

Introduced: 1/20/70
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
THE REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 495

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act restricting the practice of allowing persons
7 sentenced for commission of a crime to be released
8 from imprisonment pending appeal; and providing for
9 an effective date."

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

11 * Section 1. AS 12.30.040 is amended to read:

12 Sec. 12.30.040. RELEASE AFTER CONVICTION. (a) A person who
13 has been convicted of an offense and is awaiting sentence [, OR WHO
14 HAS FILED AN APPEAL] shall be treated in accordance with the
15 provisions of sec. 20 of this chapter [UNLESS THE COURT HAS REASON
16 TO BELIEVE THAT NO ONE OR MORE CONDITIONS OF RELEASE WILL REASONABLY
17 ASSURE THE APPEARANCE OF THE PERSON AS REQUIRED OR PREVENT THE
18 PERSON FROM POSING A DANGER TO OTHER PERSONS AND THE COMMUNITY. IF
19 THAT DETERMINATION IS MADE, THE PERSON MAY BE REMANDED TO CUSTODY].

20 (b) A person sentenced to imprisonment for commission of a
21 misdemeanor may be released on bail during the time an appeal is
22 pending under the provisions of sec. 20 of this chapter [THIS SECTION
23 DOES NOT AFFECT THE RIGHT OF A PERSON APPEALING FROM A JUDGMENT OF
24 CONVICTION FROM A MAGISTRATE COURT TO THE SUPERIOR COURT TO BE
25 RELEASED ON BAIL PENDING APPEAL UNDER RULE 2(C) OF THE MAGISTRATE
26 RULES OF CRIMINAL PROCEDURE].

27 (c) A person sentenced to imprisonment for commission of a
28 felony may not be released from imprisonment during the time an
29 appeal is pending except as provided in AS 33.30.250.

1 * Sec. 2. This Act takes effect on the day after its passage and
2 approval or on the day it becomes law without approval.
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