

**HOUSE BILL NO. 245**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES DYSON, Berkowitz

Introduced: 4/10/97

Referred: State Affairs, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to minimum sentences for assault in the fourth degree that is  
2 a crime involving domestic violence; providing that a prisoner may not contact  
3 the victim of the offense when provided access to a telephone or otherwise  
4 immediately after an arrest; and amending Rule 5(b), Alaska Rules of Criminal  
5 Procedure."

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

7 \* Section 1. AS 12.25.150(b) is amended to read:

8 (b) Immediately after an arrest, a prisoner shall have the right to telephone or  
9 otherwise communicate with the prisoner's attorney and any relative or friend, **except**  
10 **that the prisoner may not communicate with the alleged victim of the crime that**  
11 **was the basis of the prisoner's arrest. Any** [AND ANY] attorney at law entitled to  
12 practice in the courts of Alaska shall, at the request of the prisoner or any relative or  
13 **friend** [FRIENDS] of the prisoner, have the right to immediately visit the person

1 arrested.

2 \* **Sec. 2.** AS 12.55.135(c) is amended to read:

3 (c) A defendant convicted of assault in the fourth degree committed in violation  
4 of the provisions of an order issued or filed under AS 18.66.100 - 18.66.180 **and not**  
5 **subject to sentencing under (g) of this section** [OR ISSUED UNDER FORMER  
6 AS 25.35.010 OR 25.35.020] shall be sentenced to a minimum term of imprisonment  
7 of 20 days.

8 \* **Sec. 3.** AS 12.55.135 is amended by adding new subsections to read:

9 (g) A defendant convicted of assault in the fourth degree that is a crime  
10 involving domestic violence shall be sentenced to a minimum term of imprisonment  
11 of

12 (1) 30 days if the defendant has been previously convicted of a crime  
13 against a person;

14 (2) 60 days if the defendant has been previously convicted two or more  
15 times of a crime against a person.

16 (h) If a defendant is sentenced under (g) of this section,

17 (1) execution of sentence may not be suspended and probation or parole  
18 may not be granted until the minimum term of imprisonment has been served;

19 (2) imposition of sentence may not be suspended;

20 (3) the minimum term of imprisonment may not otherwise be reduced.

21 (i) In this section,

22 (1) "crime against a person" means a crime under AS 11.41, or a crime  
23 in this or another jurisdiction having elements similar to those of a crime under  
24 AS 11.41;

25 (2) "crime involving domestic violence" has the meaning given in  
26 AS 18.66.990.

27 \* **Sec. 4.** Rule 5(b), Alaska Rules of Criminal Procedure, is amended to read:

28 (b) **Rights of Prisoner to Communicate With Attorney or Other Person.**

29 Immediately after arrest, the prisoner shall have the right forthwith to telephone or  
30 otherwise to communicate with both an attorney and any relative or friend, **except that**  
31 **the prisoner may not communicate with the alleged victim of the crime that was**

1        **the basis of the prisoner's arrest.** Any attorney at law entitled to practice in the  
2        courts of Alaska, at the request of either the prisoner or any relative or friend of the  
3        prisoner, shall have the right forthwith to visit the prisoner in private.

4        \* **Sec. 5.** AS 12.55.150(b), as amended by sec. 1 of this Act, amends Rule 5(b), Alaska  
5        Rules of Criminal Procedure, by limiting the people with whom a prisoner may communicate  
6        immediately after arrest.

7        \* **Sec. 6.** AS 12.55.150(b), as amended by sec. 1 of this Act, and sec. 4 of this Act take  
8        effect only if secs. 4 and 5 of this Act receive the two-thirds majority vote of each house  
9        required by art. IV, sec. 15, Constitution of the State of Alaska.

10       \* **Sec. 7.** References to previous convictions in this Act apply to all convictions occurring  
11       before, on, or after the effective date of this Act.