

Offered: 3/21/86  
Referred: Finance

Original sponsors: Thompson, Jenkins,  
Uehling, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 463 (Judiciary)

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 the authority to compromise  
7 certain misdemeanors and to the payment of restitu-  
8 tion."

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

10 \* Section 1. AS 12.45.120 is amended to read:

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

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

18 (2) riotously;

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

20 (4) by assault against

21 (A) the spouse of the defendant, unless the court  
22 finds that a divorce is pending between the individuals and a  
23 restraining order against further assaultive behavior has been  
24 issued;

25 (B) a former spouse of the defendant;

26 (C) a parent, grandparent, child, or grandchild of the  
27 defendant;

28 (D) a member of the social unit comprised of those  
29 living together in the same dwelling as the defendant; or

1                   (E) a person who is not a spouse or former spouse of  
2                   the defendant but who previously lived in a spousal relationship  
3                   with the defendant [LARCENOUSLY].

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

5                   (a) The court may order a defendant convicted of an offense to  
6                   make restitution as provided in this section, including restitution to  
7                   a public or private nonprofit organization that has provided counsel-  
8                   ing, medical, or shelter services to the victim or as otherwise au-  
9                   thorized by law. In determining the amount and method of payment of  
10                   restitution, the court shall take into account the financial resources  
11                   of the defendant and the nature of the burden its payment will impose.