



# LAWS OF ALASKA

2004

**Source**

CSHB 484(JUD) am

**Chapter No.**

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**AN ACT**

Imposing a correctional facility surcharge on persons convicted of a crime under state law and on persons whose probation is revoked; relating to fees and expenses for interstate transfer of probation or parole; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Imposing a correctional facility surcharge on persons convicted of a crime under state law and  
2 on persons whose probation is revoked; relating to fees and expenses for interstate transfer of  
3 probation or parole; and providing for an effective date.

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

6           **Sec. 12.55.041. Correctional facility surcharge.** (a) In addition to any fine  
7 or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere  
8 to, or is convicted of, a crime under state law shall pay a correctional facility surcharge  
9 if, in connection with the crime, the defendant

10                           (1) was arrested and taken to a correctional facility, regardless of  
11 whether the defendant was released or admitted to the facility; or

12                           (2) is sentenced to serve a term of imprisonment.

13           (b) The court shall impose a single surcharge under (a) of this section on a

1 defendant being sentenced for one or more crimes in a single judgment. The  
2 surcharge is

3 (1) \$100 if the judgment includes a sentence for a felony;

4 (2) \$50 if the judgment does not include a sentence for a felony.

5 (c) If the court places the defendant on probation, the court shall order that the  
6 defendant pay an additional correctional facility surcharge of \$100. The additional  
7 surcharge shall be suspended but later imposed if the defendant's probation is revoked  
8 and, in connection with the probation revocation, the defendant

9 (1) was arrested and taken to a correctional facility, regardless of  
10 whether the defendant was released or admitted to the facility; or

11 (2) is ordered to serve a term of imprisonment for the probation  
12 revocation.

13 (d) The court shall include a surcharge imposed under (a) of this section in the  
14 judgment of conviction. The court shall include the imposition of a surcharge under  
15 (c) of this section in the order revoking probation. For a surcharge that is not paid by  
16 the person as required by this section, the state shall seek reimbursement from the  
17 person's permanent fund divided as provided under AS 43.23.065. For purposes of  
18 collection and priority of attachment under AS 43.23.065, a surcharge imposed under  
19 this section is accounted for in the same manner as a cost of imprisonment under  
20 AS 28.35.030(k) and 28.35.032(o). The state may enforce payment of a surcharge  
21 under this section under AS 09.35 as if it were a civil judgment enforceable by  
22 execution. This subsection does not limit the authority of the court to enforce  
23 surcharges.

24 (e) In this section, "correctional facility" has the meaning given in  
25 AS 33.30.901.

26 \* **Sec. 2.** AS 33.36 is amended by adding a new section to read:

27 **Sec. 33.36.145. Application fee; deposit.** A person under probation or parole  
28 supervision by the Department of Corrections who applies for a transfer of supervision  
29 to another state under the Interstate Compact for Adult Offender Supervision shall pay  
30 to the Department of Corrections a nonrefundable application fee of \$100.

31 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 APPLICABILITY. (a) Section 1 of this Act applies to offenses committed on or after  
3 the effective date of this Act.

4 (b) Section 2 of this Act applies to applications for transfer of supervision under the  
5 Interstate Compact for Adult Offender Supervision received on or after the effective date of  
6 this Act regarding offenses committed before, on, or after the effective date of this Act.

7 \* **Sec. 4.** This Act takes effect July 1, 2004.