

Offered: 5/1/96
Referred: Finance

Original sponsors: Clocksin, Adams,
Duncan, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 554 (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 sentencing and discretionary
7 parole."

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

9 * Section 1. AS 12.55.015(d) is repealed and reenacted to read:

10 (d) The court, in imposing sentence on a defendant convicted of
11 (1) sexual assault or sexual abuse of a minor; (2) misconduct involv-
12 ing a controlled substance in the first, second, third, fourth, fifth
13 or sixth degree; or (3) a felony involving the abuse of alcohol, may,
14 in addition to a sentence required by law, order the defendant to
15 participate in a treatment program for persons who are sex offenders
16 or a program for treatment of drug or alcohol abusers, if the court
17 determines that the treatment is appropriate. Participation may be
18 required as a condition of probation, a condition of suspended exe-
19 cution of sentence, or a condition of suspended imposition of sen-
20 tence. This subsection may not be construed to reduce a mandatory
21 minimum or presumptive sentence.

22 * Sec. 2. AS 12.55.125(c) is amended to read:

23 (c) A defendant convicted of a class A felony may be sentenced
24 to a definite term of imprisonment of not more than 20 years, and
25 shall be sentenced to the following presumptive terms, subject to
26 adjustment as provided in AS 12.55.155 - 12.55.175:

27 (1) [IF THE OFFENSE IS A FIRST FELONY CONVICTION AND DOES
28 NOT INVOLVE CIRCUMSTANCES DESCRIBED IN (2) OF THIS SUBSECTION, FIVE
29 YEARS;]

1 (2) if the offense is a first felony conviction, other than
2 for manslaughter, and the defendant possessed a firearm, used a dan-
3 gerous instrument, or caused serious physical injury during the com-
4 mission of the offense, or knowingly directed the conduct constituting
5 the offense at a uniformed or otherwise clearly identified peace
6 officer, fire fighter, correctional officer, emergency medical techni-
7 cian, paramedic, ambulance attendant, or other emergency responder who
8 was engaged in the performance of official duties at the time of the
9 offense, five [SEVEN] years;

10 (3) if the offense is a second felony conviction, 10 years;

11 (4) if the offense is a third felony conviction, 15 years.

12 * Sec. 3. AS 12.55.155(a) is amended to read:

13 (a) If a defendant is convicted of an offense and is subject to
14 sentencing under AS 12.55.125(c), (d)(1), (d)(2), (e)(1), (e)(2), or
15 (i) and

16 (1) the presumptive term is four years or less, the court
17 may decrease the presumptive term by an amount as great as the pre-
18 sumptive term for factors in mitigation or may increase the presump-
19 tive term up to the maximum term of imprisonment for factors in aggra-
20 vation;

21 (2) the presumptive term of imprisonment is more than four
22 years, the court may decrease the presumptive term by an amount as
23 great as 75 [50] percent of the presumptive term for factors in miti-
24 gation or may increase the presumptive term up to the maximum term of
25 imprisonment for factors in aggravation.

26 * Sec. 4. AS 12.55.155(d) is amended by adding new paragraphs to read:

27 (17) the defendant is under the age of 25;

28 (18) the defendant has demonstrated good potential for
29 rehabilitation;

1 (19) the offense was isolated and not premeditated;
2 (20) the defendant, before apprehension, notified law en-
3 forcement authorities of the defendant's involvement in the criminal
4 conduct.

5 * Sec. 5. AS 33.16.090(b) is amended to read:

6 (b) Unless a prisoner is serving a term for the prisoner's first
7 conviction of an offense subject to a presumptive sentence, a [A]
8 prisoner is not eligible for discretionary parole during the term of a
9 presumptive sentence; however, a prisoner is eligible for
10 discretionary parole during a term of sentence enhancement imposed
11 under AS 12.55.155(a) or during the term of a consecutive or partially
12 consecutive presumptive sentence imposed under AS 12.55.025(e) or (g).