

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 433

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to treatment for persons
7 convicted of sex crimes."

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

9 Section 1. DEFINITIONS. In this Act, unless clearly not
10 applicable

11 (1) "sex offender" or "offender" means a person con-
12 victed of a sex crime or of an attempt to commit a sex crime;

13 (2) "sex crime" includes any felony other than murder
14 or attempted murder if the court finds that the defendant was
15 motivated by a desire for sexual excitement in the commission of
16 the crime;

17 (3) "institution of commitment" means a place for the
18 confinement and treatment of the mentally ill, including sex
19 offenders.

20 Sec. 2. ACTION UPON CONVICTION OF A SEX CRIME. a. Upon
21 conviction of a sex crime or of an attempt to commit a sex crime
22 and before sentence, the court shall order the Department of Health
23 and Welfare to conduct a social, mental and physical examination
24 of the offender. The court may take testimony after conviction,
25 if necessary, to determine whether or not the crime was a sex crime.
26 Upon the completion of the examination, but no later than 60 days
27 after the date of order of the examination, a written report of
28 the results of the examination shall be sent to the court by the
29 officials of the Department of Health and Welfare.

1 (1) If it appears from the report that treatment of the
2 offender is not recommended, the court shall sentence the offender
3 as prescribed by law for the crime of which he was convicted.

4 (2) If it appears from the report that treatment of the
5 offender is recommended, the court may commit the offender to a
6 program of treatment. A copy of the record of proceedings of the
7 court and of the results of the examination shall be sent to the
8 institution of commitment by the court.

9 b. The treatment to be prescribed by the court may, upon the
10 recommendation of the Department of Health and Welfare, include
11 but is not limited to one or more of the following measures:

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

13 (2) commitment to a specialized facility to be desig-
14 nated by the Department of Health and Welfare for intensive
15 psychiatric treatment, which may be followed by parole supervision;

16 (3) commitment for care to a mental hospital to be
17 designated by the Department of Health and Welfare, which may be
18 followed by parole supervision;

19 (4) commitment to a prison or jail designated by the
20 Department of Health and Welfare, which may be followed by parole
21 supervision.

22 c. In the event that the court commits the offender as pro-
23 vided in subsection a(2) of this section, the order of commitment
24 will not specify a minimum period of detention, but in no event
25 may the offender be confined or be subject to parole supervision
26 for a period of time greater than that provided by law for the
27 sex crime of which the offender was convicted, except as he may be
28 subsequently committed as provided by law for the commitment of
29 the mentally ill.

1 d. At the discretion of the court, the offender shall
2 reimburse the state for all or part of the expense of his treat-
3 ment, depending upon his ability to pay.

4 Sec. 3. CONTRACT FOR TREATMENT. The Department of Health
5 and Welfare may contract with other states for treatment for
6 offenders committed for treatment under this Act.

7 Sec. 4. RELEASE FROM TREATMENT. Release from treatment and
8 subsequent parole is at the discretion of the Board of Parole on
9 the advice of officials of the institution of commitment and shall
10 be made when the offender is believed capable of making an accept-
11 able social adjustment. The release, however, must be on or be-
12 fore the expiration of the maximum term which the offender could
13 have received for the sex crime of which he was convicted. The
14 institution of commitment shall report to the Department of Health
15 and Welfare on the condition of each offender committed to it under
16 this Act at six month intervals.

17 Sec. 5. TRANSFER OF COMMITTED OFFENDER. The Department of
18 Health and Welfare may transfer an offender committed to an insti-
19 tution of commitment from one institution of commitment to another
20 or to or from a prison or jail.