

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 176

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 habitual criminals."

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

8 * Section 1. AS 12.55.060 is amended to read:

9 Sec. 12.55.060. PROCEDURE UPON DISCOVERY OF PRIOR CON-
10 VICTIONS. (a) Before conviction or while sentence is
11 effective, if it appears that a person convicted of a crime
12 in this state has previously been convicted and has not been
13 charged under secs. 40 and 50 of this chapter, the district
14 attorney may file an information in the superior court
15 accusing that person of the previous conviction or convictions.
16 The court shall cause that person, whether confined in
17 prison or otherwise, to be brought before it and shall inform
18 him of the allegations contained in the information and of
19 his right to be tried as to the truth of the allegations, and
20 shall require the accused person to say whether or not he is
21 the same person as charged in the [PLEAD TO THE] information.
22 If the accused acknowledges or confesses in open court, after
23 being cautioned as to his rights, that he was previously
24 convicted of the crimes charged, or any of them, the court
25 shall sentence him as provided in secs. 40 or 50 of this
26 chapter, and shall vacate the previous sentence, deducting
27 from the new sentence all time actually served on the
28 sentence so vacated. If the accused says he is not the same
29 person, or refuses to answer, or remains silent, [OR PLEADS

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1 NOT GUILTY,] the court shall examine the charge of previous
2 convictions [CONVICTION], which shall be the only matter in
3 issue.

4 (b) If it appears from the examination that there is
5 sufficient cause to believe the accused has been previously
6 convicted as charged in the information, the accused shall be
7 committed to await the action of the grand jury, which shall
8 consider only the fact of previous convictions [CONVICTION]
9 of the accused. If the grand jury indicts the accused and
10 he says he is not the same person, or refuses to answer, or
11 remains silent [PLEADS NOT GUILTY], he shall be tried by jury
12 in the superior court, and the only issue before the jury
13 shall be whether the accused was previously convicted as
14 charged. If the jury finds that the accused is the same per-
15 son [HAS BEEN] previously convicted as charged, or if, after
16 being cautioned as to his rights, the accused acknowledges or
17 confesses in open court that he was previously convicted as
18 charged, the court shall sentence him as provided in secs.
19 40 or 50 of this chapter, and shall vacate the previous
20 sentence, deducting from the new sentence all time served on
21 the vacated sentence.

22 (c) The accused may be admitted to bail either while
23 awaiting examination, action of the grand jury, or trial.
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