

Original sponsor: Sackett

Offered: 6/9/78
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 509

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to modification of sentences; and
7 changing Rule 35 of the Alaska Supreme Court's Rules of
8 Criminal Procedure."

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

10 * Section 1. AS 12.55 is amended by adding a new section to read:

11 Sec. 12.55.088. MODIFICATION OF SENTENCE. (a) The court may
12 modify or reduce a sentence at any time during a term of imprisonment
13 if it finds that conditions or circumstances have changed since the
14 original sentencing hearing such that the purpose of the original sen-
15 tence is not being fulfilled.

16 (b) The sentencing court may not be required to entertain a second
17 or successive motion for similar relief brought under (a) of this sec-
18 tion on behalf of the same prisoner.

19 (c) No sentence may be reduced or modified so as to result in a
20 term of imprisonment which is less than the minimum required by law for
21 the original sentence.

22 * Sec. 2. AS 12.55.088, enacted in sec. 1 of this Act, changes Rule 35 of
23 the Alaska Rules of Criminal Procedure by defining additional circumstances
24 without regard to time limit wherein a defendant's sentence may be modified
25 or reduced.

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