

Introduced: 5/12/85
Referred: Judiciary

1 IN THE HOUSE

BY MARROU

2

HOUSE BILL NO. 446

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to rescission of sentences; and
7 amending Rule 35 of the Alaska Rules of Criminal
8 Procedure."

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

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

11 Sec. 12.55.089. RESCISSION OF SENTENCE. (a) The court shall
12 rescind a sentence for violation of a state statute or regulation upon
13 notification under (b) of this section that the conduct for which a
14 person is under the sentence is no longer punishable under a statute
15 or regulation of the state.

16 (b) If a criminal statute or regulation of the state is repealed
17 and conduct punishable under that statute or regulation is no longer
18 punishable under a statute or regulation of the state, the attorney
19 general shall

20 (1) inform the sentencing court of the identity of a perso
21 under sentence for a violation of the repealed statute or regulation;
22 and

23 (2) inform the court that the conduct for which the person
24 is under sentence is no longer punishable under a statute or regula-
25 tion of the state.

26 * Sec. 2. Rule 35 of the Alaska Rules of Criminal Procedure is amended
27 by adding a new section to read:

28 (1) RESCISSION OF SENTENCE. The court shall rescind a sentence
29 for violation of a state statute or regulation upon notification from

1 the attorney general that the conduct for which a person is under the
2 sentence is no longer punishable under a statute or regulation of the
3 state.

4 * Sec. 3. Section 2 amends Rule 35 of the Alaska Rules of Criminal
5 Procedure by requiring that a court rescind a sentence if the conduct for
6 which a person is under the sentence is no longer punishable under state
7 law.