

Offered: 4/15/86
For Today's Calendar

Original sponsors: Thompson, Jenkins,
Uehling, et al

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

CS FOR HOUSE BILL NO. 463 (Rules)

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) larcenously;

21 (5) by assault against

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

23 (B) a parent, grandparent, child, or grandchild of the
24 defendant;

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

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

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

2 (a) The court may order a defendant convicted of an offense to
3 make restitution as provided in this section, including restitution to
4 a public or private nonprofit organization that has provided counsel-
5 ing, medical, or shelter services to the victim, or as otherwise au-
6 thorized by law. Before an order of restitution is entered the defen-
7 dant may, upon request, have an opportunity to establish by a pre-
8 ponderance of the evidence the inability to pay restitution during the
9 term of the sentence [IN DETERMINING THE AMOUNT AND METHOD OF PAYMENT
10 OF RESTITUTION, THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL
11 RESOURCES OF THE DEFENDANT AND THE NATURE OF THE BURDEN ITS PAYMENT
12 WILL IMPOSE].

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

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

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