CS FOR HOUSE BILL NO. 74(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/23/95
Referred: Rules

Sponsor(s): REPRESENTATIVES BUNDE, Green, Toohey, Kubina, B.Davis, Rokeberg, Kohring, Ogan
SENATORS Pearce, Halford, Green, Miller, Kelly, Torgerson, Rieger, Frank, Sharp, Duncan, Zharoff

A BILL

FOR AN ACT ENTITLED

"An Act relating to the assault of children by adults."

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

* Section 1. AS 11.41.220(a) is amended to read:

(a) A person commits the crime of assault in the third degree if that person

(1) recklessly

(A) places another person in fear of imminent serious physical injury by means of a dangerous instrument;

(B) causes physical injury to another person by means of a dangerous instrument; or

(C) while being 18 years of age or older

(i) causes physical injury to a child under 10 years of age and the injury reasonably requires medical treatment;

(ii) causes physical injury to a child under 10 years of age on more than one occasion; [OR]

(2) with intent to place another person in fear of death or serious
physical injury to the person or the person’s family member makes repeated threats to
cause death or serious physical injury to another person; or

(3) while being 18 years of age or older, knowingly causes physical
injury to a child under 16 years of age but at least 10 years of age and the injury
reasonably requires medical treatment.

* Sec. 2. AS 11.41.220 is amended by adding a new subsection to read:

(d) In a prosecution under (a)(3) of this section, it is an affirmative defense
that, at the time of the alleged offense, the defendant reasonably believed the victim
to be 16 years of age or older, unless the victim was under 13 years of age at the time
of the alleged offense.