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IN THE HOUSE BY MRS. FISCHER AND MR. GREUEL
HOUSE BILL NO. 433
IN THE LEGISLATURE OF THE STATE OF ALASKA
FIRST LEGISLATURE - SECOND SESSION
A BILL

For an Act entitled: "An Act providing special treatment for certain persons convicted of so-called sex crimes."

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

Section 1. LEGISLATIVE FINDING AND INTENT. The legislature finds that most persons convicted of so-called sex crimes are no more abnormal or psychopathic than are the majority of persons convicted of other crimes and that their punishment should be the same as for other criminals, that is, imprisonment and fine in proportion to the gravity of the crime committed. However, it also finds that a small number of persons convicted of sex crimes are not normal and are mentally ill to a degree which requires special treatment for them in order to protect both society and the criminals themselves. It is the intent of this Act to provide a means of detecting and treating those persons who need special treatment.

Sec. 2. TREATMENT PROGRAM. a. Upon conviction for rape, an unnatural crime, debauching or impairing the morals of a child, or contributing to the delinquency of a minor when the act for which convicted is of a sexual nature; or upon conviction for an attempt to commit any of these offenses and before sentence, the judge shall remand the defendant to a state psychiatric clinic for a period not to exceed 60 days for investigation and observation. If it is determined through clinical findings that the offender's

1 conduct was characterized by a pattern of repetitive-compulsive
2 behavior and either violence or an age disparity between a victim
3 (under 16 years of age) and the adult defendant-aggressor, the
4 court shall submit the offender to a program of special treatment.

5 b. Such treatment, upon recommendation of the Division of
6 Mental Health of the Department of Health and Welfare, shall in-
7 clude one or more of the following measures:

8 (1) probation with out-patient psychiatric treatment;

9 (2) commitment to a specialized facility for intensive
10 psychiatric treatment, followed by parole supervision;

11 (3) commitment for care to a mental hospital, followed
12 by parole supervision;

13 (4) commitment to a prison or jail, followed by parole
14 supervision.

15 Sec. 3. CONTRACT FOR SPECIAL TREATMENT. The commissioner of
16 the Department of Health and Welfare may contract with other
17 states or with the federal government for special treatment for
18 offenders committed for special treatment under this Act.

19 Sec. 4. RELEASE FROM SPECIAL TREATMENT. Release from
20 special treatment and subsequent parole is at the discretion of
21 the Board of Parole on the advice of officials of the institution
22 of commitment and shall be made when the offender is believed
23 capable of making an acceptable social adjustment. The release,
24 however, must be on or before the expiration of the maximum term
25 which the offender could have received for the offense for which
26 he was convicted. The institution of commitment shall report to
27 the Department of Health and Welfare on each patient committed
28 under this Act at six month intervals.

29 Sec. 5. ALTERNATIVE IMPRISONMENT. Upon the recommendation

1 of the institution of commitment, the Department of Health and
2 Welfare, or on his own initiative when he feels the facts merit
3 such a decision, the committing judge may remove an offender from
4 an institution of commitment for special treatment and commit him
5 to a prison or jail for a period which when added to the period
6 spent in the institution of commitment will be not more than the
7 maximum term which the offender could have received for the offense
8 for which he was convicted.

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