

Suspended Imposition of Sentence: Frequently Asked Questions

What is an SIS?

A suspended imposition of sentence (SIS) is a special judgment entering a conviction but suspending sentence for a set period of probation to give a defendant a chance to show his or her rehabilitation by complying with probation conditions. If the defendant complies with all the conditions set by the court, the conviction can be set aside.

What kind of case is an SIS given by the court?

An SIS can be part of a plea bargain or imposed by the judge at open sentencing after a trial or change of plea. An SIS can occur for a felony or misdemeanor. The law prohibits an SIS for certain cases, including Driving Under the Influence (DUI), most physical and sexual assaults, and if a person uses a firearm in the commission of an offense.

What happens at the end of the period given by the court for the SIS?

If the defendant complies with all the conditions during the probation period, the court can “set aside” the conviction. If the defendant does not comply, the judge can either decide to let the SIS stand and impose other sanctions or pronounce a sentence.

What does “setting aside” a conviction mean?

Setting aside a conviction does **not** mean it disappears or the court records are shredded.

A set aside conviction does not qualify as “a ‘conviction’ in situations in which a sentence is increased or crime is defined by a prior conviction.” . . . [But] it does not change the fact that an individual was previously found guilty of committing a crime. [W]here a conviction is set aside it **“does not mean that the crime, and the events surrounding the crime, never occurred. Setting aside a conviction does not expunge the conviction from the individual’s criminal record, which means that “[b]oth the conviction and the judgment setting it aside consequently remain in the public record.”**

State v. Platt, 169 P.3d 595, 599–600 (Alaska 2007) (citations omitted) (emphasis added).