

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2

HOUSE BILL NO. 491

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act creating a sentencing commission; and
7 providing for an effective date."

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

9 * Section 1. AS 44.19 is amended by adding new sections to read:

10 ARTICLE 16. SENTENCING COMMISSION.

11 Sec. 44.19.525. CREATION OF COMMISSION. The Alaska Sentencing
12 Commission is created in the Office of the Governor.

13 Sec. 44.19.535. COMPOSITION. (a) The commission consists of
14 the following 13 members:

15 (1) three persons appointed by the governor, one of whom is
16 appointed after consultation with the Alaska Peace Officers'
17 Association;

18 (2) the commissioner of corrections or a deputy
19 commissioner of corrections designated by the commissioner;

20 (3) the commissioner of public safety or a deputy
21 commissioner of public safety designated by the commissioner;

22 (4) the attorney general or a deputy attorney general
23 designated by the attorney general;

24 (5) the public defender or the designee of the public
25 defender;

26 (6) the presiding officer of the board of parole or a
27 member of the board of parole designated by the presiding officer;

28 (7) the chief justice of the supreme court or another
29 justice of the supreme court designated by the chief justice;

1 (8) a judge of the court of appeals designated by the chief
2 justice;

3 (9) a superior court judge designated by the chief justice;

4 (10) the senate president or another senator designated by
5 the senate president; and

6 (11) the speaker of the house of representatives or another
7 member of the house designated by the speaker of the house of
8 representatives.

9 (b) The commission, by majority vote of the membership, shall
10 elect a chair and other officers it considers necessary from among its
11 membership to serve on a yearly basis.

12 (c) The term of office of a member appointed under (a)(1) of
13 this section is three years. Terms shall be staggered, and a member
14 may not serve more than two consecutive terms. A vacancy shall be
15 filled for the balance of the unexpired term in the same manner as
16 original appointments.

17 Sec. 44.19.545. COMPENSATION. Members of the commission serve
18 without compensation, but are entitled to per diem and travel expenses
19 authorized for boards and commissions under AS 39.20.180.

20 Sec. 44.19.555. MEETINGS. A majority of the members constitutes
21 a quorum for conducting business and exercising the powers of the
22 commission. The commission shall meet at the call of the chair, at
23 the request of the majority of the members, or at a regularly
24 scheduled time as determined by a majority of the members.

25 Sec. 44.19.565. PURPOSE. The purpose of the commission is to
26 evaluate the impact of crime rates and sentencing laws on the criminal
27 justice system, and to make recommendations for improving criminal
28 sentencing practices.

29 Sec. 44.19.575. METHODOLOGY. In making recommendations, the

1 commission shall

2 (1) solicit and consider information and views from a
3 variety of constituencies in order to represent the broad spectrum of
4 diversity that exists with respect to possible approaches for
5 sentencing criminals in the state; and

6 (2) base recommendations on the following factors:

7 (A) the seriousness of each offense in relation to
8 other offenses;

9 (B) the effect of an offender's prior criminal history
10 on sentencing;

11 (C) the need to rehabilitate criminal offenders;

12 (D) the need to confine offenders to prevent harm to
13 the public;

14 (E) the extent to which criminal offenses harm victims
15 and endanger the public safety and order;

16 (F) the effect of sentencing in deterring an offender
17 or other members of society from future criminal conduct;

18 (G) the effect of sentencing as a community condem-
19 nation of criminal acts and as a reaffirmation of societal norms;

20 (H) the elimination of unjustified disparity in sen-
21 tences; and

22 (I) the resources available to criminal justice system
23 agencies.

24 Sec. 44.19.585. POWERS AND DUTIES. To accomplish its purpose,
25 the commission may

26 (1) hire an executive director and additional
27 administrative staff as may be necessary to the commission's function;

28 (2) select and retain the services of consultants whose
29 advice is considered necessary to assist the commission in obtaining

1 information;

2 (3) accumulate and compile information concerning
3 sentencing laws; and

4 (4) recommend legislative and administrative action on
5 sentencing laws.

6 Sec. 44.19.595. ANNUAL REPORT AND RECOMMENDATIONS. Each year
7 the commission shall submit to the governor and the legislature a
8 report of its proceedings for the previous calendar year and shall
9 submit recommendations for legislative and administrative action.
10 Reports and recommendations required under this section shall be
11 submitted no later than the 10th day of each regular session of the
12 legislature.

13 * Sec. 2. AS 44.66.010(a) is amended by adding a new paragraph to read:
14 (17) Alaska Sentencing Commission (AS 44.19.525) - June 30,
15 1994.

16 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).