AMENDMENT # 30

OFFERED IN THE HOUSE

    TO: CSHB 205( ), Draft Version "H"

1   Page 44, following line 27:

2   Insert new bill sections to read:

3   "* **Sec. 76.** AS 12.55.125(a) is amended to read:

4   (a) A defendant convicted of murder in the first degree or murder of an unborn

5   child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment

6   of at least **30** [20] years but not more than 99 years. A defendant convicted of murder

7   in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years

8   when

9   (1)   the defendant is convicted of the murder of a uniformed or

10   otherwise clearly identified peace officer, firefighter, or correctional employee who

11   was engaged in the performance of official duties at the time of the murder;

12   (2)   the defendant has been previously convicted of

13   (A) murder in the first degree under AS 11.41.100 or former

14   AS 11.15.010 or 11.15.020;

15   (B) murder in the second degree under AS 11.41.110 or former

16   AS 11.15.030; or

17   (C) homicide under the laws of another jurisdiction when the

18   offense of which the defendant was convicted contains elements similar to first

19   degree murder under AS 11.41.100 or second degree murder under

20   AS 11.41.110;

21   (3)   the defendant subjected the murder victim to substantial physical

22   torture;

23   (4)   the defendant is convicted of the murder of and personally caused

1   the death of a person, other than a participant, during a robbery; or

2   (5) the defendant is a peace officer who used the officer's authority as a

3   peace officer to facilitate the murder.

4   *** Sec. 77.** AS 12.55.125(b) is amended to read:

5   (b) A defendant convicted of attempted murder in the first degree, solicitation

6   to commit murder in the first degree, conspiracy to commit murder in the first degree,

7   kidnapping, or misconduct involving a controlled substance in the first degree shall be

8   sentenced to a definite term of imprisonment of at least five years but not more than

9   99 years. A defendant convicted of murder in the second degree or murder of an

10   unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of

11   imprisonment of at least **20** [10] years but not more than 99 years. A defendant

12   convicted of murder in the second degree shall be sentenced to a definite term of

13   imprisonment of at least 20 years but not more than 99 years when the defendant is

14   convicted of the murder of a child under 16 years of age and the court finds by clear

15   and convincing evidence that the defendant (1) was a natural parent, a stepparent, an

16   adoptive parent, a legal guardian, or a person occupying a position of authority in

17   relation to the child; or (2) caused the death of the child by committing a crime against

18   a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and

19   "position of authority" have the meanings given in AS 11.41.470."

20

21   Renumber the following bill sections accordingly.

22

23   Page 47, following line 13:

24   Insert a new bill section to read:

25   "*** Sec. 81.** AS 12.55.127(c) is amended to read:

26   (c) If the defendant is being sentenced for

27   (1) escape, the term of imprisonment shall be consecutive to the term

28   for the underlying crime;

29   (2) two or more crimes under AS 11.41, a consecutive term of

30   imprisonment shall be imposed for at least

31   (A) the mandatory minimum term under AS 12.55.125(a) for

1   each additional crime that is murder in the first degree;

2   **(B) one-fourth of the mandatory minimum term under**

3   **AS 12.55.125(b) for each additional crime that is murder in the second**

4   **degree;**

5   **(C)** [(B)]   the mandatory minimum term for each additional

6   crime that is an unclassified felony governed by AS 12.55.125(b) **other than**

7   **murder in the second degree;**

8   **(D)** [(C)]   the presumptive term specified in AS 12.55.125(c) or

9   the active term of imprisonment, whichever is less, for each additional crime

10   that is

11   (i) manslaughter; or

12   (ii) kidnapping that is a class A felony;

13   **(E)** [(D)]   two years or the active term of imprisonment,

14   whichever is less, for each additional crime that is criminally negligent

15   homicide;

16   **(F)** [(E)]   one-fourth of the presumptive term under

17   AS 12.55.125(c) or (i) for each additional crime that is sexual assault in the

18   first degree under AS 11.41.410 or sexual abuse of a minor in the first degree

19   under AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those

20   offenses; and

21   **(G)** [(F)]   some additional term of imprisonment for each

22   additional crime, or each additional attempt or solicitation to commit the

23   offense, under AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 -

24   11.41.458, or 11.41.500 - 11.41.520."

