

Introduced: 1/20/70  
Referred: Judiciary

1 IN THE SENATE

BY HAMMOND, BUTROVICH,  
LEWIS, PALMER, B. PHILLIPS,  
THOMAS

2 SENATE BILL NO. 382

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the right to bail after being  
7 convicted of certain crimes; and amending supreme  
8 court rule 20(b) and rule 21(o) of the Rules of  
9 Criminal Procedure."

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) Except as pro-  
13 vided in (b) of this section, a [A] person who has been convicted of  
14 an offense and is awaiting sentence, or who has filed an appeal shall  
15 be treated in accordance with the provisions of sec. 20 of this  
16 chapter unless the court has reason to believe that no one or more  
17 conditions of release will reasonably assure the appearance of the  
18 person as required or prevent the person from posing a danger to other  
19 persons and the community. If that determination is made, the person  
20 may be remanded to custody. This section does not affect the right of  
21 a person appealing from a judgment of conviction from a magistrate  
22 court to the superior court to be released on bail pending appeal under  
23 Rule 2(c) of the Magistrate Rules of Criminal Procedure.

24 (b) A person who has been convicted of murder under the provi-  
25 sions of AS 11.15 010 - 11.15.030 or forcible rape under the pro-  
26 visions of AS 11.15.120(1) is not entitled to be admitted to bail  
27 provided, however, that upon the unanimous recommendation of the  
28 trial judge, the prosecuting attorney, and the Director of the  
29 Division of Corrections of the Department of Health and Welfare,

1        such person may be admitted to bail.

2        \* Sec. 2. This Act amends supreme court rule 20(b) and rule 41(o)  
3 of the Rules of Criminal Procedure in that this bill denies bail in certain  
4 circumstances now allowed under the rules and therefore requires a two-  
5 thirds vote for final passage.  
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