



LAWS OF ALASKA

1974

Source

SB 313 am

Chapter No.

39

AN ACT

Relating to bail; and providing for an effective date.

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

* Section 1. AS 12.30.020(a) is amended to read:

(a) A person charged with an offense shall, at his first appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer unless the officer determines that the release of the person will not reasonably assure the appearance of the person as required, or will pose a danger to other persons and the community. If the offense with which a person is charged is a felony, on motion of the prosecuting attorney, the judicial officer may allow the prosecuting attorney up to 48 hours to demonstrate that release of the person on his personal recognizance or upon the execution of an unsecured appearance bond will not reasonably assure the appearance of the person, or will pose a danger to other persons and the community.

* Sec. 2. AS 12.30.020(f) is amended to read:

(f) A person who remains in custody 48 hours after his appearance before a judicial officer because of his inability to meet the conditions of release shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. If the judicial officer who imposed the conditions of release is not available, any other judicial officer in the district may review the conditions. If the conditions are not amended and the person remains in custody, the judicial officer shall set out in writing the reasons for requiring the conditions imposed.

* Sec. 3. AS 12.30.040 is amended by adding a new subsection to read:

(b) Notwithstanding the provisions of (a) of this section, if the offense a person has been convicted of is first degree murder, armed robbery, kidnapping, or rape (as defined in AS 11.15.130 and AS 11.15.160), he may not be released on bail either before sentencing or pending appeal.

* Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.