

CS FOR HOUSE BILL NO. 239(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOPP, Fields, Galvin

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminally negligent homicide; relating to the duty of an operator
2 immediately after an accident; and providing for an effective date."

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

4 * **Section 1.** AS 11.41.130(b) is amended to read:

5 (b) Criminally negligent homicide is a

6 **(1) class B felony; or**

7 **(2) class A felony if the person caused the death of another person**

8 **while operating a motor vehicle and knowingly failed to stop and render**

9 **reasonable assistance as required under AS 28.35.050 and 28.35.060.**

10 * **Sec. 2.** AS 11.41.170(b) is amended to read:

11 (b) Criminally negligent homicide of an unborn child is

12 **(1) a class B felony; or**

13 **(2) class A felony if the person caused the death of another person**

14 **while operating a motor vehicle and knowingly failed to stop and render**

reasonable assistance as required under AS 28.35.050 and 28.35.060.

* **Sec. 3.** AS 12.55.125(c) is amended to read:

(c) Except as provided in (i) of this section, a defendant convicted of a class A felony may be sentenced to a definite term of imprisonment of not more than 20 years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection **or is for criminally negligent homicide under AS 11.41.130(b)(2) or criminally negligent homicide of an unborn child under AS 11.41.170(b)(2)**, four to seven years;

(2) if the offense is a first felony conviction

(A) and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury or death during the commission of the offense, or knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, firefighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the offense, seven to 11 years;

(B) and the conviction is for manufacturing related to methamphetamine under AS 11.71.021(a)(2)(A) or (B), seven to 11 years if

(i) the manufacturing occurred in a building with reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18 years of age or the building was a place frequented by children; or

(ii) in the course of manufacturing or in preparation for manufacturing, the defendant obtained the assistance of one or more children under 18 years of age or one or more children were present;

(C) and the conviction is for manufacturing or delivery under AS 11.71.021(a)(1) related to a schedule IA controlled substance set out in AS 11.71.140(c)(29) or under AS 11.71.021(a)(6) related to a schedule IIA controlled substance set out in AS 11.71.150(e)(2), four to 11 years;

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- (3) if the offense is a second felony conviction, 10 to 14 years;
- (4) if the offense is a third felony conviction and the defendant is not subject to sentencing under (l) of this section, 15 to 20 years.

* Sec. 4. AS 12.55.127(c) is amended to read:

(c) If the defendant is being sentenced for

(1) escape, the term of imprisonment shall be consecutive to the term for the underlying crime;

(2) two or more crimes under AS 11.41, a consecutive term of imprisonment shall be imposed for at least

(A) the mandatory minimum term under AS 12.55.125(a) for each additional crime that is murder in the first degree;

(B) the mandatory minimum term for each additional crime that is an unclassified felony governed by AS 12.55.125(b);

(C) the presumptive term specified in AS 12.55.125(c) or the active term of imprisonment, whichever is less, for each additional crime that is

(i) manslaughter; or

(ii) kidnapping that is a class A felony;

(D) two years or the active term of imprisonment, whichever is less, for each additional crime that is criminally negligent homicide, **except as provided in (4) of this subsection;**

(E) one-fourth of the presumptive term under AS 12.55.125(c) or (i) for each additional crime that is sexual assault in the first degree under AS 11.41.410 or sexual abuse of a minor in the first degree under AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those offenses; and

(F) some additional term of imprisonment for each additional crime, or each additional attempt or solicitation to commit the offense, under AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 - 11.41.458, or 11.41.500 - 11.41.520;

1 (3) two or more crimes of violation of condition of release under
2 AS 11.56.757, a consecutive term of imprisonment shall be imposed for some
3 additional term of imprisonment for the underlying crime and each additional crime
4 under AS 11.56.757;

5 **(4) criminally negligent homicide under AS 11.41.130(b)(2) or**
6 **criminally negligent homicide of an unborn child under AS 11.41.170(b)(2), a**
7 **consecutive term of imprisonment shall be imposed for some additional term of**
8 **imprisonment for each additional crime under AS 28.35.050 or 28.35.060.**

9 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

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

13 * **Sec. 6.** This Act takes effect July 1, 2026.