

1 IN THE HOUSE

BY RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 26

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sentencing of defen-  
7 dants, providing for a flexible probation  
8 system, amending Sec. 66-16-31, ACLA 1949,  
9 as last amended by Sec. 6, Ch. 105, SLA  
10 1960; and providing for an effective date."

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

12 Section 1. Sec. 66-16-31, ACLA 1949, as last amended by  
13 Sec. 6, Ch. 105, SLA 1960, is amended to read as follows:

14 Sec. 66-16-31. SUSPENSION OF SENTENCE AND PROBATION.

15 Upon entering a judgment of conviction of any offense not  
16 punishable by life imprisonment, or at any time within sixty  
17 (60) days from the date of entry of such judgment of convic-  
18 tion, the Superior Court, when satisfied that the ends of  
19 justice and the best interest of the public as well as the  
20 defendant will be served thereby, may suspend the imposition  
21 or execution or balance of the sentence or any portion thereof  
22 and place the defendant on probation for such period and upon  
23 such terms and conditions as the court deems best.

24 [UPON ENTERING A JUDGMENT OF CONVICTION OF ANY OFFENSE  
25 NOT PUNISHABLE BY LIFE IMPRISONMENT, IF THE MAXIMUM PUNISH-  
26 MENT PROVIDED FOR SUCH OFFENSE IS MORE THAN SIX MONTHS, THE  
27 SUPERIOR COURT WHEN SATISFIED THAT THE ENDS OF JUSTICE AND  
28 THE BEST INTEREST OF THE PUBLIC AS WELL AS THE DEFENDANT WILL  
29 BE SERVED THEREBY, MAY IMPOSE A SENTENCE IN EXCESS OF SIX

1 MONTHS AND PROVIDE THAT THE DEFENDANT BE CONFINED IN A JAIL-  
2 TYPE INSTITUTION OR A TREATMENT INSTITUTION FOR A PERIOD NOT  
3 EXCEEDING SIX MONTHS AND THAT THE EXECUTION OF THE REMAINDER  
4 OF THE SENTENCE BE SUSPENDED AND THE DEFENDANT PLACED ON  
5 PROBATION FOR SUCH PERIOD AND UPON SUCH TERMS AND CONDITIONS  
6 AS THE COURT DEEMS BEST.]

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

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

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

18 While on probation and among the conditions thereof, the  
19 defendant may be required:

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

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

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

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

1           Sec. 2. EFFECTIVE DATE. This Act takes effect on the day  
2 after its passage and approval or on the day it becomes law with-  
3 out such approval.  
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