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IN THE HOUSE

BY JUDICIARY COMMITTEE  
BY REQUEST OF THE GOVERNOR

CS FOR HOUSE BILL NO. 318

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act providing for a probation system;  
amending Sec. 1, Ch. 195, SLA 1955 as amended  
by Sec. 1, Ch. 37, SLA 1957; and providing  
for an effective date."

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

Section 1. DEFINITIONS. When used in this Act, unless the  
context otherwise requires:

(a) "Probation" is a procedure under which a defendant,  
found guilty of a crime upon verdict or plea, is released by the  
Superior Court subject to conditions imposed by the court and sub-  
ject to the supervision of the probation service as hereinafter  
provided.

(b) "Commissioner" means the Commissioner of the Depart-  
ment of Health and Welfare of the State of Alaska, or his designee.

Sec. 2. DUTIES OF THE COMMISSIONER. The Commissioner, in  
addition to other duties imposed by law, shall be charged as follows  
with those duties and responsibilities necessary to the administra-  
tion of a probation system and the enforcement of the probation  
laws in the Superior Court.

(a) He shall appoint and make available to the Superior  
Court, where necessary, qualified probation officers and assistants.

(b) He shall fix probation officers' and assistants'  
salaries, assign them to the various judicial districts, and shall  
provide for their necessary expenses including clerical services

1 and travel. He may assign to all probation officers and personnel  
2 any duties concerning the administration of the parole system as  
3 provided in the Parole Administration Act.

4 Sec. 3. PROBATION OFFICERS AS OFFICERS OF COURT. All pro-  
5 bation officers made available to the courts under this Act shall  
6 be officers of the Superior Court and subject to the authority of  
7 the Superior Court.

8 The appointment of a probation officer shall be entered on  
9 the journal of the court in the judicial district where the pro-  
10 bation officer shall be assigned, and one copy of the journal  
11 entry sent to the Administrative Director of Courts.

12 Sec. 4. DUTIES OF PROBATION OFFICERS. The probation officer  
13 shall furnish to each probationer under his supervision a written  
14 statement of the conditions of probation and shall instruct him  
15 regarding the same.

16 He shall keep informed concerning the conduct and condition  
17 of each probationer under his supervision and shall report thereon  
18 to the court placing such person on probation.

19 He shall use all suitable methods, not inconsistent with the  
20 conditions imposed by the court, to aid probationers and to bring  
21 about improvements in their conduct and condition.

22 He shall keep records of his work; shall keep accurate and  
23 complete accounts of all moneys collected from persons under his  
24 supervision; shall give receipts therefor, and shall make at  
25 least monthly returns thereof; shall make such reports to the  
26 court and the Commissioner as the court and the Commissioner may  
27 at any time require; and shall perform such other duties as the  
28 court may direct.

29 Each probation officer shall perform such duties with respect

1 to persons on parole as the Commissioner shall request, and in  
2 such service shall be termed a parole officer.

3 Sec. 5. REPORT OF PROBATION OFFICER; ARREST OF PROBATIONER.

4 When directed by the court, the probation officer shall report  
5 to the court, with a statement of the conduct of the probationer  
6 while on probation. The court may thereupon discharge the pro-  
7 bationer from further supervision and may terminate the proceedings  
8 against him, or may extend the probation, as shall seem advisable.

9 Whenever during the period of his probation, a probationer  
10 goes from the judicial district in which he is being supervised  
11 to another judicial district, jurisdiction over him may be trans-  
12 ferred, in the discretion of the court, from the court for the  
13 district from which he goes to the court for the other district,  
14 with the concurrence of the latter court. Thereupon the court  
15 for the district to which jurisdiction is transferred shall have  
16 all power with respect to the probationer that was previously  
17 possessed by the court for the district from which the transfer  
18 is made, except that the period of probation shall not be changed  
19 without the consent of the sentencing court. This process under  
20 the same conditions may be repeated whenever during the period of  
21 his probation the probationer goes from the district in which he  
22 is being supervised to another district.

23 At any time within the probation period, the probation officer  
24 may for cause arrest the probationer wherever found, without a  
25 warrant. At any time within the probation period, or within the  
26 maximum probation period permitted by Ch. 37, SLA 1957, the court  
27 for the district in which the probationer is being supervised or  
28 if he is no longer under supervision, the court for the district  
29 in which he was last under supervision, may issue a warrant for

1 his arrest for violation of probation occurring during the pro-  
2 bation period. Such warrant may be executed in any district by  
3 the probation officer or any peace officer in the district in  
4 which the warrant was issued or of any district in which the  
5 probationer is found. If the probationer shall be arrested in  
6 any district other than that in which he was last supervised, he  
7 shall be returned to the district in which the warrant was issued,  
8 unless jurisdiction over him is transferred as above provided to  
9 the district in which he is found, and in that case he shall be  
10 detained pending further proceedings in such district.

11 As speedily as possible after arrest the probationer shall  
12 be taken before the court for the district having jurisdiction  
13 over him. Thereupon the court may revoke the probation and require  
14 him to serve the sentence imposed, or any lesser sentence, and,  
15 if imposition of sentence was suspended, may impose any sentence  
16 which might originally have been imposed.

17 Sec. 6. AMENDMENT. Section 1, Ch. 195, SLA 1955 as amended  
18 by Sec. 1, Ch. 37, SLA 1957 is amended to read as follows:

19 Sec. 66-16-31. SUSPENSION OF SENTENCE AND PROBATION.  
20 Upon entering a judgment of conviction of any offense not  
21 punishable by life imprisonment, or at any time within sixty  
22 (60) days from the date of entry of such judgment of con-  
23 viction, any court having jurisdiction to try offenses against  
24 the State [TERRITORY] of Alaska, when satisfied that the ends  
25 of justice and the best interest of the public as well as the  
26 defendant will be served thereby, may suspend the imposition  
27 or execution or balance of the sentence and place the defend-  
28 ant on probation for such period and upon such terms and  
29 conditions as the court deems best.

1           Upon entering a judgment of conviction of any offense  
2           not punishable by life imprisonment, if the maximum punish-  
3           ment provided for such offense is more than six months, the  
4           Superior Court when satisfied that the ends of justice and  
5           the best interest of the public as well as the defendant will  
6           be served thereby, may impose a sentence in excess of six  
7           months and provide that the defendant be confined in a jail-  
8           type institution or a treatment institution for a period not  
9           exceeding six months and that the execution of the remainder  
10           of the sentence be suspended and the defendant placed on  
11           probation for such period and upon such terms and conditions  
12           as the court deems best.

13           Probation may be granted whether the offense is punish-  
14           able by fine or imprisonment or both. If an offense is  
15           punishable by both fine and imprisonment, the court may  
16           impose a fine and place the defendant on probation as to  
17           imprisonment. Probation may be limited to one or more counts  
18           or indictments, but, in the absence of express limitation,  
19           shall extend to the entire sentence and judgment.

20           The court may revoke or modify any condition of probation,  
21           or may change the period of probation.

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

24           While on probation and among the conditions thereof,  
25           the defendant may be required:

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

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

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

3 The defendant's liability for any fine or other punish-  
4 ment imposed as to which [WHCH] probation is granted, shall  
5 be fully discharged by the fulfillment of the terms and  
6 conditions of probation.

7 Sec. 7. SHORT TITLE. This Act may be cited as the "Probation  
8 Administration Act."

9 Sec. 8. EFFECTIVE DATE. This Act shall take effect on the  
10 day after its passage and approval or on the day it becomes law  
11 without approval.