



# LAWS OF ALASKA

2005

**Source**

CSSB 135(JUD)(efd am)

**Chapter No.**

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## AN ACT

Relating to the crimes of assault and custodial interference; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



## AN ACT

1 Relating to the crimes of assault and custodial interference; and providing for an effective  
2 date.

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

5 (a) A person commits the crime of assault in the third degree if that person  
6 (1) recklessly  
7 (A) places another person in fear of imminent serious physical  
8 injury by means of a dangerous instrument;  
9 (B) causes physical injury to another person by means of a  
10 dangerous instrument; or  
11 (C) while being 18 years of age or older  
12 (i) causes physical injury to a child under 10 years of  
13 age and the injury would cause a reasonable caregiver to seek  
14 medical attention from a health care professional in the form of

**diagnosis or treatment** [REASONABLY REQUIRES MEDICAL TREATMENT];

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

(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 another person;

(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; or

(4) with criminal negligence causes serious physical injury under AS 11.81.900(b)(55)(B) to another person by means of a dangerous instrument.

\* **Sec. 2.** AS 11.41.330 is amended by adding a new subsection to read:

(c) The affirmative defense of necessity under AS 11.81.320 does not apply to a prosecution for custodial interference under (a) of this section if the protracted period for which the person held the child or incompetent person exceeded the shorter of the following:

(1) 24 hours; or

(2) the time necessary to report to a peace officer or social service agency that the child or incompetent person has been abused, neglected, or is in imminent physical danger.

\* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).