
Suspended Imposition of Sentence

Answers to some
common questions

What is a Suspended Imposition of Sentence (SIS)?

An SIS is a unique opportunity for you because it allows the judge to put off sentencing, and instead, you are placed on probation. This probation period cannot be longer than the maximum prison sentence possible for the offense or one year, whichever is greater. Assuming you follow all of your conditions of probation, the judge may set aside your conviction when your probation is over. Setting aside a conviction does not mean the conviction disappears from your record, but it does mean you are no longer considered convicted of the crime.

When can an SIS be ordered?

An SIS can be part of a plea bargain, or it can be ordered by the judge at open sentencing after a trial or after a plea of guilty/no contest. It does not matter if the crime was a felony or misdemeanor, but an SIS is **not** permitted in certain cases including murder, driving under the influence (DUI), kidnapping, human trafficking, arson, child pornography, most physical and sexual assaults, and if a person uses a firearm in the commission of an offense. The law also prohibits an SIS for offenders who have prior convictions of certain types of crime. Typically, an SIS is meant to be a special opportunity for first-time offenders, not for repeat offenders, so even if an SIS is permitted in your case, the judge may still decide against it. If you are not sure whether you could get an SIS, you should talk to a lawyer.

What types of conditions of probation might be ordered?

There is no “one-size fits all” list of probation conditions. The judge will decide what conditions to order based on the facts of your particular situation. The judge may require you to perform community work service, complete an alcohol/drug program, pay surcharges, pay a fine, or pay restitution, among other things. The judge may even order you to serve a term of imprisonment as part of your SIS conditions of probation. If the judge orders an SIS, you will receive a copy of the order with all of your conditions of probation on it.

What happens if you are given an SIS and then violate the conditions of your probation?

If the court finds that you have violated any of your probation conditions, including committing a new crime, then the judge may hold a hearing to determine whether to revoke your SIS. You have the right to a lawyer in proceedings to revoke your SIS. If your SIS is revoked, it means the judge will end your probation and impose a sentence. Your sentence may be up to the maximum penalty for the offense. If the sentence includes imprisonment, then you get credit for jail time previously served as a condition of probation in this case.

What happens at the end of probation period if you successfully complete probation?

Before your probation ends, the court lets the prosecutor know that your probation is almost over. If there is a reason why your probation should not end, the prosecutor has an opportunity to object to it ending. If there is no objection and you have successfully completed the probationary period, then you are discharged from probation. This means your probation is over.

Next, the court will decide whether to set aside your conviction. Ordinarily, your conviction will be set aside if you have successfully completed your probation. However, if the court considers denying your set-aside, you will get notice and will have an opportunity to be heard before that happens. At that hearing, you can offer evidence if you want, but it is up to the prosecutor to convince the court that your conviction should not be set aside.

What does setting aside a conviction mean for you?

Setting aside a conviction means that you are no longer considered convicted of the crime. However, this does not mean that the conviction disappears from your record. It is important to understand what a set-aside does **not** do:

- It does **not** mean the case and set-aside conviction disappear.
- The court records are **not** shredded.
- It does **not** dismiss the case.
- It does **not** remove the conviction from your criminal record or from Courtview. Since anyone can look up your criminal history, anyone (including potential employers) can see the set-aside conviction.

Important:

This is an informational pamphlet. It is not meant to provide legal advice. If you need legal advice, you should talk to a lawyer about your individual situation.

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