

HB

372

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/19/00

REPORTED OUT OF
SFC 4/20/00

FURTHER:

DATE TURNED
IN TO OFFICE: 20 April 00

Finance Committee considered CS FOR HOUSE BILL NO. 372(FIN) am

"An Act relating to criminal sentencing and restitution."

and recommends:

- be replaced with _____ CS _____
- 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# _____

<u>SIGNING DO PASS</u>	DP	<u>OTHER RECOMMENDATIONS</u>	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>Loren D. Simon</i>	✓	<i>[Signature]</i>	X		
<i>Gary Wilke</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>		Co-Chair:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Corrections	3/2/00		*

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

CS FOR HOUSE BILL NO. 372(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 4/11/00

Offered: 4/7/00

Sponsor(s): REPRESENTATIVES DYSON, Berkowitz, Davies, Ogan, Kemplen, Murkowski, Smalley, James, Therriault, Croft, Cissna, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal sentencing and restitution."**

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

3 *** Section 1.** AS 12.55 is amended by adding a new section to read:

4 **Sec. 12.55.011. Victim and community involvement in sentencing.** A court,
5 when considering the sentence to be imposed under this chapter for an offense other
6 than a violation of AS 11.41, AS 11.46.400, or a crime involving domestic violence,
7 may permit the victim and the offender to submit a sentence for the court's review
8 based upon a negotiated agreement between the victim and the offender, or between
9 the offender and the community if there is no victim. The court may, with the consent
10 of the victim and the offender, impose the sentence that has been determined by the
11 negotiated agreement between the offender and the victim, or between the offender and
12 the community if there is no victim, if that sentence otherwise complies with this
13 chapter and accomplishes the goals of restoration of the victim and the community and
14 rehabilitation of the offender. Before accepting a negotiated agreement, the court shall
15 determine that the victim has not been intimidated or coerced in reaching the

1 agreement. In this section, "community" has the meaning determined by the court.

2 * Sec. 2. AS 12.55.045 is amended by adding a new subsection to read:

3 (h) In imposing restitution under this section, the court may require the
4 defendant to make restitution by means other than the payment of money if the
5 restitution has been determined under a negotiated agreement for a sentence under
6 AS 12.55.011.

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

8 (18) the defendant and the victim, or the defendant and the community
9 if there is no victim, have negotiated an agreement for a sentence under AS 12.55.011.

FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) _____ Dept. Affected Department of Corrections
 Title An Act relating to criminal sentencing and BRU Administration and Operations
restitution. Component All
 Sponsor Rep. Dyson
 Requester House Judiciary Committee Component No. #0694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPEATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

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						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

If passed, this legislation would allow victims and offenders or communities and offenders to negotiate an agreed sentence for an offense and allow for restitution to be made by means other than money. This bill would not include offenses against a person. An agreed sentence could be less than the presumptive sentence for a felony because reaching such an agreement will be a mitigating factor under AS 12.55.155(d).

It is difficult to predict what kind of a fiscal impact this would have on the Department of Corrections. We have no way of knowing how often this would occur and what the outcome would be. Therefore, the Department of Corrections is submitting an indeterminate fiscal note.

Prepared by: Candy Brower, Legislative Liaison Phone 465-3307
 Division Commissioner's Office Date/Time 3/2/00 5:02 PM
 Approved by Commissioner Margaret M. Pugh Date 3-2-00
 Agency Dept. of Corrections

SENATE FINANCE COMMITTEE

SIGN-IN

HB 372-CRIMINAL SENTENCING AND RESTITUTION

NAME: Fred Dyson & Peter Tokulson Subject/Bill No: 372

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions