

1 IN THE SENATE

BY LEWIS

2 SENATE BILL NO. 426

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 suspension and reduction of  
7 penalties; and changing Rule 35, Rules of Criminal  
8 Procedure."

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

10 \* Section 1. AS 11.05.150 is amended to read:

11 Sec. 11.05.150. IMPOSING LESS THAN PRESCRIBED PENALTY. Except  
12 in a case of a felony [MURDER OR RAPE], the court may, upon conviction,  
13 when in its opinion the facts and circumstances make the minimum penalty  
14 provided in this title manifestly too severe, impose a lesser penalty,  
15 either of a fine or imprisonment or both. When less than the minimum  
16 penalty is imposed, the court shall set out the reasons for its action  
17 on the record in the case.

18 \* Sec. 2. AS 12.55.080 is amended to read:

19 Sec. 12.55.080. SUSPENSION OF SENTENCE AND PROBATION. Upon  
20 entering a judgment of conviction of a crime other than a subsequent  
21 felony conviction, or at any time within 60 days from the date of entry  
22 of that judgment of conviction, a court, when satisfied that the ends  
23 of justice and the best interest of the public as well as the defendant  
24 will be served thereby, may suspend the imposition or execution or  
25 balance of the sentence or a portion thereof, and place the defendant  
26 on probation for a period and upon the terms and conditions as the court  
27 considers best.

28 \* Sec. 3. AS 12.55.085(a) is amended to read:

29 (a) If it appears that there are circumstances in mitigation of

1 the punishment of a crime other than a subsequent felony conviction,  
2 or that the ends of justice will be served, the court may, in its dis-  
3 cretion, suspend the imposition of sentence and may direct that the  
4 suspension continue for a period of time, not exceeding the maximum  
5 term of sentence which may be imposed, and upon the terms and conditions  
6 which the court determines, and shall place the person on probation,  
7 under the charge and supervision of the probation officer of the court  
8 during the suspension.

9 \* Sec. 4. AS 12.55.090(a) is amended to read:

10 (a) Except as provided in secs. 80 - 85 of this chapter, proba-  
11 tion [PROBATION] may be granted whether the crime is punishable by fine  
12 or imprisonment or both. If a crime is punishable by both fine and  
13 imprisonment, the court may impose a fine and place the defendant on  
14 probation as to imprisonment. Probation may be limited to one or more  
15 counts or indictments, but, in the absence of express limitation, shall  
16 extend to the entire sentence and judgment.

17 \* Sec. 5. Sections 1 - 4 of this Act have the effect of changing Rule 35(a)  
18 and (k), Rules of Criminal Procedure, by limiting those cases in which the  
19 court may reduce or suspend criminal penalties.  
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