no victim, have negotiated an agreement for a sentence under AS 12.55.011.