

Original sponsor: Orsini

Offered: 3/23/76
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR 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 11.05.150 is amended to read:

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

18 * Sec. 2. AS 11.30.090 is amended to read:

19 Sec. 11.30.090. ESCAPE FROM CUSTODY OR CONFINEMENT. (a) A person
20 who escapes or attempts to escape from the custody of a peace officer
21 under a lawful arrest or from a jail or institution in which he is
22 detained by a peace officer or a corrections officer or confined by
23 direction of a court in this state or from custody under process issued
24 by a court in this state is punishable,

25 (1) if the custody or confinement is by an arrest on a charge
26 of a felony, [OR CONVICTION OF A FELONY,] by a fine of not more than
27 \$5,000, or by imprisonment for not less than one year nor more than
28 three years, or by both; [OR]

29 (2) if the custody or confinement is for extradition, or by

1 an arrest, or charge of, or conviction of a misdemeanor, by a fine of
2 not more than \$1,000, or imprisonment for not more than one year, or by
3 both; or

4 (3) if the custody or confinement is on conviction of a
5 felony, by imprisonment for not less than one year nor more than three
6 years.

7 (b) For terms of imprisonment required under (a)(3) of this
8 section,

9 (1) imprisonment may not be suspended under AS 12.55.080 and
10 probation and parole may not be granted;

11 (2) imposition of sentence may not be suspended under AS 12.-
12 55.085;

13 (3) terms of imprisonment may not be reduced under AS 11.05.-
14 150.

15 (c) Terms of imprisonment required under (a)(3) of this section
16 are to be consecutive to terms of imprisonment imposed for previously
17 committed crimes.

18 * Sec. 3. AS 33.15.180 is amended to read:

19 Sec. 33.15.180. PERSONS ELIGIBLE FOR PAROLE. A state prisoner
20 other than a juvenile delinquent, wherever confined and serving a
21 definite term of over 180 days or a term the minimum of which is at
22 least 181 days, whose record shows that he has observed the rules of the
23 institution in which he is confined, may, in the discretion of the
24 board, be released on parole, subject to the limitation prescribed in
25 AS 11.30.090(3), and secs. 80 and 230(a)(1) of this chapter.
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