

SENATE BILL NO. 169

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATORS DONLEY, Taylor, Pearce, Cowdery, Phillips

Introduced: 3/29/01

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the nonapplicability of the delinquency laws to certain minors**
2 **accused of certain crimes against persons directed at certain victims."**

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

4 *** Section 1.** AS 47.12.030(a) is amended to read:

5 (a) When a minor who was at least 16 years of age at the time of the offense is
6 charged by complaint, information, or indictment with an offense specified in this
7 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense
8 for which the minor is charged or to any additional offenses joinable to it under the
9 applicable rules of court governing criminal procedure. The minor shall be charged,
10 held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as
11 an adult. If the minor is convicted of an offense other than an offense specified in this
12 subsection, the minor may attempt to prove, by a preponderance of the evidence, that
13 the minor is amenable to treatment under this chapter. If the court finds that the minor
14 is amenable to treatment under this chapter, the minor shall be treated as though the

1 charges had been heard under this chapter, and the court shall order disposition of the
 2 charges of which the minor is convicted under AS 47.12.120(b). The provisions of
 3 this subsection apply when the minor is charged by complaint, information, or
 4 indictment with an offense

5 (1) that is an unclassified felony or a class A felony and the felony is a
 6 crime against a person;

7 (2) of arson in the first degree; [OR]

8 (3) that is a class B felony and the felony is a crime against a person in
 9 which the minor is alleged to have used a deadly weapon in the commission of the
 10 offense and the minor was previously adjudicated as a delinquent or convicted as an
 11 adult, in this or another jurisdiction, as a result of an offense that involved use of a
 12 deadly weapon in the commission of a crime against a person or an offense in another
 13 jurisdiction having elements substantially identical to those of a crime against a
 14 person, and the previous offense was punishable as a felony; in this paragraph, "deadly
 15 weapon" has the meaning given in AS 11.81.900(b); or

16 **(4) that is a felony crime against a person or a class A**
 17 **misdemeanor crime against a person, in which the minor is alleged to have**
 18 **directed the conduct constituting the crime at a victim because of that person's**
 19 **race, sex, color, creed, physical or mental disability, ancestry, or national origin.**