

SB

264

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 28, 1996

SUBJECT: Sectional Summary of CSSB 264(JUD)
(Work Order No. 9-LS1597\C)

TO: Senator Rick Halford
Attn: Kelly Huber

FROM: Gerald P. Luckhaupt *JEB*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill adds to the list of offenses a person cannot receive a suspended imposition of sentence for having committed. Under current law SIS is not available to persons convicted of (1) sexual abuse and similar offenses against children, (2) an offense and the person used a firearm in the commission of the offense, and (3) robbery or certain assaults and the person has a prior conviction for a violation of AS 11.41, crimes against persons." The additions are any misdemeanor or felony violation of AS 11.41, except assault in the fourth degree, AS 11.41.230, reckless endangerment, AS 11.41.250, and custodial interference in the second degree, AS 11.41.330, and any felony conviction when the person has a previous conviction for any misdemeanor violation of AS 11.41 or any felony violation.

Section 2 of the bill provides an applicability section.

GPL:klb
96-315.klb

¹AS 12.55.125(f) and (g) also prohibit the suspension of imposition of sentence under AS 12.55.085 to persons convicted of an unclassified felony or any felony which is subject to presumptive sentencing. Only some Class B and C felonies, which have been committed by someone without a previous felony conviction, are not subject to presumptive sentencing under AS 12.55.125 - all other felonies are subject to presumptive sentencing.

FISCAL NOTE

Bill Version: CS SB 264 (JUD)

(S) Publish Date: 4/15/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____
Title: Limited suspended imposition of sentence
Sponsor: Senator Halford
Requestor: Senate Judiciary

Dept. Affected: Alaska Court System
BRU: Trial Courts
Component: _____
COMPONENT SERIAL NO. 768

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

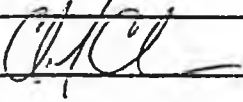
Fund Source		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL						

Estimate of any current year (FY 96) cost: None


Positions						
Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 264 imposes limitations on the types of cases for which judges may impose a suspended imposition of sentence. The inability of offenders to receive a suspended imposition of sentence may increase the trial rates in those types of cases, increasing jury costs and the time spent by judges and in-court clerks on criminal cases. The court system may need to return for funding if experience proves that SB 264 has increased the trial rate in a significant way.

Prepared by: C. S. Christensen III, Staff Counsel 
Agency: Alaska Court System

Phone: 264-8228
Date: 04/12/96

Approved by: Arthur H. Snowden, II, Administrative Director 
Agency: Alaska Court System

Date: 04/12/96

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