

ALASKA STATE LEGISLATURE



SENATOR PETER MICCICHE
SENATE DISTRICT O

CSSSSB 12 Sectional Summary v. O

An Act relating to crime and criminal procedure; relating to assault; relating to credit toward a sentence of imprisonment for time spent in a treatment program or under electronic monitoring.

Section 1: Amends AS 11.41.200(a), assault in the first degree, to add new subsection 5, which adds a person “knowingly causes another to become unconscious by means of a dangerous instrument” and defines “dangerous instrument” in accordance with the definition in AS 11.81.900. (Page 1, line 6 – Page 2, line 5)

Section 2: Adds “knowingly causing a victim to come into contact with semen” to the definition of “sexual contact” in AS 11.91.900(b)(60). (Page 2, lines 6 – 25)

Section 3: Repeals AS 12.55.027(d) and re-enacts to specify that a court may not grant credit against a sentence for time in private residence or on electronic monitoring. (Page 2, Lines 26 – 28)

Section 4: Amends AS 12.55.027(e) to remove “electronic monitoring” as an option for claiming credit toward a sentence of imprisonment. (Page 2, line 29 – Page 3, line 7)

Section 5: Amends AS 12.55.125(c) to add an enhanced sentencing structure for assault in the first degree when a dangerous instrument is used in the assault. (Page 3, line 8 – Page 4, line 4)

Section 6: Amends AS 12.55.125(d) to add an enhanced sentencing structure for assault in the second degree when a dangerous instrument is used in the assault. (Page 4, line 5 – Page 4, line 29)

Section 7: Amends AS 12.55.125(e) to add an enhanced sentencing structure for assault in the third degree when a dangerous instrument is used in the assault. (Page 4, line 30 – Page 5, line 23)

Section 8: Amends AS 12.55.125(i) to add increased presumptive ranges to second- and third-degree sexual crimes when in the commission of the crime, a defendant possessed a firearm, used a dangerous instrument or caused serious physical injury. (Page 5, line 24 – Page 8, line 22)

Section 9: Adds AS 12.61.015(d), a new subsection that requires the prosecuting attorney to make a reasonable effort to confer with the victim of a sexual felony (or their legal guardian) to ascertain if they agree with the proposed plea agreement. The victim is not required to respond; however a record is required of the consultation. A prosecutor is not bound by the agreement or disagreement to the proposed plea agreement (Page 8, lines 23 – 30)

Section 10: Repeals AS 12.55.027(g), which conforms to section 3 to end sentencing credits for time spent on electronic monitoring.

Section 11: Applicability. (Page 9, line 1 – 10)

Section 15: Effective date clause. (Page 9, line 11)