



# LAWS OF ALASKA

1988

**Source**

CSHB 371(Jud)

**Chapter No.**

59

**AN ACT**

Relating to attempted murder in the first degree.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 26, 1988  
Actual Effective Date: August 24, 1988

AN ACT

Relating to attempted murder in the first degree.

\* Section 1. AS 11.31.100(d) is amended to read:

(d) An attempt is [A]

(1) an unclassified felony if the crime attempted is murder in the first degree;

(2) a class A felony if the crime attempted is an unclassified felony other than murder in the first degree;

(3) a [(2)] class B felony if the crime attempted is a class A felony;

(4) a [(3)] class C felony if the crime attempted is a class B felony;

(5) a [(4)] class A misdemeanor if the crime attempted is a class C felony;

(6) a [(5)] class B misdemeanor if the crime attempted is a class A or class B misdemeanor.

\* Sec. 2. AS 11.81.250(a) is amended to read:

(a) For purposes of sentencing under AS 12.55, all offenses defined in this title, except murder in the first and second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, are classified on the basis of their seriousness, according to the

Chapter 59

1 type of injury characteristically caused or risked by commission of  
2 the offense and the culpability of the offender. Except for murder in  
3 the first and second degree, attempted murder in the first degree,  
4 sexual assault in the first degree, sexual abuse of a minor in the  
5 first degree, misconduct involving a controlled substance in the first  
6 degree, and kidnapping, the offenses in this title are classified into  
7 the following categories:

8 (1) class A felonies, which characteristically involve  
9 conduct resulting in serious physical injury or a substantial risk of  
10 serious physical injury to a person;

11 (2) class B felonies, which characteristically involve  
12 conduct resulting in less severe violence against a person than class  
13 A felonies, aggravated offenses against property interests, or aggra-  
14 vated offenses against public administration or order;

15 (3) class C felonies, which characteristically involve  
16 conduct serious enough to deserve felony classification but not seri-  
17 ous enough to be classified as A or B felonies;

18 (4) class A misdemeanors, which characteristically involve  
19 less severe violence against a person, less serious offenses against  
20 property interests, less serious offenses against public administra-  
21 tion or order, or less serious offenses against public health and  
22 decency than felonies;

23 (5) class B misdemeanors, which characteristically involve  
24 a minor risk or physical injury to a person, minor offenses against  
25 property interests, minor offenses against public administration or  
26 order, or minor offenses against public health and decency;

27 (6) violations, which characteristically involve conduc  
28 inappropriate to an orderly society but which do not denote criminal  
29 ity in their commission.

1 \* Sec. 3. AS 11.81.250(b) is amended to read:

2 (b) The classification of each felony defined in this title,  
3 except murder in the first and second degree, attempted murder in the  
4 first degree, sexual assault in the first degree, sexual abuse of a  
5 minor in the first degree, misconduct involving a controlled substance  
6 in the first degree, and kidnapping, is designated in the section  
7 defining it. A felony under Alaska law defined outside this title for  
8 which no penalty is specifically provided is a class C felony.

9 \* Sec. 4. AS 12.55.035(b) is amended to read:

10 (b) Upon conviction of an offense, a defendant who is not an  
11 organization may be sentenced to pay, unless otherwise specified in  
12 the provision of law defining the offense, a fine of no more than

13 (1) \$75,000 for murder in the first or second degree,  
14 attempted murder in the first degree, sexual assault in the first  
15 degree, kidnapping, or misconduct involving a controlled substance in  
16 the first degree;

17 (2) \$50,000 for a class A, B, or C felony;

18 (3) \$5,000 for a class A misdemeanor;

19 (4) \$1,000 for a class B misdemeanor;

20 (5) \$300 for a violation.

21 \* Sec. 5. AS 12.55.125(b) is amended to read:

22 (b) A defendant convicted of murder in the second degree,  
23 attempted murder in the first degree, kidnapping, or misconduct in-  
24 volving a controlled substance in the first degree shall be sentenced  
25 to a definite term of imprisonment of at least five years but not more  
26 than 99 years.