

Amended: 3/28/90
Offered: 3/2/90
Referred: Finance

go0340hE

Original sponsor(s): Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 491 (Judiciary) am
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 provid-
7 ing 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. 44.19.561. CREATION OF COMMISSION. The Alaska Sentencing
12 Commission is established in the Office of the Governor.

13 Sec. 44.19.563. COMPOSITION. (a) The commission consists of 13
14 members as follows:

15 (1) three persons appointed by the governor, with due
16 consideration to geographic representation and the interests of vic-
17 tims, local law enforcement officers, rehabilitation specialists, and
18 other groups closely concerned with sentencing policies;

19 (2) the commissioner of corrections or a deputy commis-
20 sioner of corrections designated by the commissioner;

21 (3) the commissioner of public safety or a deputy commis-
22 sioner of public safety designated by the commissioner;

23 (4) the attorney general or the designee of the attorney
24 general;

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

27 (6) the presiding officer of the Board of Parole or a
28 member of the Board of Parole designated by the presiding officer;

29 (7) the chief justice of the supreme court or another

1 justice of the supreme court or a judge of the court of appeals desig-
2 nated by the chief justice;

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

4 (9) a district court judge designated by the chief justice;

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

7 (11) the speaker of the house of representatives or another
8 member of the house designated by the speaker of the house of repre-
9 sentatives.

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

13 (c) The term of office of a member appointed under (a)(1) of
14 this section is three years. A vacancy shall be filled for the
15 balance of the unexpired term in the same manner as original appoint-
16 ments.

17 Sec. 44.19.565. 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. 44.19.567. 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 sched-
24 uled time as determined by a majority of the members.

25 Sec. 44.19.569. PURPOSE. The purpose of the commission is to
26 evaluate the effect of sentencing laws and practices on the criminal
27 justice system, and to make recommendations for improving criminal
28 sentencing practices. In so doing, the commission shall consider

29 (1) statutes and court rules related to sentencing of

1 criminal defendants;

2 (2) sentencing practices of the judiciary, including the
3 use of benchmark sentences;

4 (3) alternatives to traditional forms of incarceration;

5 (4) the use of parole and probation in sentencing criminal
6 defendants;

7 (5) the adequacy, availability, and effectiveness of treat-
8 ment and rehabilitation programs;

9 (6) crime rates, including the rate of violent crime, in
10 this state compared to other states;

11 (7) incarceration rates in this state compared to other
12 states; and

13 (8) the projected financial effect of changes in sentencing
14 laws and practices.

15 Sec. 44.19.571. METHODOLOGY. In making recommendations,
16 the commission shall

17 (1) solicit and consider information and views from a
18 variety of constituencies in order to represent the broad spectrum of
19 diversity that exists with respect to possible approaches for sentenc-
20 ing criminals in the state; and

21 (2) base recommendations on the following factors:

22 (A) the seriousness of each offense in relation to
23 other offenses;

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

26 (C) the need to rehabilitate criminal offenders;

27 (D) the need to confine offenders to prevent harm to
28 the public;

29 (E) the extent to which criminal offenses harm victims

1 and endanger the public safety and order;

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

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

6 (H) the elimination of unjustified disparity in sen-
7 tences; and

8 (I) the resources available to criminal justice system
9 agencies.

10 Sec. 44.19.573. POWERS AND DUTIES. To accomplish its purpose,
11 the commission may

12 (1) hire an executive director and additional administra-
13 tive staff as may be necessary to the commission's function, or place
14 the commission staff under the executive director of the Alaska Judi-
15 cial Council;

16 (2) select and retain the services of consultants whose
17 advice is considered necessary to assist the commission in obtaining
18 information;

19 (3) accumulate and compile information concerning sentenc-
20 ing practices; and

21 (4) recommend legislative and administrative action on
22 sentencing practices.

23 Sec. 44.19.575. ANNUAL REPORT AND RECOMMENDATIONS. The commis-
24 sion shall submit to the governor and the legislature an annual report
25 of its proceedings for the previous calendar year and shall submit
26 recommendations for legislative and administrative action. Reports
27 and recommendations required under this section shall be submitted no
28 later than January 1 of each year.

29 Sec. 44.19.577. DEFINITION. In AS 44.19.561 - 44.19.577,

1 "commission" means the Alaska Sentencing Commission established in
2 AS 44.19.561.

3 * Sec. 2. TRANSITIONAL PROVISIONS. The initial appointments to the
4 Alaska Sentencing Commission under AS 44.19.563, as added by sec. 1 of this
5 Act, shall be made and the first meeting of the commission shall be con-
6 vened by July 1, 1990. The first report required under AS 44.19.575, as
7 added by sec. 1 of this Act, shall be submitted no later than January 1,
8 1991.

9 * Sec. 3. This Act is repealed June 30, 1993.

10 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).