



Alaska State Legislature

Senator Matt Claman

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Senate Bill 265

Sponsor Statement — Version I

"An Act relating to the duty of an operator immediately after an accident."

Senate Bill 265 creates a new penalty for failure to render assistance under AS 28.35.060 if the operator fails to render assistance after an accident that resulted in death and the operator is convicted of criminally negligent homicide for the same act. Under current AS 28.35.060, if an operator causes death and fails to render assistance, the penalty for failing to render assistance is up to ten years in jail under subsection (c), which specifies that injury has occurred.

This bill changes the penalty for failure to render assistance when the operator causes death to a class A felony under the new subsection (d) of AS 28.35.060. The new subsection distinguishes operators who cause death while operating a motor vehicle and fail to render assistance (class A felony) from those who cause injury while operating a motor vehicle and fail to render assistance (class B felony). This change better aligns the penalty for failure to render assistance with the crime committed.

Most first-time offenders charged with a class B felony face a one to three year presumptive sentence. Some first-time offenders charged with a class A felony face a four to seven year presumptive sentence. Other first-time offenders charged with more serious crimes face a longer presumptive sentence of seven to eleven years. This legislation establishes a longer presumptive sentence of seven to eleven years for first-time offenders for the crime of failure to render assistance when the operator causes death.

Too many Alaskans are injured and killed by operators who fail to render assistance after an accident. In 2014, a drunk driver hit and killed Jeff Dusenbury, who was on a morning bike ride. The driver failed to render assistance after striking Jeff. The defendant entered and completed substance abuse treatment, pled guilty, and received a probation-based sentence. Jeff's family disapproved of the short jail sentence because it did not reflect the seriousness of the crime. Under the new subsection (d), a similar operator would face a seven to eleven year presumptive sentence for the failure to render assistance.

Motor vehicle operators have a duty to render assistance and provide information when they are involved in an accident resulting in injury, death, or damage to a vehicle. Alaska law should reflect the seriousness of failing to stop and render assistance after a motor vehicle accident that resulted in death.