

BY REP. KOPONEN

1 IN THE HOUSE

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HOUSE BILL NO. 545

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act relating to sentencing practices and procedures; expanding the circumstances in which a sentence may require participation in an appropriate rehabilitation or treatment program; redefining eligibility for discretionary parole; adding a related mitigating factor in the determination of presumptive sentences; and providing for an effective date."

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

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* Section 1. AS 12.55.015(d) is repealed and reenacted to read:

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(d) In imposing sentence on a defendant, a court may, in addition

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to any mandatory minimum sentence required by law, order the defendant to participate in an appropriate rehabilitation or treatment program. Participation in the rehabilitation or treatment program designated by the court may be imposed as a condition of probation, a condition of suspended execution of sentence, or a condition of suspended imposition of sentence. When a rehabilitation or treatment program is ordered by the court, time spent participating in the rehabilitation or treatment program must be counted as part of the defendant's sentence but may not be construed to reduce a mandatory minimum sentence.

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* Sec. 2. AS 12.55.125(f) is amended to read:

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(f) If a defendant is sentenced under (a) or (b) of this section:

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(1) imprisonment for the prescribed minimum term may not be

1 suspended under AS 12.55.080;

2 (2) imposition of sentence may not be suspended under
3 AS 12.55.085;

4 (3) imprisonment for the prescribed minimum term may not be
5 [OTHERWISE] reduced by the court, but may be reduced by the parole
6 board under AS 33.16.090(b).

7 * Sec. 3. AS 12.55.155(d) is amended by adding a new paragraph to read:

8 (17) the defendant demonstrates to the court a strong poten-
9 tial for successful rehabilitation.

10 * Sec. 4. AS 33.16.090(b) is amended to read:

11 (b) Except as otherwise provided in this subsection, a [A]
12 prisoner is not eligible for discretionary parole during the term of a
13 presumptive sentence. A [; HOWEVER, A] prisoner is eligible for
14 discretionary parole during

15 (1) the term of a presumptive sentence imposed on a person
16 who has not previously been convicted of a felony in this or another
17 jurisdiction;

18 (2) a term of sentence enhancement imposed under AS 12.55.-
19 155(a); or

20 (3) [DURING] the term of a consecutive or partially consec-
21 utive presumptive sentence imposed under AS 12.55.025(e) or (g).

22 * Sec. 5. Sections 2 and 4 of this Act are retroactive to January 1,
23 1980, and apply to prisoners sentenced after December 31, 1979.

24 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).