

Offered: 3/23/83
Referred: Finance

Original sponsors: Lindauer, Barnes,
Abood, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 58 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a prisoner serving a sentence in
7 full or having probation revoked for refusing to
8 participate in counseling or treatment required by
9 the court."

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

11 * Section 1. AS 12.55.015(a) is amended by adding a new paragraph to
12 read:

13 (9) provide for a sentence to be served in full by a defen-
14 dant who refuses to participate in available alcohol, drug, sex of-
15 fender or other mental health treatment required by the sentencing
16 judge.

17 * Sec. 2. AS 12.55.080 is amended to read:

18 Sec. 12.55.080. SUSPENSION OF SENTENCE AND PROBATION. Upon
19 entering a judgment of conviction of a crime, or at any time within 60
20 days from the date of entry of that judgment of conviction, a court,
21 when satisfied that the ends of justice and the best interest of the
22 public as well as the defendant will be served thereby, may suspend
23 the imposition or execution or balance of the sentence or a portion
24 thereof, and place the defendant on probation for a period and upon
25 the terms and conditions as the court considers best. The court may
26 require available alcohol, drug, sex offender or other mental health
27 treatment as a condition of probation, if the circumstances of the
28 crime indicate that it is needed.

29 * Sec. 3. AS 12.55.085(b) is amended to read:

1 (b) At any time during the probationary term of the person
2 released on probation, a probation officer may, without warrant or
3 other process, rearrest the person so placed in the probation offi-
4 cer's [HIS] care and bring the person [HIM] before the court, or the
5 court may, in its discretion, issue a warrant for the rearrest of the
6 person and may revoke and terminate the probation, if the interests of
7 justice require, and if the court, in its judgment, has reason to
8 believe that the person placed upon probation is violating the con-
9 ditions of [HIS] probation, or engaging in criminal practices, or has
10 become abandoned to improper associates, [OR] a vicious life, or who
11 refuses to participate in treatment required by the sentencing judge.

12 * Sec. 4. AS 12.55.100(a) is amended by adding a new paragraph to read:

13 (5) to participate in available alcohol, drug, sex offender
14 or other mental health treatment.

15 * Sec. 5. AS 12.55.110 is amended to read:

16 Sec. 12.55.110. NOTICE AND GROUNDS FOR REVOCATION OF SUSPENSION.
17 When sentence has been suspended, it shall not be revoked except for
18 good cause shown. Good cause includes a refusal by a defendant to
19 participate in available alcohol, drug, sex offender or other mental
20 health treatment, if it is required by the court as a condition of
21 probation. In all proceedings for the revocation of a suspended
22 sentence, the defendant is entitled to reasonable notice and the right
23 to be represented by counsel.

24 * Sec. 6. AS 33.15.080 is amended to read:

25 Sec. 33.15.080. GRANTING OF PAROLE. If it appears to the board
26 from a review that a prisoner eligible for parole will, in reasonable
27 probability, live and remain at liberty without violating the laws, or
28 without violating the conditions imposed by the board, and if the
29 board determines that the prisoner's release on parole is not

1 incompatible with the welfare of society, and the prisoner has not
2 refused alcohol, drug, sex offender or other mental health treatment
3 recommended by the sentencing court and made available by the division
4 of corrections, or determined appropriate and made available by the
5 division of corrections, the board may authorize the release of the
6 prisoner on parole. However, no prisoner may be released on parole
7 who has not served at least one-third of the period of confinement to
8 which the prisoner has been sentenced.

9 * Sec. 7. AS 33.30.250(g) is amended by adding a new paragraph to read:

10 (8) who refuses to participate in available alcohol, drug,
11 sex offender or other mental health treatment required by the division
12 of corrections.