

Introduced: 2/13/79
Referred: Judiciary

1 IN THE SENATE

BY ZIEGLER

2 SENATE BILL NO. 141

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to sentencing of criminal defendants;
7 and providing for an effective date."

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

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

10 Sec. 12.55.086. IMPRISONMENT AS A CONDITION OF SUSPENDED IMPOSI-
11 TION OF SENTENCE. (a) When the imposition of sentence is suspended
12 under AS 12.55.085, the court may require, as a special condition of
13 probation, that the defendant serve a definite term of continuous or
14 periodic imprisonment, not to exceed the maximum term of imprisonment
15 that could have been imposed. While the defendant is imprisoned, he
16 shall be under the supervision of the Department of Health and Social
17 Services rather than the probation officer of the court.

18 (b) A defendant imprisoned under this section is entitled to a
19 deduction from his term of imprisonment for good conduct under AS 33.-
20 20.010. Unless otherwise specified in the order of suspension of im-
21 position of sentence, a defendant imprisoned under this section is eli-
22 gible for parole if his term of imprisonment exceeds 180 days and is
23 eligible for any work furlough, rehabilitation furlough, or similar
24 program available to other state prisoners.

25 (c) A defendant imprisoned under this section may not have his
26 probation revoked because of abandonment to improper associates while he
27 is imprisoned. If probation is revoked and the defendant is sentenced
28 to imprisonment, he shall receive credit for time served under this
29 section. Deductions for good conduct under AS 33.20.010 do not consti-

1 tute "time served".

2 * Sec. 2. AS 12.55.085(c) is amended to read:

3 (c) Upon the revocation and termination of the probation, the
4 court may pronounce sentence at any time after the suspension of the
5 sentence within the longest period for which the defendant might have
6 been sentenced, subject to the limitation specified in AS 12.55.086(c).

7 * Sec. 3. AS 33.05.070(b) is amended to read:

8 (b) As speedily as possible after arrest the probationer shall be
9 taken before the court for the district having jurisdiction over him.
10 Thereupon the court may revoke the probation and require him to serve
11 the sentence imposed, or any lesser sentence, and, if imposition of
12 sentence was suspended, may impose any sentence which might originally
13 have been imposed, subject to the limitation specified in AS 12.55.-
14 086(c).

15 * Sec. 4. AS 33.05.080(1) is amended to read:

16 (1) "probation", except as authorized under AS 12.55.086, is
17 a procedure under which a defendant, found guilty of a crime upon ver-
18 dict or plea, is released by the superior court subject to conditions
19 imposed by the court and subject to the supervision of the probation
20 service as [HEREINAFTER] provided in this chapter;

21 * Sec. 5. This Act takes effect January 1, 1980.
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