

SB

264

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 264

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act limiting the authority of courts to suspend BRU: Criminal Division
the imposition of sentence in criminal cases." Component: Criminal Division
 Sponsor: Senator Halford
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085

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	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill further restricts the authority of the court to suspend the imposition of sentence (SIS) in certain felony cases (AS 12.55.085) and in certain misdemeanor cases (AS 12.55.135). Although some defendants may decide to go to trial, because the possibility of SIS will not be available, the number of new cases will not be sufficient to warrant fiscal note costs for the Department of Law.

Prepared by: Richard I. Peques, Director Phone: 465-3677
 Division: Administrative Services Division Date: 4/12/96
 Approved by Commissioner: Bruce M. Batello, Attorney General Date: 4/12/96
 Agency: Department of Law

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MEMORANDUM

March 4, 1996

SUBJECT: Sectional Summary of SB 264. (Work Order No. 9LS-1597\A)

TO: Senator Rick Halford
Attn: Kelly Huber

FROM: Gerald P. Luckhaupt *JGL*
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. The additions are convictions for a crime against a person (AS 11.41), arson in the first degree, or any felony when the offender has a previous felony conviction.

Section 2 of the bill provides a technical amendment to AS 12.55.135(e) occasioned by sec. 1, as AS 12.55.135(c) and (d) are crimes against persons and suspended imposition of sentence is no longer available for those offenses under sec. 1.

Section 3 of the bill provides an applicability section.

GPL:pl
96-064.plm

CS FOR SENATE BILL NO. 264(JUD)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
 Referred:

Sponsor(s): SENATORS HALFORD, Taylor, Green, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act limiting the authority of courts to suspend the imposition of sentence
 2 in criminal cases."

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

4 * Section 1. AS 12.55.085(f) is amended to read:

5 (f) The court may not suspend the imposition of sentence of a person who

6 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260 -
 7 11.41.320, 11.41.410 - 11.41.530, or AS 11.46.400 [AS 11.41.410 - 11.41.455];

8 (2) uses a firearm in the commission of the offense for which the
 9 person is convicted; or

10 (3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony
 11 [AS 11.41.210 - 11.41.270 OR 11.41.510 - 11.41.530,] and the person has [, WITHIN
 12 THE 10 YEARS PRECEDING THE COMMISSION OF THE OFFENSE FOR
 13 WHICH THE PERSON HAS BEEN CONVICTED,] one or more prior convictions for
 14 a misdemeanor violation of AS 11.41 or for a felony [AS 11.41] or for a violation

1 of a law in this or another jurisdiction having substantially similar elements to an
2 offense defined as a misdemeanor in AS 11.41 or as a felony in this state [IN
3 AS 11.41]; for the purposes of this paragraph, a person shall be considered to have a
4 prior conviction even if that conviction has been set aside under (e) of this section or
5 under the equivalent provision of the laws of another jurisdiction.

6 * Sec. 2. APPLICABILITY. This Act applies to offenses committed on or after the
7 effective date of this Act. References to prior convictions refer to convictions occurring
8 before, on, or after the effective date of this Act.

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR ADAMS

TO: SB 264

1 Page 1, lines 6 - 7:

2 Delete "crime against a person or arson in the first degree [VIOLATION OF"

3 Insert "violation of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, 11.41.410 -

4 11.41.530, or AS 11.46.400 ["

5 Page 1, line 10:

6 Delete "felony [VIOLATION OF"

7 Insert "violation of AS 11.41.230 - 11.41.250 or a felony ["

8 Page 1, lines 13 - 14:

9 Delete "felony [VIOLATION OF"

10 Insert "misdemeanor violation of AS 11.41 or for a felony ["

11 Page 2, line 1, following "defined":

12 Insert "as a misdemeanor in AS 11.41 or"

13 Page 2, lines 5 - 25:

14 Delete all material.

15 Renumber the following bill section accordingly.

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/7/96

FURTHER: Finance

Date of 5-Day Notice: 4/3/96
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4/15/96

The Judiciary Committee considered SB 264

Relating to limiting the authority of courts to suspend the imposition of sentence in criminal cases.

and recommends:

- be replaced with CS SB 264 (JUD)
- adopt previous CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DQ PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Linda Green</i>	<input checked="" type="checkbox"/>	<i>See below</i>	<input checked="" type="checkbox"/>		
<i>Dick Miller</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>John Taylor</i>	<input checked="" type="checkbox"/>	CHAIR: _____			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
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<i> </i>			
<i> </i>			
<i> </i>			
<i> </i>			

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Court System</i>	<i>4/2</i>	<input checked="" type="checkbox"/>	
<i> </i>			
<i> </i>			
<i> </i>			
<i> </i>			

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill