

**SENATE CS FOR CS FOR HOUSE BILL NO. 127(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 2/14/96**  
**Referred: Finance**

**Sponsor(s): REPRESENTATIVES KELLY, Parnell**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to penalties for certain offenses committed against a peace  
2 officer, fire fighter, correctional employee, emergency medical technician, paramedic,  
3 ambulance attendant, or other emergency responders."

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

5 \* **Section 1.** AS 12.55.125(a) is amended to read:

6 (a) A defendant convicted of murder in the first degree shall be sentenced to  
7 a definite term of imprisonment of at least 20 years but not more than 99 years. A  
8 defendant convicted of murder in the first degree shall be sentenced to a mandatory  
9 term of imprisonment of 99 years when

10 (1) the defendant is convicted of the murder of a uniformed or  
11 otherwise clearly identified peace officer, fire fighter, or correctional employee  
12 [OFFICER] who was engaged in the performance of official duties at the time of the  
13 murder;

14 (2) the defendant has been previously convicted of

1 (A) murder in the first degree under AS 11.41.100 or former  
2 AS 11.15.010 or 11.15.020;  
3 (B) murder in the second degree under AS 11.41.110 or former  
4 AS 11.15.030; or  
5 (C) homicide under the laws of another jurisdiction when the  
6 offense of which the defendant was convicted contains elements similar to first  
7 degree murder under AS 11.41.100 or second degree murder under  
8 AS 11.41.110; or  
9 (3) the court finds by clear and convincing evidence that the defendant  
10 subjected the murder victim to substantial physical torture.

11 \* **Sec. 2.** AS 12.55.125(c) is amended to read:

12 (c) A defendant convicted of a class A felony may be sentenced to a definite  
13 term of imprisonment of not more than 20 years, and shall be sentenced to the  
14 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -  
15 12.55.175:

16 (1) if the offense is a first felony conviction and does not involve  
17 circumstances described in (2) of this subsection, five years;

18 (2) if the offense is a first felony conviction, other than for  
19 manslaughter, and the defendant possessed a firearm, used a dangerous instrument, or  
20 caused serious physical injury during the commission of the offense, or knowingly  
21 directed the conduct constituting the offense at a uniformed or otherwise clearly  
22 identified peace officer, fire fighter, correctional **employee** [OFFICER], emergency  
23 medical technician, paramedic, ambulance attendant, or other emergency responder  
24 who was engaged in the performance of official duties at the time of the offense, seven  
25 years;

26 (3) if the offense is a second felony conviction, 10 years;

27 (4) if the offense is a third felony conviction, 15 years.

28 \* **Sec. 3.** AS 12.55.135(d) is amended to read:

29 (d) A defendant convicted of assault in the fourth degree **who knowingly**  
30 **directed the conduct constituting the offense at** [UPON] a uniformed or otherwise  
31 clearly identified peace officer, fire fighter, correctional **employee** [OFFICER],

1 emergency medical technician, paramedic, ambulance attendant, or other emergency  
2 responder who was engaged in the performance of official duties at the time of the  
3 assault shall be sentenced to a minimum term of imprisonment of

4 (1) 60 [30] days if the defendant violated AS 11.41.230(a)(1) or (2);

5 (2) 30 days if the defendant violated AS 11.41.230(a)(3).

6 \* **Sec. 4.** AS 12.55.155(e) is amended to read:

7 (e) If a factor in aggravation is a necessary element of the present offense, or  
8 requires the imposition of a presumptive term under AS 12.55.125(c)(2) [, (d)(3) OR  
9 (e)(3)], that factor may not be used to aggravate the presumptive term. If a factor in  
10 mitigation is raised at trial as a defense reducing the offense charged to a lesser  
11 included offense, that factor may not be used to mitigate the presumptive term.

12 \* **Sec. 5.** AS 12.55.185 is amended by adding a new paragraph to read:

13 (14) "peace officer" has the meaning given in AS 11.81.900.

14 \* **Sec. 6.** AS 12.55.125(d)(3) and 12.55.125(e)(3) are repealed.

15 \* **Sec. 7.** This Act applies to all offenses committed on or after the effective date of this  
16 Act.