

HOUSE BILL NO. 74

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BUNDE, Green, Toohey, Kubina, B.Davis, Rokeberg, Kohring, Ogan

Introduced: 1/16/95

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the assault of children by adults."

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

3 * **Section 1.** AS 11.41.220(a) is amended to read:

4 (a) A person commits the crime of assault in the third degree if that person

5 (1) recklessly

6 (A) places another person in fear of imminent serious physical
7 injury by means of a dangerous instrument;

8 (B) causes physical injury to another person by means of a
9 dangerous instrument; or

10 (C) while being 18 years of age or older

11 (i) causes physical injury to a child under 10 years of age
12 and the injury reasonably requires medical treatment;

13 (ii) causes physical injury to a child under 10 years of
14 age on more than one occasion; [OR]

15 (2) with intent to place another person in fear of death or serious

1 physical injury to the person or the person's family member makes repeated threats to
2 cause death or serious physical injury to another person; **or**

3 **(3) while being 18 years of age or older, causes physical injury to**
4 **a child under 16 years of age but at least 10 years of age and the injury**
5 **reasonably requires medical treatment.**

6 * **Sec. 2.** AS 11.41.220 is amended by adding a new subsection to read:

7 (d) In a prosecution under (a)(3) of this section, it is an affirmative defense
8 that, at the time of the alleged offense, the defendant reasonably believed the victim
9 to be 16 years of age or older, unless the victim was under 13 years of age at the time
10 of the alleged offense.