

Original sponsors: Barnes, Hayes,  
Abood, et al

Offered: 5/15/82  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 473 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to sentencing for class A felonies."

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

8 \* Section 1. AS 12.55.125(c) is repealed and reenacted to read:

9 (c) A defendant convicted of a class A felony may be sentenced to  
10 a definite term of imprisonment of not more than 20 years, and shall be  
11 sentenced to the following presumptive terms, subject to adjustment as  
12 provided in AS 12.55.155 - 12.55.175:

13 (1) if the offense is a first felony conviction, other than  
14 for manslaughter, and the defendant possessed a firearm, used a dangerous  
15 instrument, or caused serious physical injury during the commission of  
16 the offense, seven years;

17 (2) if the offense is a first felony conviction and does not  
18 involve circumstances described in (1) of this subsection, five years;

19 (3) if the offense is a second felony conviction, 10 years;

20 (4) if the offense is a third felony conviction, 15 years.

21 \* Sec. 2. AS 12.55.125(g) is amended to read:

22 (g) If a defendant is sentenced under (c) [(c)(1), (c)(2), (c)(3)],  
23 (d)(1), (d)(2), (e)(1), or (e)(2) of this section, except to the extent  
24 permitted under AS 12.55.155 - 12.55.175,

25 (1) imprisonment may not be suspended under AS 12.55.080  
26 [AS 12.55.80];

27 (2) imposition of sentence may not be suspended under AS 12.-  
28 55.085 [AS 12.55.85];

29 (3) terms of imprisonment may not be otherwise reduced.

1 \* Sec. 3. 12.55.155(a) is amended to read:

2 (a) If a defendant is convicted of an offense and is subject to  
3 sentencing under AS 12.55.125(c) [AS 12.55.125(c)(1), (c)(2), (c)(3)],  
4 (d)(1), (d)(2), (e)(1), or (e)(2) and

5 (1) the presumptive term is four years or less, the court may  
6 decrease the presumptive term by an amount as great as the presumptive  
7 term for factors in mitigation or may increase the presumptive term up  
8 to the maximum term of imprisonment for factors in aggravation;

9 (2) the presumptive term of imprisonment is more than four  
10 years, the court may decrease the presumptive term by an amount as great  
11 as 50 percent of the presumptive term for factors in mitigation or may  
12 increase the presumptive term up to the maximum term of imprisonment for  
13 factors in aggravation.

14 \* Sec. 5. AS 12.55.165 is amended to read:

15 Sec. 12.55.165. EXTRAORDINARY CIRCUMSTANCES. If the defendant is  
16 subject to sentencing under AS 12.55.125(c) [AS 12.55.125(c)(1), (c)(2),  
17 (c)(3)], (d)(1), (d)(2), (e)(1), or (e)(2) and the court finds by clear  
18 and convincing evidence that manifest injustice would result from failure  
19 to consider relevant aggravating or mitigating factors not specifically  
20 included in AS 12.55.155 or from imposition of the presumptive term,  
21 whether or not adjusted for aggravating or mitigating factors, the court  
22 shall enter findings and conclusions and cause a record of the proceed-  
23 ings to be transmitted to a three-judge panel for sentencing under AS  
24 12.55.175.

25 \* Sec. 5. AS 33.15.180 is amended to read:

26 Sec. 33.15.180. PERSONS ELIGIBLE FOR PAROLE. (a) A state prisoner  
27 other than a juvenile delinquent, wherever confined and serving a defin-  
28 ite term of over 180 days or a term the minimum of which is at least 181  
29 days, and who is not imprisoned in accordance with AS 12.55.125(c)

1 [AS 12.55.125(c)(1), (c)(2), (c)(3)], (d)(1), (d)(2), (e)(1), or (e)(2),  
2 whose record shows that he has observed the rules of the institution in  
3 which he is confined, may, in the discretion of the board, be released  
4 on parole, subject to the limitation prescribed in AS 33.15.080 and  
5 33.15.230(a)(1).

6 (b) A state prisoner who has been imprisoned in accordance with  
7 AS 12.55.125(a) or (b) may not be released on parole until he has served  
8 at least the prescribed minimum term of imprisonment.

9 (c) A state prisoner imprisoned in accordance with AS 12.55.125(c)  
10 [AS 12.55.125(c)(1), (c)(2), (c)(3)], (d)(1), (d)(2), (e)(1), or (e)(2)  
11 who is released under AS 33.20.030 shall be placed on parole for the  
12 period specified in the certificate of deduction, subject to written  
13 rules and conditions imposed by the board or his parole officer.

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