

Introduced: 2/1/74  
Referred: Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 313

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to bail; and providing for an  
7 effective date."

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

9 \* Section 1. AS 12.30.020(a) is amended to read:

10 (a) A person charged with an offense shall, at his first appearance  
11 before a judicial officer, be ordered released pending trial on his  
12 personal recognizance or upon the execution of an unsecured appearance  
13 bond in an amount specified by the judicial officer unless the officer  
14 determines that the release of the person will not reasonably assure  
15 the appearance of the person as required, or will pose a danger to  
16 other persons and the community. In the event the offense with which  
17 a person is charged is a felony, on motion of the prosecuting attorney,  
18 the judicial officer may allow the prosecuting attorney up to 48 hours  
19 to demonstrate that release of the person on his personal recognizance  
20 or upon the execution of an unsecured appearance bond will not reasonably  
21 assure the appearance of the person, or will pose a danger to other  
22 persons and the community.

23 \* Sec. 2. AS 12.30.020(f) is amended to read:

24 (f) A person who remains in custody 48 [24] hours after his  
25 appearance before a judicial officer because of his inability to meet  
26 the conditions of release shall, upon application, be entitled to have  
27 the conditions reviewed by the judicial officer who imposed them. If  
28 the judicial officer who imposed the conditions of release is not  
29 available, any other judicial officer in the district may review the

1 conditions. If the conditions are not amended and the person remains  
2 in custody, the judicial officer shall set out in writing the reasons  
3 for requiring the conditions imposed.

4 \* Sec. 3. AS 12.30.040 is amended by adding a new subsection to read:

5 (b) Notwithstanding the provisions of (a) of this section if the  
6 offense a person has been convicted of is first degree murder, armed  
7 robbery, kidnapping, rape (as defined in AS 11.15.130 and AS 11.15.160),  
8 he may not be released on bail either before sentencing or pending  
9 appeal.

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