25

26   Renumber the following bill sections accordingly.

27

28   Page 98, line 5:

29   Delete "sec. 81"

30   Insert "sec. 84"

31

1   Page 98, line 8:

2   Delete "sec. 99"

3   Insert "sec. 102"

4

5   Page 99, following line 10:

6   Insert new paragraphs to read:

7   "(26) AS 12.55.125(a), as amended by sec. 76 of this Act;

8   (27) AS 12.55.125(b), as amended by sec. 77 of this Act;

9   (28) AS 12.55.127(c), as amended by sec. 81 of this Act;"

10

11   Renumber the following paragraphs accordingly.

12

13   Page 98, line 5:

14   Delete "sec. 81"

15   Insert "sec. 84"

16

17   Page 98, line 8:

18   Delete "sec. 99"

19   Insert "sec. 102"

20

21   Page 99, line 11:

22   Delete "sec. 86"

23   Insert "sec. 89"

24

25   Page 99, line 12:

26   Delete "sec. 87"

27   Insert "sec. 90"

28

29   Page 99, line 13:

30   Delete "sec. 93"

31   Insert "sec. 96"

1

2 Page 99, line 14:

3   Delete "sec. 94"

4   Insert "sec. 97"

5

6 Page 99, line 15:

7   Delete "sec. 95"

8   Insert "sec. 98"

9

10 Page 99, line 16:

11   Delete "sec. 148"

12   Insert "sec. 151"

13

14 Page 99, line 31:

15   Delete "sec. 76"

16   Insert "sec. 78"

17

18 Page 100, line 1:

19   Delete "sec. 77"

20   Insert "sec. 79"

21

22 Page 100, line 2:

23   Delete "sec. 78"

24   Insert "sec. 80"

25

26 Page 100, line 3:

27   Delete "sec. 79"

28   Insert "sec. 82"

29

30 Page 100, line 4:

31   Delete "sec. 80"

L

1	Insert "sec. 83"
2	
3	Page 100, line 5:
4	Delete "sec. 81"
5	Insert "sec. 84"
6	
7	Page 100, line 6:
8	Delete "sec. 134"
9	Insert "sec. 137"
10	
11	Page 100, line 7:
12	Delete "sec. 135"
13	Insert "sec. 138"
14	
15	Page 100, line 13:
16	Delete "sec. 89"
17	Insert "sec. 92"
18	
19	Page 100, line 14:
20	Delete "sec. 92"
21	Insert "sec. 95"
22	
23	Page 100, line 15:
24	Delete "sec. 102"
25	Insert "sec. 105"
26	
27	Page 100, line 16:
28	Delete "sec. 104"
29	Insert "sec. 107"
30	
31	Page 100, line 17:

L

1   Delete "sec. 136"
2   Insert "sec. 139"
3
4   Page 101, line 10:
5   Delete "sec. 96"
6   Insert "sec. 99"
7
8   Page 101, line 11:
9   Delete "sec. 97"
10   Insert "sec. 100"
11
12   Page 101, line 15:
13   Delete "sec. 83"
14   Insert "sec. 86"
15
16   Page 101, line 16:
17   Delete "sec. 84"
18   Insert "sec. 87"
19
20   Page 101, line 17:
21   Delete "sec. 85"
22   Insert "sec. 88"
23
24   Page 101, line 18:
25   Delete "sec. 91"
26   Insert "sec. 94"
27
28   Page 101, line 21:
29   Delete "sec. 100"
30   Insert "sec. 103"
31

