

Offered: 4/20/83  
Referred: Rules

Original sponsors: Lindauer, Barnes,  
Abood, et al

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 58 (Finance)  
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 participation in counseling or  
7 treatment required by a court or the division of  
8 corrections."

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

10 \* Section 1. AS 12.55.080 is amended to read:

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

22 \* Sec. 2. AS 12.55.085(b) is amended to read:

23 (b) At any time during the probationary term of the person  
24 released on probation, a probation officer may, without warrant or  
25 other process, rearrest the person so placed in the probation offi-  
26 cer's [HIS] care and bring the person [HIM] before the court, or the  
27 court may, in its discretion, issue a warrant for the rearrest of the  
28 person and may revoke and terminate the probation, if the interests of  
29 justice require, and if the court, in its judgment, has reason to

1 believe that the person placed upon probation is violating the con-  
2 ditions of [HIS] probation, or engaging in criminal practices, or has  
3 become abandoned to improper associates, [OR] a vicious life, or who  
4 refuses to participate in treatment required by the sentencing judge.

5 \* Sec. 3. AS 12.55.100(a) is amended by adding a new paragraph to read:

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

8 \* Sec. 4. AS 12.55.110 is amended to read:

9 Sec. 12.55.110. NOTICE AND GROUNDS FOR REVOCATION OF SUSPENSION.

10 When sentence has been suspended, it shall not be revoked except for  
11 good cause shown. Good cause includes a refusal by a defendant to  
12 participate in available alcohol, drug, sex offender or other mental  
13 health treatment, if it is required by the court as a condition of  
14 probation. In all proceedings for the revocation of a suspended  
15 sentence, the defendant is entitled to reasonable notice and the right  
16 to be represented by counsel.

17 \* Sec. 5. AS 33.15.080 is amended to read:

18 Sec. 33.15.080. GRANTING OF PAROLE. If it appears to the board  
19 from a review that a prisoner eligible for parole will, in reasonable  
20 probability, live and remain at liberty without violating the laws, or  
21 without violating the conditions imposed by the board, and if the  
22 board determines that the prisoner's release on parole is not incom-  
23 patible with the welfare of society, and the prisoner has not refused  
24 alcohol, drug, sex offender or other mental health treatment recom-  
25 ended by the sentencing court and made available by the division of  
26 corrections, or determined appropriate and made available by the  
27 division of corrections, the board may authorize the release of the  
28 prisoner on parole. However, no prisoner may be released on parole  
29 who has not served at least one-third of the period of confinement to

1        which the prisoner has been sentenced.

2        \* Sec. 6. AS 33.30.250(g) is amended by adding a new paragraph to read:

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