

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 426

Amending Rule 35, Alaska
Rules of Criminal Procedure
Relating to the Modification
and Reduction of Sentences.

IT IS ORDERED:

1. Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) of Rule 35, Alaska Rules of Criminal Procedure, are redesignated as paragraphs (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l), respectively.

2. New paragraph (b) is added to Rule 35, Alaska Rules of Criminal Procedure, to read:

(b) Modification or Reduction of Sentence - Changed Conditions or Circumstances. The court may modify or reduce a sentence at any time during a term of imprisonment if it finds that conditions or circumstances have changed since the original sentencing hearing such that the purposes of the original sentence are not being fulfilled.

(1) The sentencing court is not required to entertain a second or successive motion for similar relief brought under this paragraph on behalf of the same petitioner.

(2) No sentence may be reduced or modified so as to result in a term of imprisonment which is less than the minimum required by law.

3. Paragraph (l) of Rule 35, Alaska Rules of Criminal Procedure, as redesignated under Part 1 of this order, above, is amended to read:

(1) Suspension of Sentence and Probation After Judgment. Within 120 days after judgment of conviction of any offense, the court may entertain an application for suspension of sentence

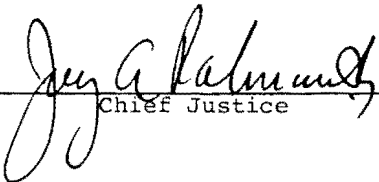
or probation in the cases prescribed by law.

DATED: July 22, 1980

EFFECTIVE DATE: August 1, 1980

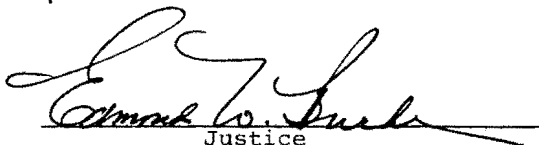
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