

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 7

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOSEPHSON, Kito, Gruenberg

Introduced: 2/23/15

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to murder in the second degree and manslaughter."**

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

3 * **Section 1.** AS 11.41.110(a) is amended to read:

4 (a) A person commits the crime of murder in the second degree if

5 (1) with intent to cause serious physical injury to another person or
6 knowing that the conduct is substantially certain to cause death or serious physical
7 injury to another person, the person causes the death of any person;

8 (2) the person knowingly engages in conduct that results in the death
9 of another person under circumstances manifesting an extreme indifference to the
10 value of human life;

11 (3) under circumstances not amounting to murder in the first degree
12 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
13 person commits or attempts to commit arson in the first degree, kidnapping, sexual
14 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
15 in the first degree, sexual abuse of a minor in the second degree, burglary in the first

degree, escape in the first or second degree, robbery in any degree, or misconduct involving a controlled substance under AS 11.71.010(a), 11.71.020(a), 11.71.030(a)(1) or (2), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or in immediate flight from that crime, any person causes the death of a person other than one of the participants;

(4) acting with a criminal street gang, the person commits or attempts to commit a crime that is a felony and, in the course of or in furtherance of that crime or in immediate flight from that crime, any person causes the death of a person other than one of the participants; [OR]

(5) the person with criminal negligence causes the death of a child under the age of 16, and the person has been previously convicted of a crime involving a child under the age of 16 that was

(A) a felony violation of AS 11.41;

(B) in violation of a law or ordinance in another jurisdiction with elements similar to a felony under AS 11.41; or

(C) an attempt, a solicitation, or a conspiracy to commit a crime listed in (A) or (B) of this paragraph; **or**

(6) the person causes the death of another person while operating a motor vehicle, watercraft, or aircraft under circumstances manifesting an extreme indifference to the value of human life.

* **Sec. 2.** AS 11.41.120(a) is amended to read:

(a) A person commits the crime of manslaughter if the person

(1) intentionally, knowingly, or recklessly causes the death of another person under circumstances not amounting to murder in the first or second degree;

(2) intentionally aids another person to commit suicide; [OR]

(3) knowingly manufactures or delivers a controlled substance in violation of AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule IVA controlled substances, and a person dies as a direct result of ingestion of the controlled substance; the death is a result that does not require a culpable mental state; in this paragraph, "ingestion" means voluntarily or involuntarily taking a substance into the body in any manner; **or**

1 **(4) recklessly causes the death of another person while operating a**
2 **motor vehicle, watercraft, or aircraft.**

3 * **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to
4 read:

5 APPLICABILITY. This Act applies to offenses committed on or after the effective
6 date of this Act.