

Introduced: 4/12/78
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS HOUSE CONCURRENT RESOLUTION NO. 123
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TENTH LEGISLATURE - SECOND SESSION

5 Requesting the judicial council to aid the
6 Alaska court system in developing guide-
7 lines for sentencing first felony offend-
8 ers.

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

10 WHEREAS findings based on a recent study performed by the judicial
11 council indicate substantial disparities in criminal sentences in Alaska
12 during recent years; and

13 WHEREAS the legislature considers it to be in the public interest to
14 promote just and reasonable uniformity in criminal sentencing in Alaska; and

15 WHEREAS there is now legislation pending before the Tenth Legislature
16 which seeks to promote uniformity in the sentencing of multiple felony of-
17 fenders, but does not deal as specifically with first felony offenders; and

18 WHEREAS at least half of all convicted felons have been determined to be
19 first felony offenders;

20 BE IT RESOLVED that the Alaska State Legislature requests the judicial
21 council to enlist the cooperation of the Alaska court system in a voluntary
22 development of judicial guidelines to be used in sentencing first felony
23 offenders. These guidelines should be consistent with all the purposes of
24 sentencing set out in any applicable legislation and should deal with the
25 following subjects:

26 (1) the terms of incarceration, if any, that may be appropriate
27 for each criminal offense;

28 (2) the application of any aggravating and mitigating factors that
29 may be expressed in legislation pertaining to criminal sentences;

1 (3) the development and application of additional aggravating and
2 mitigating factors;

3 (4) the effect of previous misdemeanor convictions and other pre-
4 vious indications of criminality as these may apply under a wide variety of
5 circumstances;

6 (5) the decision to impose concurrent or consecutive sentences
7 when sentencing on multiple counts;

8 (6) the use and scope of application of suspended imposition of
9 sentence, suspended sentence, or any other sentencing alternative in lieu of
10 incarceration set out in applicable legislation;

11 (7) the amount of any fine that may be appropriate for each crimi-
12 nal offense, having regard to all of the circumstances; and

13 (8) the extent to which uniformity may be achieved in the sen-
14 tencing of first felony offenders, consistent with the ideal of realizing
15 individual justice for all persons.