

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 270

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST 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 no contest pleas; and changing Rule 11(c) and  
9 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 NO CONTEST PLEA. (a) The  
14 court may not accept a plea of guilty or no contest from a defendant  
15 in a criminal proceeding unless the court advises the defendant of the  
16 following: "If you are not a citizen of the United States, you are  
17 hereby advised that conviction of the offense for which you have been  
18 charged may have the consequences of deportation, exclusion from  
19 admission to the United States, or denial of naturalization, under the  
20 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 no contest, 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  
4 of amending Rule 11(e), Alaska Rules of Criminal Procedure, by adding to  
5 the requirements that a court must address before accepting a guilty or no  
6 contest plea, and Rule 11(h), Alaska Rules of Criminal Procedure, by adding  
7 another reason to allow a plea withdrawal.