

**HOUSE CS FOR SENATE BILL NO. 268(JUD) am H**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIRST LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Amended: 4/19/00**

**Offered: 4/15/00**

**Sponsor(s): SENATORS DONLEY, Taylor, Halford, Leman**

**REPRESENTATIVES Masek, Harris, Croft, Murkowski**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to mandatory 99-year terms of imprisonment for persons  
2 convicted of certain murders."

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

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

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

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

12 (2) the defendant has been previously convicted of

13 (A) murder in the first degree under AS 11.41.100 or former  
14 AS 11.15.010 or 11.15.020;

(B) murder in the second degree under AS 11.41.110 or former AS 11.15.030; or

(C) homicide under the laws of another jurisdiction when the offense of which the defendant was convicted contains elements similar to first degree murder under AS 11.41.100 or second degree murder under AS 11.41.110; [OR]

(3) the court finds by clear and convincing evidence that the defendant subjected the murder victim to substantial physical torture; or

**(4) the defendant is convicted of the murder of and personally caused the death of a person, other than a participant, during a robbery.**

\* **Sec. 2.** AS 12.55.125 is amended by adding a new subsection to read:

(m) Notwithstanding (a)(4) and (f) of this section, if a court finds that imposition of a mandatory term of imprisonment of 99 years on a defendant subject to sentencing under (a)(4) of this section would be manifestly unjust, the court may sentence the defendant to a definite term of imprisonment otherwise permissible under (a) of this section.

\* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

**APPLICABILITY.** This Act applies to offenses committed on or after the effective date of this Act.