

Introduced: 2/5/86
Referred: Judiciary

BY GRUENBERG, M.M. MILLER,
CLOCKSIN AND TAYLOR

1 IN THE HOUSE

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HOUSE BILL NO. 548

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to court instructions on possible
7 immigration and naturalization consequences of guilty
8 or nolo contendere pleas; and changing Rule 11(c),
9 and 11(h), Alaska Rules of Criminal Procedure."

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

11 * Section 1. AS 12.80 is amended by adding a new section to read:

12 Sec. 12.80.060. COURT INSTRUCTION ON POSSIBLE IMMIGRATION AND
13 NATURALIZATION CONSEQUENCES OF GUILTY OR NOLO CONTENDERE PLEA. (a)
14 The court may not accept a plea of guilty or nolo contendere from a
15 defendant in a criminal proceeding unless the court advises the defen-
16 dant of the following: "If you are not a citizen of the United
17 States, you are hereby advised that conviction of the offense for
18 which you have been charged may have the consequences of deportation,
19 exclusion from admission to the United States, or denial of natu-
20 ralization, under the laws of the United States."

21 (b) The defendant may not be required at the time of the plea to
22 disclose the defendant's legal status in the United States to the
23 court.

24 (c) If the court fails to advise the defendant, and the defen-
25 dant later at any time shows that the plea and conviction may have one
26 of the enumerated consequences, the court, on the defendant's motion,
27 shall vacate the judgment, and permit the defendant to withdraw the
28 plea of guilty or nolo contendere, and enter a plea of not guilty.

29 (d) In the absence of a record that the court provided the

1 advice required by this section, the defendant shall be presumed not
2 to have received the required advice.

3 * Sec. 2. AS 12.80.060, enacted in sec. 1 of this Act has the effect of
4 amending Rule 11(c), Alaska Rules of Criminal Procedure by adding to the
5 requirements that a court must address before accepting a guilty or nolo
6 contendere plea, and Rule 11(h), Alaska Rules of Criminal Procedure, by
7 adding another reason to allow a plea withdrawal.