



LAWS OF ALASKA

2015

Source

SCS CSHB 15(JUD)

Chapter No.

AN ACT

Relating to credits toward a sentence of imprisonment for certain persons under electronic monitoring; and relating to mitigating factors at sentencing.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to credits toward a sentence of imprisonment for certain persons under electronic
2 monitoring; and relating to mitigating factors at sentencing.

3 _____

4 * **Section 1.** AS 12.55.027(a) is amended to read:

5 (a) A court may grant a defendant credit toward a sentence of imprisonment
6 for time spent in a treatment program **or under electronic monitoring** only as
7 provided in this section.

8 * **Sec. 2.** AS 12.55.027(d) is amended to read:

9 (d) A court may [NOT] grant credit against a sentence of imprisonment for
10 time spent [IN A PRIVATE RESIDENCE OR] under electronic monitoring **if the**
11 **person has not committed a criminal offense while under electronic monitoring**
12 **and the court imposes restrictions on the person's freedom of movement and**
13 **behavior while under the electronic monitoring program, including requiring the**
14 **person to be confined to a residence except for a**

1 **(1) court appearance;**
2 **(2) meeting with counsel; or**
3 **(3) period during which the person is at a location ordered by the**
4 **court for the purposes of employment, attending educational or vocational**
5 **training, performing community volunteer work, or attending a rehabilitative**
6 **activity or medical appointment.**

7 * **Sec. 3.** AS 12.55.027(e) is amended to read:

8 (e) If a defendant intends to claim credit toward a sentence of imprisonment
9 for time spent in a treatment program **or under electronic monitoring** either as a
10 condition of probation or as a condition of bail release after a petition to revoke
11 probation has been filed, the defendant shall file notice with the court and the
12 prosecutor 10 days before the disposition hearing. The notice shall include the amount
13 of time the defendant is claiming. The defendant must prove by a preponderance of the
14 evidence that the credit claimed meets the requirements of this section. A court may
15 not consider, except for good cause, a request for credit made under this subsection
16 more than 90 days after the disposition hearing.

17 * **Sec. 4.** AS 12.55.155(d) is amended by adding a new paragraph to read:

18 (21) the defendant, as a condition of release ordered by the court,
19 successfully completed an alcohol and substance abuse monitoring program
20 established under AS 47.38.020.

21 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 APPLICABILITY. (a) AS 12.55.027(a), as amended by sec. 1 of this Act,
24 AS 12.55.027(d), as amended by sec. 2 of this Act, and AS 12.55.027(e), as amended by sec.
25 3 of this Act, apply to an offense committed before, on, or after the effective date of this Act.

26 (b) AS 12.55.155(d), as amended by sec. 4 of this Act, applies to a sentence imposed
27 on or after the effective date of this Act for an offense committed before, on, or after the
28 effective date of this Act.