1   Page 101, line 22:

2   Delete "sec. 101"

3   Insert "sec. 104"

4

5   Page 101, line 23:

6   Delete "sec. 103"

7   Insert "sec. 106"

8

9   Page 101, line 24:

10   Delete "sec. 105"

11   Insert "sec. 108"

12

13   Page 101, line 25:

14   Delete "sec. 107"

15   Insert "sec. 110"

16

17   Page 101, line 26:

18   Delete "sec. 108"

19   Insert "sec. 111"

20

21   Page 101, line 27:

22   Delete "sec. 109"

23   Insert "sec. 112"

24

25   Page 101, line 28:

26   Delete "sec. 115"

27   Insert "sec. 118"

28

29   Page 101, line 29:

30   Delete "sec. 116"

31   Insert "sec. 119"

1

2   Page 101, line 30:

3   Delete "sec. 117"

4   Insert "sec. 120"

5

6   Page 101, line 31:

7   Delete "sec. 118"

8   Insert "sec. 121"

9

10   Page 102, line 1:

11   Delete "sec. 119"

12   Insert "sec. 122"

13

14   Page 102, line 2:

15   Delete "sec. 120"

16   Insert "sec. 123"

17

18   Page 102, line 3:

19   Delete "sec. 121"

20   Insert "sec. 124"

21

22   Page 102, line 4:

23   Delete "sec. 122"

24   Insert "sec. 125"

25

26   Page 102, line 5:

27   Delete "sec. 123"

28   Insert "sec. 126"

29

30   Page 102, line 6:

31   Delete "sec. 124"

L

1   Insert "sec. 127"

2

3 Page 102, line 7:

4   Delete "sec. 125"

5   Insert "sec. 128"

6

7 Page 102, line 8:

8   Delete "sec. 126"

9   Insert "sec. 129"

10

11 Page 102, line 9:

12   Delete "sec. 127"

13   Insert "sec. 130"

14

15 Page 102, line 10:

16   Delete "sec. 128"

17   Insert "sec. 131"

18

19 Page 102, line 11:

20   Delete "sec. 129"

21   Insert "sec. 132"

22

23 Page 102, line 12:

24   Delete "sec. 130"

25   Insert "sec. 133"

26

27 Page 102, line 13:

28   Delete "sec. 131"

29   Insert "sec. 134"

30

31 Page 102, line 14:

1   Delete "sec. 132"
2   Insert "sec. 135"
3
4   Page 102, line 15:
5   Delete "secs. 152 - 154"
6   Insert "secs. 155 - 157"
7
8   Page 102, line 16:
9   Delete "152 - 154"
10   Insert "155 - 157"
11
12 Page 103, line 1:
13   Delete "sec. 99"
14   Insert "sec. 102"
15
16 Page 103, line 2:
17   Delete "sec. 142"
18   Insert "sec. 145"
19
20 Page 103, line 6:
21   Delete "sec. 152"
22   Insert "sec. 155"
23
24 Page 103, line 8:
25   Delete "sec. 156(a)"
26   Insert "sec. 159(a)"
27
28 Page 103, line 11:
29   Delete "sec. 156(b)"
30   Insert "sec. 159(b)"
31

1   Page 103, line 14:
2   Delete "sec. 156(b)"
3   Insert "sec. 159(b)"
4
5   Page 103, line 17:
6   Delete "sec. 156(c)"
7   Insert "sec. 159(c)"
8
9   Page 103, line 20:
10   Delete "sec. 156(d)"
11   Insert "sec. 159(d)"
12
13   Page 103, line 23:
14   Delete "sec. 156(e)"
15   Insert "sec. 159(e)"
16
17   Page 103, line 26:
18   Delete "sec. 99"
19   Insert "sec. 102"
20   Delete "sec. 156(f)"
21   Insert "sec. 159(f)"
22
23   Page 103, lines 29 - 30:
24   Delete "76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"
25   Insert "78 - 91, 94, 96 - 98, 137, 138, 146 - 154, and 158"
26
27   Page 103, line 31, through page 104, line 1:
28   Delete "89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"
29   Insert "92, 93, 95, 99 - 101, 103 - 136, and 139 - 143"
30
31   Page 104, line 2:

1   Delete "sec. 152"

2   Insert "sec. 155"

3

4   Page 104, line 4:

5   Delete "99, 142, 152 - 154, and 156(f)"

6   Insert "102, 145, 155 - 157, and 159(f)"