

CS FOR SENATE BILL NO. 336(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/10/04

Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

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 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 09.38 as if it were a civil judgment enforceable by
22 execution. This subsection does not limit the authority of a court to enforce fines.

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

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

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

31 (b) Before the Department of Corrections may transfer supervision of a person

1 to another state under the Interstate Compact for Adult Offender Supervision, the
2 person shall execute and file with the clerk of court a bond, with sufficient solvent
3 sureties, in the amount of \$1,250, or deposit in the registry of the court cash in the
4 amount of \$1,250. The bond or cash is forfeited if the state is required to assist in the
5 applicant's return to the state for continued supervision.

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

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

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

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