

SENATE BILL NO. 283

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY SENATOR SHARP

Introduced: 2/9/94  
Referred: STA, JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to probation and revocation of probation."

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

3 \* Section 1. AS 12.55.025 is amended by adding a new subsection to read:

4 (j) Notwithstanding another provision of law, the sentence of a person whose  
5 probation is revoked under AS 12.55.112 shall be consecutive to the sentence the  
6 person receives for the conviction or convictions that form the basis for the revocation  
7 of probation.

8 \* Sec. 2. AS 12.55 is amended by adding a new section to read:

9 Sec. 12.55.112. MANDATORY REVOCATION OF PROBATION. (a)  
10 Notwithstanding another provision of law, if the court has placed a person convicted  
11 of a felony on probation, the court shall revoke and terminate that probation and  
12 sentence the person to a term of imprisonment if no term has as yet been imposed or  
13 require the person to serve the sentence imposed if execution of the sentence was  
14 suspended, if the person during the probationary term is convicted of

1 (1) a felony under the laws of this state, or a violation of a law or  
2 ordinance of another jurisdiction with elements similar to those of a felony under the  
3 laws of this state;

4 (2) two class A misdemeanors under the laws of this state or two  
5 violations of laws or ordinances of another jurisdiction with elements similar to those  
6 of a class A misdemeanor under the laws of this state;

7 (3) three or more misdemeanors under the laws of this state or three  
8 or more violations of laws or ordinances of another jurisdiction with elements similar  
9 to those of a misdemeanor under the laws of this state.

10 (b) If a person whose probation is revoked under this section was required to  
11 serve a period of imprisonment as a condition of that probation, the court shall credit  
12 the defendant with the time served as determined under AS 12.55.086(c).

13 (c) Nothing in (a) of this section limits a court's discretion to revoke and  
14 terminate the probation of a person in circumstances other than those enumerated in  
15 (a) of this section.

16 (d) The sentence of a person whose probation is revoked under (a) of this  
17 section shall be consecutive to the sentences for the conviction or convictions that form  
18 the basis for the revocation as provided in AS 12.55.025(j).

19 (e) For the purpose of (a)(2) and (3) of this section, misdemeanors that arise  
20 out of a single continuous criminal episode are considered one misdemeanor as  
21 provided in AS 12.55.145(a)(3).