

CS FOR HOUSE BILL NO. 41(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/6/05

Referred: Rules

Sponsor(s): REPRESENTATIVES LYNN AND MCGUIRE, Anderson, Wilson, Ramras, Foster, Holm, Chenault, Gatto

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to minimum periods of imprisonment for the crime of assault in the**
2 **fourth degree committed against an employee of an elementary, junior high, or**
3 **secondary school or certain contractors of school districts who were engaged in the**
4 **performance of school duties at the time of the assault."**

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

6 *** Section 1.** AS 12.55.135(d) is amended to read:

7 (d) A defendant convicted of assault in the fourth degree who knowingly
8 directed the conduct constituting the offense at

9 (1) a uniformed or otherwise clearly identified peace officer, fire
10 fighter, correctional employee, emergency medical technician, paramedic, ambulance
11 attendant, or other emergency responder who was engaged in the performance of
12 official duties at the time of the assault shall be sentenced to a minimum term of
13 imprisonment of

14 (A) [(1)] 60 days if the defendant violated AS 11.41.230(a)(1)

1 or (2);

2 **(B) [(2)] 30 days if the defendant violated AS 11.41.230(a)(3);**

3 **(2) an employee of, or contract bus driver for, an elementary,**
4 **junior high, or secondary school who was engaged in the performance of school**
5 **duties while on school grounds, on a school bus, at a school-sponsored event, or in**
6 **the administrative offices of a school district at the time of the assault shall be**
7 **sentenced to a minimum term of imprisonment of 60 days if the defendant**
8 **violated AS 11.41.230(a)(1) or (2); the court may impose a term of imprisonment**
9 **of less than 60 days if the defendant establishes by a preponderance of the**
10 **evidence that a mitigating factor listed in AS 12.55.155(d) applies.**