

1 IN THE SENATE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 37

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 imprisonment for non-
7 payment of fine; providing for the discharge
8 of indigents; amending Sec. 66-16-42,
9 ACLA 1949; and providing for an effective
10 date."

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

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

14 Sec. 66-16-42. JUDGMENT OF IMPRISONMENT FOR NONPAYMENT
15 OF FINE: DISCHARGE OF INDIGENTS. When a judgment is that
16 the defendant be imprisoned until a fine be paid, the judg-
17 ment must be executed [BY THE MARSHALL]. Provided, however,
18 that when an indigent defendant, sentenced to be imprisoned
19 and to pay a fine, has been confined in prison thirty days
20 solely for the nonpayment of such fine, such defendant may
21 make application in writing to any magistrate [COMMISSIONER]
22 in the district where he is imprisoned, setting forth his
23 inability to pay such fine, and, after notice to the district
24 attorney, the magistrate [COMMISSIONER] shall proceed forthwith
25 to hear and determine the matter. If on examination it shall
26 appear to him that such convicted person is unable to pay
27 such fine and that he has not any property exceeding \$50
28 [\$20] in value, except such as is by law exempt from being
29 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.

Passed by the Senate February 6, 1961

President of the Senate

ATTEST:

Secretary of the Senate

Passed by the House _____, 1961

Speaker of the House

ATTEST:

Chief Clerk of the House