

1 IN THE HOUSE

BY JUDICIARY COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 CS FOR HOUSE BILL NO. 318

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for a probation system;  
7 amending Sec. 66-16-31, ACLA 1949, as re-  
8 pealed and re-enacted by Sec. 1, Ch. 195,  
9 SLA 1955 and as amended by Sec. 1, Ch. 37,  
10 SLA 1957; and providing for an effective  
11 date."

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

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

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

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

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

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

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by the Senate

1 (b) He shall fix probation officers' and assistants'  
2 salaries, assign them to the various judicial districts, and  
3 shall provide for their necessary expenses including clerical  
4 services and travel. He may assign to all probation officers and  
5 personnel any duties concerning the administration of the parole  
6 system as provided in the Parole Administration Act.

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

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

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

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

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

25 He shall keep records of his work; shall keep accurate and  
26 complete accounts of all moneys collected from persons under his  
27 supervision; shall give receipts therefor, and shall make at  
28 least monthly returns thereof; shall make such reports to the  
29 court and the Commissioner as the court and the Commissioner may

1 at any time require; and shall perform such other duties as the  
2 court may direct.

3 Each probation officer shall perform such duties with respect  
4 to persons on parole as the Commissioner shall request, and in  
5 such service shall be termed a parole officer.

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

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

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

26 At any time within the probation period, the probation officer  
27 may for cause arrest the probationer wherever found, without a  
28 warrant. At any time within the probation period, or within the  
29 maximum probation period permitted by Ch. 37, SLA 1957, the court

1 for the district in which the probationer is being supervised or  
2 if he is no longer under supervision, the court for the district  
3 in which he was last under supervision, may issue a warrant for  
4 his arrest for violation of probation occurring during the pro-  
5 bation period. Such warrant may be executed in any district by  
6 the probation officer or any peace officer in the district in  
7 which the warrant was issued or of any district in which the  
8 probationer is found. If the probationer shall be arrested in  
9 any district other than that in which he was last supervised, he  
10 shall be returned to the district in which the warrant was issued,  
11 unless jurisdiction over him is transferred as above provided to  
12 the district in which he is found, and in that case he shall be  
13 detained pending further proceedings in such district.

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

20 Sec. 6. AMENDMENT. Section 66-16-31, ACLA 1949, as repeal-  
21 ed and re-enacted by Sec. 1, Ch. 195, SLA 1955 and as amended by  
22 Sec. 1, Ch. 37, SLA 1957 is amended to read as follows:

23 Sec. 66-16-31. SUSPENSION OF SENTENCE AND PROBATION.  
24 Upon entering a judgment of conviction of any offense not  
25 punishable by [DEATH OR] life imprisonment, or at any time  
26 within sixty (60) days from the date of entry of such  
27 judgment of conviction, the Superior Court, [ANY COURT  
28 HAVING JURISDICTION TO TRY OFFENSES AGAINST THE TERRITORY  
29 OF ALASKA] when satisfied that the ends of justice and the

1 best interest of the public as well as the defendant will be  
2 served thereby, may suspend the imposition or execution or  
3 balance of the sentence and place the defendant on probation  
4 for such period and upon such terms and conditions as the  
5 court deems best.

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

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

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

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

29 While on probation and among the conditions thereof,

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the defendant may be required:

(a) to pay a fine in one or several sums,

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

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

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

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

Sec. 8. EFFECTIVE DATE. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.