

Alaska Statute Class C Felonies → PENALTY – UP TO \$50,000 & 5 YEARS IN PRISON

Examples of current Alaska Class C Felony laws - Have we over criminalized drug possession offenses?

- 1. Misc. Involving Controlled Substance 4th Degree** **AS 11.71.040(a)(3)(a)**
A person possesses any amount of a schedule IA or IIA drug.
Example: Possession of one grain of a pain killer like hydrocodone without a prescription. The law currently has no dosage matrix to discriminate between trafficking, peddling, and simple possession. It is no defense that the amount of drug was not a useable quantity, only that the substance be positively identified in a narcotics test.
- 2. Assault 3rd Degree** **AS 11.41.220(a)(1)(a)**
A person causes fear of imminent serious physical injury by means of a dangerous instrument.
Example: A person points a firearm at the head of another person and threatens to kill them.
- 3. Stalking 1st Degree** **AS 11.41.260**
A person engages in a “course of conduct” with a victim (i.e. following them, entering their property, contacting by phone, delivering items to victim) and places victim in fear of death or physical injury and the person possesses a deadly weapon.
- 4. Custodial Interference 1st Degree** **AS 11.41.320(a)**
A relative of a child who is under 18 years old, or of a an incompetent person, knowing they have no right to do so, keeps that child or incompetent person from their lawful custodian with intent to hold them for a protracted period and causes the child or incompetent person to be removed from the state or kept outside the state.
- 5. Sexual Assault 3rd Degree** **AS 11.41.425(a)(1)(2)**
A person engages in sexual contact with a person who he knows is mentally incapable, incapacitated or otherwise unaware and unable to consent to the sex act. Or, a prison guard engaging in sexual intercourse with a prisoner.
- 6. Indecent Exposure 1st Degree** **AS 11.41.458(a)**
A person knowingly exposes his genitals to a child while masturbating.
- 7. Theft 2nd Degree** **AS 11.46.130(a)**
A person steals property of another with a value between \$500 and \$24,999.99.
- 8. Burglary 2nd Degree** **AS 11.46.310(a)**
A person enters or remains unlawfully in a building with intent to commit a crime in the building.
- 9. Vehicle Theft 1st Degree** **AS 11.46.360**
A person, having no right to do so, steals a car, truck, motorcycle, motorhome, airplane, or boat of another person. Or, a person steals a police car.

- 10. Criminally Negligent Burning 1st Degree** **AS 11.46.427(a)**
A person with criminal negligence damages property of another by fire or explosion, and has two separate prior convictions for this act within the previous 10 years.
- 11. Endangering the Welfare of a Child 1st Degree** **AS 11.51.100(a)**
A guardian of a child under 16 years of age leaves the child with another person knowing the person previously had sexual contact with any child, and the other person causes physical injury to or engages in sexual contact with the child.
- 12. Endangering the Welfare of a Vulnerable Adult 1st Degree** **AS 11.51.200**
A person fails, without lawful excuse, to provide support for a vulnerable adult and the vulnerable adult is in the person's care by authority of law and the vulnerable adult suffers serious physical injury.
- 13. Promoting Contraband 1st Degree** **AS 11.56.375(a)**
A person illegally brings a firearm or drugs into a prison.
- 14. Harming a Police Dog 1st Degree** **AS 11.56.705(a)**
A person intentionally kills or seriously injures a dog he knows to be a police dog.
- 15. Impersonating a Public Servant 1st Degree** **AS 11.56.827(a)**
A person pretends to be a Peace Officer and exercises that authority in relation to another.
- 16. Possession of Child Pornography** **AS 11.61.127**
A person knowingly possesses child pornography.
- 17. Cruelty to Animals** **AS 11.61.140(a)**
A person intentionally inflicts severe physical pain or prolonged suffering on an animal. Or, a person knowingly kills an animal with intent to intimidate or threaten another person. Or, a person engages in a sexual conduct with an animal.
- 18. Recruiting a Gang Member 1st Degree** **AS 11.61.160**
A person uses force to induce someone to join a criminal street gang, or commit a crime for a gang.
- 19. Unlawful Furnishing of Explosives** **AS 11.61.250(a)**
A person gives explosives to another knowing that the person intends to use them to commit a crime.
- 20. Sex Trafficking 3rd Degree** **AS 11.66.130(a)**
A person, with intent to promote prostitution, manages, supervises, controls or owns a place of prostitution.