

SENATE BILL NO. 23

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR SALO

Introduced: 1/16/95

Referred: STA, JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the penalties imposable upon conviction for certain assaults."

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

3 * **Section 1.** AS 11.41.210(b) is amended to read:

4 (b) Except as provided in (c) of this section, assault [ASSAULT] in the
5 second degree is a class B felony.

6 * **Sec. 2.** AS 11.41.210 is amended by adding a new subsection to read:

7 (c) A person convicted under this section is guilty of a class A felony if

8 (1) the person was previously convicted of

9 (A) an offense under this section or AS 11.41.200 or a law or
10 ordinance of this or another jurisdiction with elements similar to an offense
11 under this section or AS 11.41.200;

12 (B) an attempt or solicitation to commit an offense specified in
13 (A) of this paragraph; or

14 (C) a conspiracy to commit an offense under AS 11.41.200 or
15 a law or ordinance of this or another jurisdiction with elements similar to an

1 offense under AS 11.41.200;

2 (2) the victim of the current offense is the same as the victim of the
3 offense specified in (1) of this subsection for which the person was previously
4 convicted; and

5 (3) the victim of the offense

6 (A) is a spouse or former spouse of the person;

7 (B) lives or has lived in a spousal relationship with the person;

8 or

9 (C) is or has been in a dating, courtship, or engagement
10 relationship with the person.

11 * **Sec. 3.** AS 11.41.220(b) is amended to read:

12 (b) **Except as provided in (d) of this section, assault** [ASSAULT] in the
13 third degree is a class C felony.

14 * **Sec. 4.** AS 11.41.220 is amended by adding a new subsection to read:

15 (d) A person convicted under this section is guilty of a class B felony if

16 (1) the person was previously convicted of

17 (A) an offense under this section or AS 11.41.200 - 11.41.210,
18 or a law or ordinance of this or another jurisdiction with elements similar to
19 an offense under this section or AS 11.41.200 - 11.41.210;

20 (B) an attempt or solicitation to commit an offense specified in
21 (A) of this paragraph; or

22 (C) a conspiracy to commit an offense under AS 11.41.200 or
23 a law or ordinance of this or another jurisdiction with elements similar to an
24 offense under AS 11.41.200;

25 (2) the victim of the current offense is the same as the victim of the
26 offense specified in (1) of this subsection for which the person was previously
27 convicted; and

28 (3) the victim of the offense

29 (A) is a spouse or former spouse of the person;

30 (B) lives or has lived in a spousal relationship with the person;

31 or

1 (C) is or has been in a dating, courtship, or engagement
2 relationship with the person.

3 * **Sec. 5.** AS 11.41.230(b) is amended to read:

4 (b) **Except as provided in (c) of this section, assault** [ASSAULT] in the
5 fourth degree is a class A misdemeanor.

6 * **Sec. 6.** AS 11.41.230 is amended by adding a new subsection to read:

7 (c) A person convicted under this section is guilty of a class C felony if

8 (1) the person was previously convicted of

9 (A) an offense under this section, AS 11.41.200 - 11.41.220,
10 or 11.41.250, or a law or ordinance of this or another jurisdiction with elements
11 similar to an offense under this section, AS 11.41.200 - 11.41.220, or
12 11.41.250;

13 (B) an attempt or solicitation to commit an offense specified in
14 (A) of this paragraph; or

15 (C) a conspiracy to commit an offense under AS 11.41.200 or
16 a law or ordinance of this or another jurisdiction with elements similar to an
17 offense under AS 11.41.200;

18 (2) the victim of the current offense is the same as the victim of the
19 offense specified in (1) of this subsection for which the person was previously
20 convicted; and

21 (3) the victim of the offense

22 (A) is a spouse or former spouse of the person;

23 (B) lives or has lived in a spousal relationship with the person;

24 or

25 (C) is or has been in a dating, courtship, or engagement
26 relationship with the person.

27 * **Sec. 7.** AS 12.55.155(c)(18) is amended to read:

28 (18) the offense was a crime

29 (A) specified in AS 11.41, **other than a crime specified in**
30 **AS 11.41.210(c), 11.41.220(d), or 11.41.230(c)**, and was committed against a
31 spouse, a former spouse, or a member of the social unit comprised of those

1 living together in the same dwelling as the defendant;

2 (B) specified in AS 11.41.410 - 11.41.460 and was committed
3 against a minor, and the defendant has engaged in the same or similar conduct
4 involving the same or another victim who was a minor; or

5 (C) specified in AS 11.41.410 - 11.41.425 or 11.41.455, and the
6 defendant has previously engaged in conduct covered by one of those sections
7 involving the same or another victim;

8 * **Sec. 8.** APPLICABILITY. AS 11.41.210(c), enacted by sec. 2 of this Act,
9 AS 11.41.220(d), enacted by sec. 4 of this Act, and AS 11.41.230(c), enacted by sec. 6 of this
10 Act, apply to acts committed on and after the effective date of this Act. However, references
11 to previous convictions in those subsections include convictions that may have occurred
12 before, on, or after the effective date of this Act.