

CS FOR SENATE BILL NO. 169(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/4/01

Referred: Rules

Sponsor(s): SENATORS DONLEY, Taylor, Pearce, Cowdery, Phillips

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing that the delinquency laws are inapplicable to minors who are at least**
2 **16 years of age and are accused of felony crimes against persons directed at victims**
3 **because of the victims' race, sex, color, creed, physical or mental disability, ancestry, or**
4 **national origin."**

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

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

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

1 the minor is amenable to treatment under this chapter. If the court finds that the minor
2 is amenable to treatment under this chapter, the minor shall be treated as though the
3 charges had been heard under this chapter, and the court shall order disposition of the
4 charges of which the minor is convicted under AS 47.12.120(b). The provisions of
5 this subsection apply when the minor is charged by complaint, information, or
6 indictment with an offense

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

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

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

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