

1 IN THE SENATE

BY SENATOR COOPER

2 SENATE BILL NO. 150

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the court to suspend a
7 sentence and place a defendant on probation
8 when it is satisfied that the ends of justice
9 and the best interests of the public as well
10 as the defendant will be served thereby;
11 repealing and reenacting Section 66-16-31
12 ACLA 1949; and declaring an emergency."

13 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

14 Section 1. Section 66-16-31 ACLA 1949, is hereby repealed
15 and reenacted to read as follows:

16 Section 66-16-31. SUSPENSION OF SENTENCE AND PROBATION.

17 Upon entering a judgment of conviction of any offense not
18 punishable by death or life imprisonment, or at any time with-
19 in five (5) years from the date of entry of such judgment of
20 conviction, any court having jurisdiction to try offenses
21 against the Territory of Alaska, when satisfied that the ends
22 of justice and the best interest of the public as well as the
23 defendant will be served thereby, may suspend the imposition
24 or execution or balance of the sentence and place the defend-
25 ant on probation for such period and upon such terms and
26 conditions as the court deems best. This authority is in
27 addition to the authority of the court under the Federal Rules
28 of Criminal Procedure to correct or reduce any sentences.

29 Probation may be granted whether the offense is punishable

1 by fine or imprisonment or both. If an offense is punishable
2 by both fine and imprisonment, the court may impose a fine
3 and place the defendant on probation as to imprisonment.
4 Probation may be limited to one or more counts or indictments,
5 but, in the absence of express limitation, shall extend to
6 the entire sentence and judgment.

7 The court may revoke or modify any condition of proba-
8 tion, or may change the period of probation.

9 The period of probation, together with any extension
10 thereof, shall not exceed five years.

11 While on probation and among the conditions thereof, the
12 defendant may be required:

13 (a) to pay a fine in one or several sums;

14 (b) to make restitution or reparation to aggrieved
15 parties for actual damages or loss caused by the offense
16 for which conviction was had; and

17 (c) to provide for the support of any persons, for
18 whose support he is legally responsible.

19 The defendant's liability for any fine or other punish-
20 ment imposed as to which probation is granted, shall be fully
21 discharged by the fulfillment of the terms and conditions of
22 probation.

23 Section 2. An emergency is hereby declared to exist and this
24 Act shall take effect immediately upon its passage and approval.
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