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IN THE SENATE

BY RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 37

IN THE LEGISLATURE OF THE STATE OF ALASKA  
SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to imprisonment for non-payment of fine; providing for the discharge of indigents; amending Sec. 66-16-42, ACLA 1949; and providing for an effective date."

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

Section 1. Sec. 66-16-42, ACLA 1949 is amended to read as follows:

Sec. 66-16-42. JUDGMENT OF IMPRISONMENT FOR NONPAYMENT OF FINE: DISCHARGE OF INDIGENTS. When a judgment is that the defendant be imprisoned until a fine be paid, the judgment must be executed [BY THE MARSHALL]. Provided, however, that when an indigent defendant, sentenced to be imprisoned and to pay a fine, has been confined in prison thirty days solely for the nonpayment of such fine, such defendant may make application in writing to any magistrate [COMMISSIONER] in the district where he is imprisoned, setting forth his inability to pay such fine, and, after notice to the district attorney, the magistrate [COMMISSIONER] shall proceed to hear and determine the matter. If on examination it shall appear to him that such convicted person is unable to pay such fine and that he has not any property exceeding \$50 [\$20] in value, except such as is by law exempt from being taken on execution for debt, the magistrate [COMMISSIONER]

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shall administer to him the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of \$50 [\$20], except such as is by law exempt from being taken on civil process for debt by the laws of Alaska; and that I have no property in any way conveyed or concealed, or any way disposed of, for my future use or benefit. So help me God." Upon taking such oath, such convicted person shall be discharged; and a magistrate [COMMISSIONER] shall give to the keeper of the jail a certificate setting forth the facts.

Sec. 2. This Act shall take effect July 1, 1961.