

CS FOR HOUSE BILL NO. 47(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/3/95

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES BROWN, Robinson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the crime of unlawful evasion."

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

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:

- 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;

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.