

LEGISLATIVE RESEARCH SERVICES

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Legislative History of Sentencing for Sexual Assault in the First Degree - AS 12.55.125(i)(1)

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You requested information on historic amendments made to sentencing statutes for sexual assault in the first degree.

Alaska Statute (AS) 12.55.125, which contains sentencing provisions for imprisonment for felonies, has been amended more than 30 times since its enactment in 1978. Subsection (i)(1) of this statute specifically addresses sentencing for sexual assault in the first degree, and has been substantively amended on at least eight occasions.

Below, we provide brief highlights on these amendments and on the legislation (Ch. 166 SLA 1978) that laid the groundwork for AS 12.55.125(i)(1). Please note that due to the tight turnaround time requested, other relevant measures may have eluded our review.

Finally, please also be aware that we do not attempt to capture the many nuanced changes past legislatures have made elsewhere in statute which impact sentencing, such as eligibility for discretionary parole, and aggravators and mitigators. Many other statutes modify terms of sentencing, and these have also undergone numerous amendments since 1978. Again, due to the breadth of the query we do not attempt to capture these here.

Ch. 166 SLA 1978

- Consistent sentencing framework established, but no sentencing terms specific to sexual assault are created.
- Sexual assault in the first degree is established as AS 11.41.41 and classified as a class A felony.
- Maximum definite term of imprisonment established at not more than 20 years for a class A felony.
- Six-year presumptive term established for first felony convictions where the defendant possessed or used a firearm or caused serious physical injury during the commission of the offense.
- 10-year presumptive term established for second felony convictions.
- 15-year presumptive term established for third felony convictions.

Ch. 143 SLA 1982

- AS 12.55.125 is amended by adding subsection (i).
- Sexual assault in the first degree added.
- Maximum definite term of imprisonment established at not more than 30 years.
- Eight-year presumptive term established for first felony convictions where the defendant is not subject to certain other provisions.
- 10-year presumptive term established for first felony convictions where the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense.
- 15-year presumptive term established for second felony convictions.
- 25-year presumptive term established for third felony convictions.

Ch. 78 SLA 1983

- Sexual abuse of a minor in the first degree added.

Ch. 7 SLA 1996 (HB 38)

- Conditional presumptive term of 25 years for a third felony conviction is made conditional; If certain other qualifications are met (as described at AS 12.55.125) based on the severity of previous felonies, more severe sentencing is prescribed.

Ch. 90 SLA 2003 (SB 85)

- Maximum definite term of imprisonment for sexual assault in the first degree or sexual abuse of a minor increased from not more than 30 years to not more than 40 years.
- 20-year presumptive term added if convicted of prior sexual felonies.
- 30-year presumptive term added if convicted of two prior felonies or two prior sexual felonies.

Ch. 14 SLA 2006 (SB 218)

- 25-35 years presumptive range added for first felony convictions for assaults where the victim was less than 13 years of age.
- 20-30 years presumptive range added for first felony convictions for assaults where the victim was 13 years of age or older.
- Presumptive range increased from 12 to 16 years to 25 to 35 years for first felony convictions if the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense.
- Presumptive range increased from 15 to 20 years to 30 to 40 years for second felony offenses not involving certain other provisions.

- Presumptive range increased from 20 to 30 years to 35 to 45 years for second felony offenses when the defendant has a prior conviction for a sexual felony.
- Presumptive range increased from 25 to 35 years to 40 to 60 years for third felony offenses where the defendant is not subject to certain other provisions.
- Presumptive range increased from 30 to 40 years to 99 years for third felony offenses when the defendant has two prior convictions for sexual felonies, and where the defendant is not subject to certain other provisions.

Ch. 24 SLA 2007 (HB 90)

- Promoting prostitution in the first degree added.

Ch. 1 TSSLA 2012. (HB 359)

- Promoting prostitution in the first degree amended to sex trafficking in the first degree.

Ch. 4 FSSLA 2019 (HB 49)

- Unlawful exploitation of a minor added.

We hope this is helpful. If you have questions or need additional information, please let us know.