

Offered: 5/4/90
Referred: Rules

gol259hJ

Original sponsor(s): Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR HOUSE BILL NO. 316 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to fines imposed in criminal cases
7 against organizations."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 12.55.035(c) is repealed and reenacted to read:
10 (c) Upon conviction of an offense, a defendant that is an orga-
11 nization may be sentenced to pay a fine not exceeding the greater of
12 (1) an amount that is
13 (A) \$500,000 for a felony offense or for a misdemeanor
14 offense that results in death;
15 (B) \$200,000 for a class A misdemeanor offense that
16 does not result in death;
17 (C) \$25,000 for a class B misdemeanor offense that
18 does not result in death;
19 (D) \$10,000 for a violation;
20 (2) two times the pecuniary gain realized by the defendant
21 as a result of the offense; or
22 (3) two times the pecuniary damage or loss caused by the
23 defendant to another, or to the property of another, as a result of
24 the offense.
25 * Sec. 2. AS 12.55.035 is amended by adding a new subsection to read:
26 (e) In imposing a fine under (c) of this section, in addition to
27 any other relevant factors, the court shall consider
28 (1) measures taken by the organization to discipline an
29 officer, director, employee, or agent of the organization;

- 1 (2) measures taken by the organization to prevent a recur-
2 rance of the offense;
- 3 (3) the organization's obligation to make restitution to a
4 victim of the offense, and the extent to which imposition of a fine
5 will impair the ability of the organization to make restitution; and
- 6 (4) the extent to which the organization will pass on to
7 consumers the expense of the fine.