

Submitted by: Assemblymember SHAMBERG
Prepared by: Assembly Counsel
For reading: March 28, 2006

CLERK'S OFFICE

APPROVED

Date: 4-11-06

ANCHORAGE, ALASKA

AO NO. 2006-52

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL CODE SECTION 8.05.020, SENTENCING, TO BE
CONSISTENT WITH STATE LAW.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 8.05.020 is hereby amended to read as follows:

8.05.020 Sentencing.

A. When a person is sentenced to imprisonment, the [HIS] term of confinement begins on the date of imposition of [FROM THE DAY OF HIS] sentence unless the court specifically provides that the defendant must report to serve the sentence on another date or an appeal is taken and the defendant is admitted to bail. A person who is sentenced shall receive credit toward service of the [HIS] sentence for time spent in custody pending trial or sentencing, or appeal, if that detention was in connection with the offense for which sentence was imposed. A defendant may not receive credit for more than the actual time spent in custody pending trial, sentencing, or appeal. The time during which the person is voluntarily absent from the jail, other custodial institution or custody of an officer after sentencing [HIS SENTENCE] shall not be counted toward service of the sentence [AS PART OF THE TERM FOR WHICH HE WAS SENTENCED].

B. If a person is convicted of two or more crimes, the judgment entered [AGAINST HIM] by the court may specify that the imprisonment upon one conviction begins at the expiration of the imprisonment for any other of the crimes. If the defendant is imprisoned upon a previous judgment of conviction for a crime, the judgment may be that the imprisonment commences at the expiration of the term limited by the previous judgment.

(AO No. 79-24; AO No. 82-134; AO No. 95-67(S), § 8, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-178, § 3, 9-26-95; AO No. 96-106, § 1, 8-6-96; AO No. 98-59(S), § 1, 5-19-98; AO No. 2001-145(S-1), § 1, 12-11-01)

Section 2. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 11th day of April, 2006.

Anna J. Fairclough
Chair

ATTEST:

[Signature]
Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 185-2006

Meeting Date: March 28, 2006

From: Assemblymember SHAMBERG
Subject: AO 2006-52 — Amending Sentencing Procedures of AMC 8.05.020 to be
Consistent with State Law

Alaska Statute 12.55.025 sets out in sentencing procedures:

(c) Except as provided in (d) of this section, when a defendant is sentenced to imprisonment, the term of confinement **commences on the date of imposition of sentence** unless the court specifically provides that the defendant must report to serve the sentence on another date.

Whereas, Anchorage Penal Code Title 8 at section 8.05.020 provides:

A. When a person is sentenced to imprisonment, his term of confinement begins **from the day of his sentence**. A person who is sentenced shall receive credit toward service of his sentence for time spent in custody pending trial or sentencing, or appeal.

The phrases “date of imposition of sentence” and “the day of his sentence” are not synonymous in application. In actual practice, judges often deem it best to delay the beginning of a defendant's sentence. Unnecessary argument, court time, and confusion are engendered in misdemeanor sentencing because the letter of municipal law is inconsistent with the language of the state statute, despite the intent and requirement to follow state law. AO 2006-52 makes the letter of municipal law consistent with state law as to when the term of confinement must begin, removing any cloud over the propriety of imposition by the court.

AO 2006-52 also amends sentencing procedures to include the statutory exceptions for an appeal taken or the defendant admitted to bail. Other amendments include credit only for *actual* time spent in custody, and making the language gender neutral.

Respectfully submitted,

Assemblymember Janice Shamberg, Section 6

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2006-52

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT SENTENCING	DATE PREPARED	
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Anna Fairclough, Chair	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Julia Tucker - Assembly Counsel	HIS/HER PHONE NUMBER 343-4419	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor		
	Municipal Clerk		
	Municipal Attorney		
	Employee Relations		
	Municipal Manager		
	Cultural & Recreational Services		
	Fire		
	Health & Human Services		
	Merrill Field Airport		
	Municipal Light & Power		
	Office of Management and Budget		
	Police		
	Port of Anchorage		
	Public Works		
	Solid Waste Services		
	Transit		
	Water & Wastewater Utility		
	Executive Manager		
	Community Planning & Development		
	Finance, Chief Fiscal Officer		
	Heritage Land Bank		
	Management Information Services		
	Property & Facility Management		
	Purchasing		
	Other		
5	Special Instructions/Comments		
	Consent Agenda - Introduction		
6	ASSEMBLY HEARING DATE REQUESTED 3/28/06	7	PUBLIC HEARING DATE REQUESTED 4/11/06

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 M.C.A.
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MUNICIPALITY OF ANCHORAGE

ASSEMBLY INFORMATION MEMORANDUM

NO. AIM 49 -2006

Meeting Date: April 11, 2006

From: Assemblymember Shamberg
Subject: Summary of Economic Effects for AO 2006-52

Attached to this memo is the Summary of Economic Effects for AO 2006-52, regarding an ordinance of the Anchorage Municipal Assembly amending AMC section 8.50.020, sentencing, to be consistent with state laws.

Prepared By: Steven B. King, Utility Budget Analyst
Reviewed By: Barbara E. Gruenstein and Guadalupe Marroquin
Submitted By: Assemblymember Shamberg

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

An ordinance of the Anchorage Municipal Assembly amending AMC section 8.50.020, sentencing, to be consistent with state laws.

AO Number: 2006-52 Title:

Sponsor: Assemblymember Shamberg
Preparing Agency: Assembly
Others Impacted: Court system

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY06	FY07	FY08	FY09	FY10	
Operating Expenditures						
1000 Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -	
2000 Non-Labor	-	-	-	-	-	
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -	
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp						

PUBLIC SECTOR ECONOMIC EFFECTS:

There are no significant public sector costs apparent with this ordinance. There is the potential for a reduction in court costs associated with a decrease of confusion and debate within the court system.

PRIVATE SECTOR ECONOMIC EFFECTS:

There are no significant private sector costs associated with this ordinance.

Prepared by: Steven B. King, Utility Budget Analyst
Reviewed by: Barbara Gruenstein and Guadalupe Marroquin

Telephone: 343-4714
Telephone: 343-4311 and 343-4376

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AIM 49 -2006

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED	
	SEE FOR AO 2006-52	4/10/06	
		Indicate Documents Attached <input type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input checked="" type="checkbox"/> AIM	
2	DEPARTMENT NAME	DIRECTOR'S NAME	
	Assembly	Anna Fairclough, Chair	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER	
	Steven B. King - Utility Budget Analyst	343-4714	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor		
	Municipal Clerk		
	Municipal Attorney		
	Employee Relations		
	Municipal Manager		
	Cultural & Recreational Services		
	Fire		
	Health & Human Services		
	Merrill Field Airport		
	Municipal Light & Power		
	Office of Management and Budget		
	Police		
	Port of Anchorage		
	Public Works		
	Solid Waste Services		
	Transit		
	Water & Wastewater Utility		
	Executive Manager		
	Community Planning & Development		
	Finance, Chief Fiscal Officer		
	Heritage Land Bank		
	Management Information Services		
	Property & Facility Management		
	Purchasing		
	Other		
5	Special Instructions/Comments		
	LAID ON THE TABLE ITEM - NEW PUBLIC HEARINGS REF. AO 2006-52		
	ITEM 14.D.2.		
6	ASSEMBLY HEARING DATE REQUESTED	7	PUBLIC HEARING DATE REQUESTED
	4/11/06		4/11/06

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A.A.

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