

Original sponsor(s): Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 491 (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 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 14
14 members as follows:

15 (1) a person with a law enforcement background, appointed
16 by the governor after considering nominations from the Alaska Peace
17 Officers Association;

18 (2) two persons who are members of a crime victims advocacy
19 or crime victims assistance organization, appointed by the governor;

20 (3) a person with an understanding of the concerns of
21 Alaska Natives relating to the criminal justice system, appointed by
22 the governor;

23 (4) a person with a background in criminal rehabilitation
24 programs, appointed by the governor;

25 (5) a person with an academic background in criminal jus-
26 tice issues, appointed by the governor after considering nominations
27 from the dean of the School of Public Policy of the University of
28 Alaska Anchorage;

29 (6) the commissioner of corrections or a deputy

1 commissioner of corrections designated by the commissioner;
2 (7) the commissioner of public safety or a deputy commis-
3 sioner of public safety designated by the commissioner;
4 (8) the attorney general or the designee of the attorney
5 general;
6 (9) the public defender or the designee of the public
7 defender;
8 (10) the chief justice of the supreme court or another
9 justice of the supreme court or a judge of the court of appeals desig-
10 nated by the chief justice;
11 (11) a superior court judge designated by the chief justice;
12 (12) the senate president or another senator designated by
13 the senate president; and
14 (13) the speaker of the house of representatives or another
15 member of the house designated by the speaker of the house of repre-
16 sentatives.
17 (b) The commission, by majority vote of the membership, shall
18 elect a chair and other officers it considers necessary from among its
19 membership to serve on a yearly basis.
20 (c) The term of office of a member appointed under (a)(1) - (5)
21 of this section is three years. A vacancy shall be filled for the
22 balance of the unexpired term in the same manner as original appoint-
23 ments.
24 Sec. 44.19.565. COMPENSATION. Members of the commission serve
25 without compensation, but are entitled to per diem and travel expenses
26 authorized for boards and commissions under AS 39.20.180.
27 Sec. 44.19.567. MEETINGS. A majority of the members constitutes
28 a quorum for conducting business and exercising the powers of the
29 commission. The commission shall meet at the call of the chair, at

1 the request of the majority of the members, or at a regularly sched-
2 uled time as determined by a majority of the members.

3 Sec. 44.19.569. PURPOSE. The purpose of the commission is to
4 evaluate the effect of sentencing laws and practices on the criminal
5 justice system, and to make recommendations for improving criminal
6 sentencing practices. In so doing, the commission shall consider

7 (1) statutes and court rules related to sentencing of
8 criminal defendants;

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

11 (3) alternatives to traditional forms of incarceration;

12 (4) the use of parole and probation in sentencing criminal
13 defendants;

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

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

18 (7) incarceration rates in this state compared to other
19 states; and

20 (8) the projected financial effect of changes in sentencing
21 laws and practices.

22 Sec. 44.19.571. METHODOLOGY. In making recommendations, the
23 commission shall

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

28 (2) base recommendations on the following factors:

29 (A) the seriousness of each offense in relation to

- 1 other offenses;
- 2 (B) the effect of an offender's prior criminal history
- 3 on sentencing;
- 4 (C) the need to rehabilitate criminal offenders;
- 5 (D) the need to confine offenders to prevent harm to
- 6 the public;
- 7 (E) the extent to which criminal offenses harm victims
- 8 and endanger the public safety and order;
- 9 (F) the effect of sentencing in deterring an offender
- 10 or other members of society from future criminal conduct;
- 11 (G) the effect of sentencing as a community condem-
- 12 nation of criminal acts and as a reaffirmation of societal norms;
- 13 (H) the elimination of unjustified disparity in sen-
- 14 tences; and
- 15 (I) the resources available to criminal justice system
- 16 agencies.

17 Sec. 44.19.573. POWERS AND DUTIES. To accomplish its purpose,

18 the commission may

- 19 (1) hire an executive director and additional administra-
- 20 tive staff as may be necessary to the commission's function, or place
- 21 the commission staff under the executive director of the Alaska Judi-
- 22 cial Council;
- 23 (2) select and retain the services of consultants whose
- 24 advice is considered necessary to assist the commission in obtaining
- 25 information;
- 26 (3) accumulate and compile information concerning sentenc-
- 27 ing practices; and
- 28 (4) recommend legislative and administrative action on
- 29 sentencing practices.

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

7 Sec. 44.19.577. DEFINITION. In AS 44.19.561 - 44.19.577, "com-
8 mission" means the Alaska Sentencing Commission established in AS 44.-
9 19.561.

10 * Sec. 2. TRANSITIONAL PROVISIONS. The initial appointments to the
11 Alaska Sentencing Commission under AS 44.19.563, as added by sec. 1 of this
12 Act, shall be made and the first meeting of the commission shall be con-
13 vened by July 1, 1990. The first report required under AS 44.19.575, as
14 added by sec. 1 of this Act, shall be submitted no later than January 1,
15 1991.

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

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