

Introduced: 2/13/76
Referred: Judiciary

1 IN THE SENATE

BY ORSINI

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 479

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for a mandatory penalty for escape
7 from custody or confinement."

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

9 * Section 1. AS 11.30.090 is amended to read:

10 Sec. 11.30.090. ESCAPE FROM CUSTODY OR CONFINEMENT. A person
11 who escapes or attempts to escape from the custody of a peace officer
12 under a lawful arrest, from a jail or institution in which he is de-
13 tained by a peace officer or a corrections officer or confined by
14 direction of a court in this state, or from custody under process issued
15 by a court in this state is punishable,

16 (1) if the custody or confinement is by an arrest on a charge
17 of a felony, or conviction of a felony, by imprisonment for not less
18 than one year nor more than three years, to commence at the expiration
19 of the terms limited by previous judgments on conviction for crime, if
20 any; the imposition or execution of the minimum imprisonment provided in
21 this section shall not be suspended and probation or parole shall not
22 be granted until the minimum imprisonment provided in this section for
23 the offense is served [BY A FINE OF NOT MORE THAN \$5,000, OR BY IM-
24 PRISONMENT FOR NOT LESS THAN ONE YEAR NOR MORE THAN THREE YEARS, OR BY
25 BOTH]; or

26 (2) if the custody or confinement is for extradition, or by
27 an arrest, or charge of, or conviction of a misdemeanor, by a fine of
28 not more than \$1,000, or imprisonment for not more than one year, or by
29 both.

1 * Sec. 2. AS 11.05.150 is amended to read:

2 Sec. 11.05.150. IMPOSING LESS THAN PRESCRIBED PENALTY. Except in
3 a case of murder, escape from custody or confinement, or rape, the court
4 may, upon conviction, when in its opinion the facts and circumstances
5 make the minimum penalty provided in this title manifestly too severe,
6 impose a lesser penalty, either of a fine or imprisonment or both. When
7 less than the minimum penalty is imposed, the court shall set out the
8 reasons for its action on the record in the case.
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