

1 IN THE HOUSE

BY MESSRS. JOSEPHSON
AND STEVENS

2 HOUSE BILL NO. 127

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to suspension of imposi-
7 tion of sentence."

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

9 * Section 1. AS 12.55 is amended by adding a new section to
10 read:

11 Sec. 12.55.085. SUSPENDING IMPOSITION OF SENTENCE.

12 (a) If it appears that there are circumstances in mitiga-
13 tion of the punishment, or that the ends of justice will
14 be served, the court may, in its discretion, suspend the
15 imposition of sentence and may direct that the suspension
16 continue for a period of time, not exceeding the maximum
17 term of sentence which may be imposed, and upon such terms
18 and conditions as the court determines, and shall place the
19 person on probation, under the charge and supervision of
20 the probation officer of the court during the suspension.

21 (b) At any time during the probationary term of the
22 person released on probation, a probation officer may, with-
23 out warrant or other process, rearrest the person so placed
24 in his care and bring him before the court, or the court
25 may, in its discretion, issue a warrant for the rearrest of
26 the person and may revoke and terminate the probation, if
27 the interests of justice require, and if the court, in its
28 judgment, has reason to believe that the person placed upon
29 probation is violating the conditions of his probation, or

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engaging in criminal practices, or has become abandoned to improper associates, or a vicious life.

(c) Upon the revocation and termination of the probation, the court may pronounce sentence at any time after the suspension of the sentence within the longest period for which the defendant might have been sentenced.

(d) The court may at any time during the period of probation revoke or modify its order of suspension of imposition of sentence. It may at any time, when the ends of justice will be served, and when the good conduct and reform of the person held on probation warrants it, terminate the period of probation and discharge the person held. If the court has not revoked the order of probation and pronounced sentence, the defendant shall, at the end of the term of probation, be discharged by the court.

(e) Upon the discharge by the court without imposition of sentence, the court may set aside the conviction and issue to the person a certificate to that effect.