

Introduced: 1/13/86
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY THOMPSON

2

HOUSE BILL NO. 463

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to criminal trials and restitution."

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

8 * Section 1. AS 12.45.120 is amended to read:

9 Sec. 12.45.120. AUTHORITY TO COMPROMISE MISDEMEANORS FOR WHICH
10 VICTIM HAS CIVIL ACTION. When a defendant is held to answer on a
11 charge of misdemeanor for which the person injured by the act consti-
12 tuting the crime has a remedy by a civil action, the crime may be
13 compromised except when it was committed

14 (1) by or upon a peace officer, judge, or magistrate while
15 in the execution of the duties of that office;

16 (2) riotously;

17 (3) with an intent to commit a felony;

18 (4) larcenously;

19 (5) by assault against

20 (A) a spouse or a former spouse of the defendant;

21 (B) a parent, grandparent, child, or grandchild of the
22 defendant;

23 (C) a member of the social unit comprised of those
24 living together in the same dwelling as the defendant; or

25 (D) a person who is not a spouse or former spouse of
26 the defendant but who previously lived in a spousal relationship
27 with the defendant.

28 * Sec. 2. AS 12.55.045(a) is amended to read:

29 (a) The court may order a defendant convicted of an offense to

1 make restitution as provided in this section, including restitution to
2 a public or private nonprofit organization that has provided counsel-
3 ing, medical, or shelter services to the victim or as otherwise au-
4 thorized by law. [IN DETERMINING THE AMOUNT AND METHOD OF PAYMENT OF
5 RESTITUTION, THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL RESOURCES
6 OF THE DEFENDANT AND THE NATURE OF THE BURDEN ITS PAYMENT WILL IM-
7 POSE.]

8 * Sec. 3. AS 12.55.051(a) is amended to read:

9 (a) If the defendant defaults in the payment of a fine or any
10 installment or of restitution or any installment, the court may order
11 the defendant to show cause why the defendant should not be sentenced
12 to imprisonment for nonpayment. If the defendant fails to establish
13 [COURT FINDS] by a preponderance of the evidence that the defendant
14 did not intentionally refuse or fail [DEFAULT WAS ATTRIBUTABLE TO AN
15 INTENTIONAL REFUSAL OR FAILURE] to make a good faith effort to pay the
16 fine or restitution, the court may order the defendant imprisoned
17 until the order of the court is satisfied. A term of imprisonment
18 imposed under this section may not exceed one day for each \$50 of the
19 unpaid portion of the fine or restitution or one year, whichever is
20 shorter. Credit shall be given toward satisfaction of the order of
21 the court for every day a person is incarcerated for nonpayment of a
22 fine or restitution.