

SENATE BILL NO. 218

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY SENATORS HALFORD, Green, Donley, Taylor, Leman

Introduced: 1/12/98

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the crime of murder and to murder of children."**

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

3 * **Section 1.** AS 11.41.100(a) is amended to read:

4 (a) A person commits the crime of murder in the first degree if

5 (1) with intent to cause the death of another person, the person

6 (A) causes the death of any person; or

7 (B) compels or induces any person to commit suicide through
8 duress or deception; [OR]

9 (2) the person knowingly [ENGAGES, UNDER CIRCUMSTANCES
10 MANIFESTING EXTREME INDIFFERENCE TO THE VALUE OF HUMAN LIFE,
11 IN A PATTERN OR PRACTICE OF ASSAULT OR TORTURE OF A CHILD
12 UNDER THE AGE OF 16, AND ONE OF THE ACTS OF ASSAULT OR TORTURE
13 RESULTS IN THE DEATH OF THE CHILD; FOR PURPOSES OF THIS
14 PARAGRAPH, A PERSON "ENGAGES IN A PATTERN OR PRACTICE OF
15 ASSAULT OR TORTURE" IF THE PERSON] inflicts serious physical injury on a

1 child **under 16 years of age** by at least two separate acts, and one of the acts results
2 in the death of the child; **or**

3 **(3) acting alone or with one or more persons, the person commits**
4 **or attempts to commit a sexual offense or kidnapping against a child under 16**
5 **years of age and, in the course of or in furtherance of the offense or in immediate**
6 **flight from that offense, any person causes the death of the child; in this**
7 **paragraph, "sexual offense" means an offense defined in AS 11.41.410 - 11.41.470.**

8 * **Sec. 2.** AS 11.41.110(a) is amended to read:

9 (a) A person commits the crime of murder in the second degree if

10 (1) with intent to cause serious physical injury to another person or
11 knowing that the conduct is substantially certain to cause death or serious physical
12 injury to another person, the person causes the death of any person;

13 (2) the person knowingly engages in conduct that results in the death
14 of another person under circumstances manifesting an extreme indifference to the value
15 of human life;

16 (3) **under circumstances not amounting to murder in the first**
17 **degree under AS 11.41.110(a)(3), while** acting either alone or with one or more
18 persons, the person commits or attempts to commit arson in the first degree,
19 kidnapping, sexual assault in the first degree, sexual assault in the second degree,
20 **sexual abuse of a minor in the first degree, sexual abuse of a minor in the second**
21 **degree,** burglary in the first degree, escape in the first or second degree, robbery in
22 any degree, or misconduct involving a controlled substance under AS 11.71.010(a),
23 11.71.020(a), 11.71.030(a)(1) or (2), or 11.71.040(a)(1) or (2) and, in the course of or
24 in furtherance of that crime [,] or in immediate flight from that crime, any person
25 causes the death of a person other than one of the participants; or

26 (4) acting with a criminal street gang, the person commits or attempts
27 to commit a crime that is a felony and, in the course of or in furtherance of that crime
28 or in immediate flight from that crime, any person causes the death of a person other
29 than one of the participants.

30 * **Sec. 3.** AS 12.55.125(b) is amended to read:

31 (b) A defendant convicted of murder in the second degree, attempted murder

1 in the first degree, conspiracy to commit murder in the first degree, kidnapping, or
2 misconduct involving a controlled substance in the first degree shall be sentenced to
3 a definite term of imprisonment of at least five years but not more than 99 years. A
4 defendant convicted of murder in the second degree shall be sentenced to a
5 definite term of imprisonment of at least 20 years but not more than 99 years
6 when the defendant is convicted of the murder of a child under 16 years of age
7 and the court finds by clear and convincing evidence that the defendant caused
8 the death of the child (1) by the neglect of a duty of care that the defendant owed
9 to the child as a legal guardian or as a person occupying a position of authority
10 in relation to the child; or (2) by an assault. In this subsection, "legal guardian"
11 and "position of authority" have the meanings given in AS 11.41.470.

12 * Sec. 4. This Act applies to offenses committed on or after the effective date of this Act.