



# LAWS OF ALASKA

1995

**Source**

SB 67

**Chapter No.**

51

## AN ACT

Relating to the crime of unlawful evasion.

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

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**Approved by the Governor:** May 27, 1995

**Actual Effective Date:** August 25, 1995

AN ACT

1 Relating to the crime of unlawful evasion.

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3 \* Section 1. AS 11.56.310(a) is amended to read:

4 (a) One commits the crime of escape in the second degree if, without lawful  
5 authority, one

6 (1) removes oneself from

7 (A) a correctional facility while under official detention;

8 (B) official detention for a felony or for extradition; or

9 (C) official detention and during the escape, or at any time

10 before being restored to official detention, one possesses on or about oneself  
11 a firearm; or

12 (2) violates AS 11.56.340 [OR 11.56.350] and during the time of the  
13 unlawful evasion, or at any time before being restored to official detention, one  
14 possesses on or about oneself a firearm.

15 \* Sec. 2. AS 11.56.320(a) is amended to read:

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1 (a) One commits the crime of escape in the third degree if one

2 (1) removes oneself from official detention during any lawful  
3 movement or activity incident to confinement within a correctional facility for a  
4 misdemeanor; or

5 (2) violates AS 11.56.340 [OR 11.56.350] and leaves or attempts to  
6 leave the state.

7 \* Sec. 3. AS 11.56.340 is amended to read:

8 Sec. 11.56.340. UNLAWFUL EVASION [IN THE FIRST DEGREE]. (a) A  
9 person commits the crime of unlawful evasion [IN THE FIRST DEGREE] if, while  
10 charged with or convicted of a felony or a misdemeanor,

11 (1) the person fails to return to official detention within the time  
12 authorized following temporary leave granted for a specific purpose or limited period,  
13 including leave granted under AS 33.30.181; or

14 (2) while on furlough under AS 33.30.101 - 33.30.131 the person fails  
15 to return to the place of confinement or residence within the time authorized by those  
16 having direct supervision.

17 (b) Unlawful evasion [IN THE FIRST DEGREE] is a class A misdemeanor.

18 \* Sec. 4. AS 18.65.705(4) is amended to read:

19 (4) has not been convicted, within the five years immediately preceding  
20 the application, of, and is not currently charged under a complaint, information,  
21 indictment, or presentment with, any of the following misdemeanor offenses or similar  
22 laws of another jurisdiction:

23 (A) AS 11.41.230, 11.41.250, 11.41.270;

24 (B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;

25 (C) AS 11.51.130;

26 (D) AS 11.56.330, 11.56.340, former AS 11.56.350  
27 [11.56.350], 11.56.380, 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780,  
28 11.56.790, 11.56.800, 11.56.805;

29 (E) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;

30 or

31 (F) AS 11.71.050, 11.71.060;

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1    \* **Sec. 5.** AS 33.30.141(b) is amended to read:

2                   (b) The failure of a prisoner on a furlough to return to the place of  
3                   confinement or residence within the time specified by those having direct supervision  
4                   over the prisoner in an unlawful evasion under AS 11.56.340 [AS 11.56.340 -  
5                   11.56.350].

6    \* **Sec. 6.** AS 11.56.350 is repealed.