

BY THE RULES COMMITTEE BY REQUEST  
OF THE SPECIAL COMMITTEE ON DRUG  
ABUSE AND DEPENDENCY

1 IN THE SENATE

2 SENATE BILL NO. 420

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 the release on bail of a  
7 defendant in a criminal proceeding; and changing  
8 Rule 2(c), District Court Rules of Criminal  
9 Procedure."

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

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

12 (a) A person charged with an offense shall, at his first  
13 appearance before a judicial officer, be ordered released pending  
14 trial on his personal recognizance or upon the execution of an  
15 unsecured appearance bond in an amount specified by the judicial  
16 officer unless

17 (1) the person charged has been convicted of a prior  
18 criminal offense or has been charged with a prior criminal offense  
19 that has not reached a final determination by the time he is subse-  
20 quently charged, in which case it is within the judicial officer's  
21 discretion to order a release, or

22 (2) the officer determines that the release of the person  
23 will not reasonably assure the appearance of the person as required,  
24 or will pose a danger to other persons and the community.

25 \* Sec. 2. AS 12.30.040 is amended to read:

26 Sec. 12.30.040. RELEASE AFTER CONVICTION. A person who has  
27 been convicted of an offense and is awaiting sentence, or who has  
28 filed an appeal shall be treated in accordance with the provisions  
29 of sec. 20 of this chapter unless the person convicted has been

1 convicted of a prior criminal offense or charged with a prior criminal  
2 offense, in which case it is within the court's discretion to order a  
3 release, or the court has reason to believe that no one or more con-  
4 ditions of release will reasonably assure the appearance of the person  
5 as required or prevent the person from posing a danger to other persons  
6 and the community. If that determination is made, the person may be  
7 remanded to custody. This section does not affect the right of a person  
8 appealing from a judgement of conviction from a district court to the  
9 superior court to be released on bail pending appeal under Rule 2(c) of  
10 the District Court Rules of Criminal Procedure, unless he has been  
11 convicted of a prior criminal offense or charged with a prior criminal  
12 offense that has not reached a final determination by the time he is  
13 subsequently convicted, in which case, in the court's discretion, he  
14 may be refused bail pending appeal under that rule.

15 \* Sec. 3. AS 12.30.010 and AS 12.55.060(c) are repealed.

16 \* Sec. 4. Section 2 of this Act changes Rule No. 2(c), District Court  
17 Rules of Criminal Procedure, by prohibiting bail when the person convicted  
18 has been convicted of a prior criminal offense and making such prohibition  
19 discretionary when the person charged has been charged with a prior criminal  
20 offense that has not reached a final determination by the time he is  
21 subsequently charged, rather than allowing bail on appeal in all cases.  
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