

**ALASKA STATE LEGISLATURE
CONFERENCE COMMITTEE ON SB 56**

March 1, 2005

5:41 p.m.

MEMBERS PRESENT

Senator Gene Therriault, Chair
Senator Ralph Seekins
Senator Hollis French
Representative Ralph Samuels, Chair
Representative Max Gruenberg
Representative John Coghill

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 56(JUD)

"An Act relating to criminal law and procedure, criminal sentences, and probation and parole; and providing for an effective date."

HOUSE CS FOR CS FOR SENATE BILL NO. 56(FIN) am H

"An Act relating to criminal law and procedure, criminal sentences, and probation and parole; and providing for an effective date."

MOVED CCS SB 56 OUT OF COMMITTEE

WITNESS REGISTER

Susan Parks, Deputy Attorney General
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Commented on SB 56.

ACTION NARRATIVE

SB 56-CRIMINAL LAW/PROCEDURE/SENTENCING

CHAIR GENE THERRIAULT called the meeting to order at [5:41:34 PM](#). All members were present. He announced CSSB 56(JUD) and HCS CSSB 56(FIN) am H to be up for discussion.

[5:43:25 PM](#)

REPRESENTATIVE GRUENBERG referenced his proposed Amendment 1.

24-LS0308\XA.2
Luckhaupt
7/1/05

A M E N D M E N T 1

OFFERED IN THE HOUSE BY REPRESENTATIVE GRUENBERG

TO: HCS CSSB 56(FIN) am H

Page 17, line 7, following "**AS 11.46.400**":

Insert "**or a defendant who has previously been convicted of a felony**"

Page 17, line 8:

Delete "**disorder or disability, including fetal alcohol spectrum disorder,**"

Insert "**disease or defect as defined in AS 12.47.130 or fetal alcohol syndrome**"

[5:45:52 PM](#)

CHAIR THERRIault indicated that he wanted to work with version C of SB 56.

SUSAN PARKS, Deputy Attorney General, advised the committee that the definition of mental disease or defect in AS 12.47.130. is as follows:

(3) "mental disease or defect" means a disorder of thought or mood that substantially impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life; "mental disease or defect" also includes mental retardation, which means a significantly below average general intellectual functioning that impairs a person's ability to adapt to or cope with the ordinary demands of life.

SENATOR FRENCH asked what effect it has on a case if a defendant can prove that he is affected.

MS. PARKS replied that he could be found guilty, but mentally ill as well.

[5:48:53 PM](#)

SENATOR FRENCH commented that being mentally ill doesn't reduce your sentence and doesn't get you off the hook.

MS. PARKS agreed and added that if mental illness is used to lower the degree of your offense, it can't be used to mitigate your sentence.

[5:55:02 PM](#)

REPRESENTATIVE GRUENBERG moved to adopt CCS SB 56, version 24-LS0308\C. There were no objections and it was so ordered.

REPRESENTATIVE GRUENBERG divided the question on his proposed amendment and moved Amendment 1 to CCS SB 56 as follows:

Page 17, line 7, following "**AS 11.46.400**":

Insert "**or a defendant who has previously been convicted of a felony**"

There were no objections and Amendment 1 was adopted.

REPRESENTATIVE SAMUELS commented on his concern that a convicted felon can avail himself of mitigation.

REPRESENTATIVE GRUENBERG offered Amendment 2 to CCS SB 56 to insert **as defined in AS 12.47.130** on page 17, line 8, after "defect".

[5:57:38 PM](#)

CHAIR THERRIAULT asked if that reference was necessary.

MS. PARKS replied that she didn't know for sure.

[5:59:29 PM](#)

There were no further objections and Amendment 2 was adopted.

SENATOR SEEKINS moved to adopt CCS SB 56 as it was amended. There were no objections and it was so ordered.

CHAIR THERRIAULT said tomorrow he would ask the Senate for the powers to modify the language and CCS SB 56 would be adopted and moved out. There being no further business to come before the committee, he adjourned the meeting at [6:01:10 PM](#).