

HOUSE CS FOR SENATE BILL NO. 63(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/2/98

Referred: Rules

**Sponsor(s): SENATORS DONLEY, Halford, Phillips, Leman, Pearce, Kelly, Green, Sharp, Mackie
REPRESENTATIVES Rokeberg, Ryan**

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for automatic waiver of juvenile jurisdiction and prosecution
2 of minors as adults for certain violations of laws by minors who use deadly
3 weapons to commit offenses that are crimes against a person, and relating to the
4 sealing of the records of those minors."

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

6 * **Section 1.** AS 47.12.030(a) is amended to read:

7 (a) When a minor who was at least 16 years of age at the time of the offense
8 is arraigned on a charge for an offense specified in this subsection, this chapter and
9 the Alaska Delinquency Rules do not apply to the offense for which the minor is
10 arraigned or to any additional offenses joinable to it under the applicable rules of court
11 governing criminal procedure. The minor shall be charged, prosecuted, and sentenced
12 in the superior court in the same manner as an adult unless the minor is convicted of
13 some offense other than an offense specified in this subsection, in which event the
14 minor may attempt to prove, by a preponderance of the evidence, that the minor is

1 amenable to treatment under this chapter. If the court finds that the minor is amenable
 2 to treatment under this chapter, the minor shall be treated as though the charges had
 3 been heard under this chapter, and the court shall order disposition of the charges of
 4 which the minor is convicted under AS 47.12.120(b). The provisions of this
 5 subsection apply when the minor is arraigned on a charge

6 (1) that is an unclassified felony or a class A felony and the felony is
 7 a crime against a person; [OR]

8 (2) of arson in the first degree; or

9 (3) that is a class B felony and the felony is a crime against a
 10 person in which the minor is alleged to have used a deadly weapon in the
 11 commission of the offense and the minor was previously adjudicated as a
 12 delinquent or convicted as an adult, in this or another jurisdiction, as a result of
 13 an offense that involved use of a deadly weapon in the commission of a crime
 14 against a person or an offense in another jurisdiction having elements
 15 substantially identical to those of a crime against a person, and the previous
 16 offense was punishable as a felony; in this paragraph, "deadly weapon" has the
 17 meaning given in AS 11.81.900(b).

18 * **Sec. 2. APPLICABILITY.** This Act applies to offenses committed on or after the
 19 effective date of this Act. However, references to previous adjudications or convictions
 20 include offenses committed on, before, or after the effective date of this Act.