

**CS FOR HOUSE BILL NO. 127(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/22/95  
Referred: Finance

Sponsor(s): REPRESENTATIVES KELLY, Parnell

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to penalties for certain offenses committed against a peace  
2 officer, fire fighter, correctional employee, emergency medical technician, paramedic,  
3 ambulance attendant, or other emergency responders."

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

5 \* **Section 1.** AS 12.55.125(a) is amended to read:

6 (a) A defendant convicted of murder in the first degree shall be sentenced to  
7 a definite term of imprisonment of at least 20 years but not more than 99 years. A  
8 defendant convicted of murder in the first degree shall be sentenced to a mandatory  
9 term of imprisonment of 99 years when

10 (1) the defendant is convicted of the murder of a uniformed or  
11 otherwise clearly identified peace officer, fire fighter, or correctional **employee**  
12 [OFFICER] who was engaged in the performance of official duties at the time of the  
13 murder;

14 (2) the defendant has been previously convicted of

1 (A) murder in the first degree under AS 11.41.100 or former  
2 AS 11.15.010 or 11.15.020;

3 (B) murder in the second degree under AS 11.41.110 or former  
4 AS 11.15.030; or

5 (C) homicide under the laws of another jurisdiction when the  
6 offense of which the defendant was convicted contains elements similar to first  
7 degree murder under AS 11.41.100 or second degree murder under  
8 AS 11.41.110; or

9 (3) the court finds by clear and convincing evidence that the defendant  
10 subjected the murder victim to substantial physical torture.

11 \* **Sec. 2.** AS 12.55.125(c) is amended to read:

12 (c) A defendant convicted of a class A felony may be sentenced to a definite  
13 term of imprisonment of not more than 20 years, and shall be sentenced to the  
14 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -  
15 12.55.175:

16 (1) if the offense is a first felony conviction and does not involve  
17 circumstances described in (2) of this subsection, five years;

18 (2) if the offense is a first felony conviction, other than for  
19 manslaughter, and the defendant possessed a firearm, used a dangerous instrument, or  
20 caused serious physical injury during the commission of the offense, or knowingly  
21 directed the conduct constituting the offense at a uniformed or otherwise clearly  
22 identified peace officer, fire fighter, correctional **employee** [OFFICER], emergency  
23 medical technician, paramedic, ambulance attendant, or other emergency responder  
24 who was engaged in the performance of official duties at the time of the offense, seven  
25 years;

26 (3) if the offense is a second felony conviction, 10 years;

27 (4) if the offense is a third felony conviction, 15 years.

28 \* **Sec. 3.** AS 12.55.125(d) is amended to read:

29 (d) A defendant convicted of a class B felony may be sentenced to a definite  
30 term of imprisonment of not more than 10 years, and shall be sentenced to the  
31 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -

1 12.55.175:

2 (1) if the offense is a second felony conviction, four years;

3 (2) if the offense is a third felony conviction, six years;

4 (3) if the offense is a first felony conviction, and the defendant  
5 knowingly directed the conduct constituting the offense at a uniformed or otherwise  
6 clearly identified peace officer, fire fighter, correctional **employee** [OFFICER],  
7 emergency medical technician, paramedic, ambulance attendant, or other emergency  
8 responder who was engaged in the performance of official duties at the time of the  
9 offense, two years.

10 \* **Sec. 4.** AS 12.55.125(e) is amended to read:

11 (e) A defendant convicted of a class C felony may be sentenced to a definite  
12 term of imprisonment of not more than five years, and shall be sentenced to the  
13 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -  
14 12.55.175:

15 (1) if the offense is a second felony conviction, two years;

16 (2) if the offense is a third felony conviction, three years;

17 (3) if the offense is a first felony conviction, and the defendant  
18 knowingly directed the conduct constituting the offense at a uniformed or otherwise  
19 clearly identified peace officer, fire fighter, correctional **employee** [OFFICER],  
20 emergency medical technician, paramedic, ambulance attendant, or other emergency  
21 responder who was engaged in the performance of official duties at the time of the  
22 offense, one year;

23 (4) if the offense is a first felony conviction, and the defendant violated  
24 AS 08.54.520(a)(7) - (10), one year.

25 \* **Sec. 5.** AS 12.55.135(d) is amended to read:

26 (d) A defendant convicted of assault in the fourth degree upon a uniformed or  
27 otherwise clearly identified peace officer, fire fighter, correctional **employee**  
28 [OFFICER], emergency medical technician, paramedic, ambulance attendant, or other  
29 emergency responder who was engaged in the performance of official duties at the  
30 time of the assault shall be sentenced to a minimum term of imprisonment of **120** [30]  
31 days.

1     \* **Sec. 6.** AS 12.55.185 is amended by adding a new paragraph to read:

2                             (14) "peace officer" has the meaning given in AS 11.81.900.

3     \* **Sec. 7.** This Act applies to all offenses committed on or after the effective date of this

4 Act.