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IN THE HOUSE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

HOUSE BILL NO. 26

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

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

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

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

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

Upon entering a judgment of conviction of any offense [NOT PUNISHABLE BY LIFE IMPRISONMENT,] or at any time within sixty (60) days from the date of entry of such judgment of conviction, the Superior Court, when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may suspend the imposition or execution or balance of the sentence or any portion thereof and place the defendant on probation for such period and upon such terms and conditions as the court deems best.

[UPON ENTERING A JUDGMENT OF CONVICTION OF ANY OFFENSE NOT PUNISHABLE BY LIFE IMPRISONMENT, IF THE MAXIMUM PUNISHMENT PROVIDED FOR SUCH OFFENSE IS MORE THAN SIX MONTHS, THE SUPERIOR COURT WHEN SATISFIED THAT THE ENDS OF JUSTICE AND THE BEST INTEREST OF THE PUBLIC AS WELL AS THE DEFENDANT WILL 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.

4 Passed by the House February 24, 1961

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