

Introduced: 1/12/82  
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 658

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."

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

8 \* Section 1. AS 12.55.125 is amended by adding a new subsection to read:

9 (1) If a defendant is sentenced under (c)(1), (c)(2), (c)(3),  
10 (d)(1), (d)(2), (e)(1), or (e)(2) of this section, and aggravating or  
11 mitigating factors are established under AS 12.55.155, the court may  
12 suspend a portion of the sentence as provided in AS 12.55.080, subject  
13 to the following limitations:

14 (1) if only aggravating factors are established, the term of  
15 imprisonment which is imposed and not suspended may not be less than the  
16 presumptive term of imprisonment specified in (c)(1), (c)(2), (c)(3),  
17 (d)(1), (d)(2), (e)(1), or (e)(2) of this section;

18 (2) if only mitigating factors are established, or if both  
19 aggravating and mitigating factors are established, the term of impris-  
20 onment that is imposed and not suspended may not be less than the lowest  
21 mitigated presumptive term of imprisonment specified in AS 12.55.155(a).

22 \* Sec. 2. AS 12.55.145(a)(2) is amended to read:

23 (2) a conviction in this or another jurisdiction of an of-  
24 fense having elements substantially identical to those of a felony as  
25 defined [AS UNDER] Alaska law at the time the offense was committed is  
26 considered a prior felony conviction;

27 \* Sec. 3. AS 12.55.155(c)(12) is amended to read:

28 (12) the defendant was on release under AS 12.30.020 or 12.30.  
29 040, on probation under AS 12.55.080 or 12.55.085 or on parole for

1 another felony charge or conviction or for a misdemeanor charge or con-  
2 viction having assault as a necessary element;

3 \* Sec. 4. AS 12.55.140 is repealed.  
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