

Original sponsor: Ose

Offered: 3/23/73
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 105

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act requiring mandatory imprisonment for the con-
7 viction of more than one felony under certain circum-
8 stances; and changing Rule 35, Rules of Criminal
9 Procedure."

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

11 * Section 1. AS 12.55.050 is amended by adding a new subsection to read:

12 (b) If a person has been previously convicted of a felony in this
13 state or elsewhere, if the same crime elsewhere would constitute a
14 felony under Alaska law, and if he is convicted of a second or subse-
15 quent felony in this state, the commission of which took place less
16 than five years from the date he completed his sentence, his period of
17 probation or his period of parole for the previous felony, he is
18 punishable as provided in (a) of this section. However, notwithstanding
19 any other provision of law, a person sentenced under this subsection
20 shall receive at least the minimum sentence provided for in (a) of this
21 section without the possibility of probation, parole or suspended
22 imposition of sentence.

23 * Sec. 2. AS 12.55.080 is amended by adding a new subsection to read:

24 (b) Subsection (a) of this section does not apply to a person who
25 is required to be sentenced under sec. 50(b) of this chapter.

26 * Sec. 3. AS 12.55.085 is amended by adding a new subsection to read:

27 (f) The provisions of this section do not apply to a person who
28 is required to be sentenced under sec. 50(b) of this chapter.

29 * Sec. 4. AS 12.55.090 is amended by adding a new subsection to read:

1 (f) The provisions of this section do not apply to a person who
2 is required to be sentenced under sec. 50(b) of this chapter.

3 * Sec. 5. Sections 1 - 4 of this Act have the effect of changing Rule 35,
4 Rules of Criminal Procedure, by prohibiting a court from suspending a term
5 of imprisonment in a case when a person is convicted of more than one felony
6 at different times as specified in AS 12.55.050(b).