

Introduced: 1/17/73
Referred: Judiciary

1 IN THE SENATE

BY LEWIS

2 SENATE BILL NO. 52

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to suspension of sentence and
7 probation and amending Alaska State Supreme Court
8 Criminal Rule 35(a); and providing for an effective
9 date."

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

11 * Section 1. AS 12.55.080 is amended to read:

12 Sec. 12.55.080. SUSPENSION OF SENTENCE AND PROBATION. Upon en-
13 tering a judgment of conviction of a crime other than murder, rape,
14 or the unlawful sale of a narcotic drug as specified in AS 17.10.230(13),
15 or at any time within 60 days from the date of entry of that judgment
16 of conviction, a court, when satisfied that the ends of justice and
17 the best interest of the public as well as the defendant will be
18 served thereby, may suspend the imposition or execution or balance
19 of the sentence or a portion thereof, and place the defendant on
20 probation for a period and upon the terms and conditions as the court
21 considers best.

22 * Sec. 2. AS 12.55.085(a) is amended to read:

23 (a) Except when a person has been convicted of murder, rape,
24 or the unlawful sale of a narcotic drug as specified in AS 17.10.230(13),
25 if [IF] it appears that there are circumstances in mitigation of the
26 punishment, or that the ends of justice will be served, the court may,
27 in its discretion, suspend the imposition of sentence and may direct
28 that the suspension continue for a period of time, not exceeding the
29 maximum term of sentence which may be imposed, and upon the terms and

1 conditions which the court determines, and shall place the person on
2 probation, under the charge and supervision of the probation officer
3 of the court during the suspension.

4 * Sec. 3. Alaska State Supreme Court Rule of Criminal Procedure 35(a) is
5 amended to read:

6 (a) CORRECTION OR REDUCTION OF SENTENCE. The court may correct
7 an illegal sentence at any time. Except when a person has been
8 convicted of murder, rape, or the unlawful sale of a narcotic drug as
9 specified in AS 17.10.230(13), the [THE] court may reduce a sentence
10 within 10 days after the sentence is imposed- or within 60 days after
11 receipt by the court of a mandate issued upon affirmance of the
12 judgment or dismissal of the appeal, or within 60 days after
13 receipt of an order of the supreme court of the state or of the
14 United States denying an application for relief.

* Sec. 4. This Act takes effect on the day after its passage and
approval or on the day it becomes law without approval.