

H B

6 7 0

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary
" " "

3/19/86

3/20/86

1:30 pm

1:30 pm

2
2/17

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 630
 Title : An Act Relating to Suspended Sentences
 Sponsor : _____
 Requestor : _____
 Date of Request : 2/11/80

FISCAL DETAIL

Agency Affected : Alaska Court System
 BRU : Trial Courts
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Robert G. Fisher Phone : 254-8215
 Division : Alaska Court System Date : 2/13/86

Approved by Commissioner : Arthur H. Snowden, II Date : 2/13/86
 Agency : Alaska Court System

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

INTERIM, AK PETERSON

#37-29-86



Alaska Court System
State of Alaska
OFFICE OF ADMINISTRATIVE

KARLA L. FORBYTHE
General Counsel

December 23, 1995

CPM
to
act

HB 630

F

Mr. Hal Brown
Attorney General
Pouch K
Juneau AK 99811

Dear Mr. Brown:

Several judges have requested action to seek amendments to AS 12.55.085 relating to suspended imposition of sentence. I am writing to bring this request to the attention of the Department of Law as the appropriate entity which could seek such a change.

This statute provides that a court may suspend an imposition of sentence and have such suspension continue for "a period of time, not exceeding the maximum term of sentence which may be imposed. . .", placing the defendant on probation. The short probation period during which the judgment may be enforced by an imposition of sentence for less serious misdemeanors makes a SIS an unattractive sentencing option for these offenses. In contrast, when a sentence is formally imposed, the probationary period may be up to five years. Under AS 12.55.090(c) the result is that a felon may have the imposition of sentence suspended on a first offense and have the opportunity to earn a clean criminal record under AS 12.55.085(d) and (e). However, a minor misdemeanant may be denied this option because the period during which the judgment may be enforced is so brief.

While a sentencing court may extend a period of probation imposed as part of a formal sentence (AS 12.55.090(b)), no similar authority exists for extending the period of suspension of the imposition of sentence upon a minor violation of the conditions of such suspension. If the court was empowered to suspend the imposition of sentence for either the maximum sentence which could be imposed or, if such period is less than a certain time period (for example, five years), practical sentencing alternatives would be enhanced. It would also be helpful to extend the term of suspended imposition upon a violation.

Hal Brown, Attorney General
December 20, 1985, Page 2

If your staff has any questions I will be glad to provide further information.

Sincerely,

Karla L. Forsythe

Karla L. Forsythe
General Counsel

14B630

KF/k1

cc: Arthur H. Snowden, II
Stephanie Cole
Judge Finn
Joe O'Connell, Palmer
Carole Baekey

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to suspended imposition of sentences. It broadens the authority of the court when using a suspended-imposition-of-sentence alternative for misdemeanor offenses.

Under current law, the court may suspend imposition of sentence for no more than the maximum term of the sentence that may be imposed. In the case of misdemeanor offenses, this means that the sentencing judge may only suspend imposition of a sentence for up to one year. The court system has conveyed to me the reluctance of some judges to use this alternative for misdemeanors because the one-year restriction does not offer sufficient jurisdiction to ensure that the offender complies with conditions of the suspended imposition of sentence and achieves rehabilitation. This bill would permit judges in this situation to suspend imposition of a sentence up to five years, or the maximum term of a sentence, whichever is longer.

This Administration supports this bill and urges your prompt and favorable action on it.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor