

HOUSE BILL NO. 484

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/16/04

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

14 (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, as a
6 condition of probation, that the defendant pay an additional correctional facility
7 surcharge of \$100. The additional surcharge shall be suspended, but later imposed if
8 the defendant's probation is revoked and, in connection with the probation revocation,
9 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 ordered to serve a term of imprisonment for the probation
13 revocation.

14 (d) The court shall include a surcharge imposed under this section in the
15 judgment of conviction. For a surcharge that is not paid by the person as required by
16 this section, the state shall seek reimbursement from the person's permanent fund
17 divided as provided under AS 43.23.065. For purposes of collection and priority of
18 attachment under AS 43.23.065, a surcharge imposed under this section is accounted
19 for in the same manner as a cost of imprisonment under AS 28.35.030(k) and
20 28.35.032(o).

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

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

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

29 (b) Before the Department of Corrections may transfer supervision of a person
30 to another state under the Interstate Compact for Adult Offender Supervision, the
31 person shall execute and file with the clerk of court a bond, with sufficient solvent

1 sureties, in the amount of \$1,250, or deposit in the registry of the court cash in the
2 amount of \$1,250. The bond or cash is forfeited if the state is required to assist in the
3 applicant's return to the state for continued supervision.

4 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

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

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

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