

HOUSE BILL NO. 88

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/19/05

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to certain weapons offenses involving minors; to aggravating factors in**
2 **sentencing for certain offenses committed against a school employee; and providing for**
3 **an effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 SHORT TITLE. This Act may be known as the School Violence Prevention Act of
8 2005.

9 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 FINDINGS AND INTENT. (a) The legislature finds that

12 (1) violent crime among the state's youth is of concern to Alaskans;

13 (2) the Department of Health and Social Services conducted a youth risk
14 behavior survey and found the following:

1 (A) 29.8 percent of male students in this state responding to the survey
2 reported carrying a weapon; this figure is higher than the national average;

3 (B) 11.8 percent of male students in this state responding to the survey
4 reported carrying a weapon, such as a gun, knife, or club, on school property within
5 the 30 days before taking the survey; this figure is higher than the national average;

6 (C) nearly 11 percent of high school students in this state responding
7 to the survey reported having been threatened or injured with a weapon, such as a gun,
8 knife, or club, on school grounds within the 12 months before taking the survey; and

9 (3) in 2003, 13 percent of students responding to a survey by the Anchorage
10 School District reported feeling unsafe at school; this figure is more than double the average
11 percentage of students nationwide who felt unsafe at school.

12 (b) It is the intent of the legislature to further the important state interest of deterring
13 misconduct involving weapons by certain minors, and in discouraging crime in the schools of
14 this state.

15 * **Sec. 3.** AS 12.55.155(c) is amended by adding a new paragraph to read:

16 (31) the offense is a violation of AS 11.41 and the defendant
17 knowingly directed the conduct constituting the offense against a school employee
18 while on school grounds or at a school-sponsored event.

19 * **Sec. 4.** AS 47.12.030(a) is amended to read:

20 (a) When a minor who was at least 16 years of age at the time of the offense is
21 charged by complaint, information, or indictment with an offense specified in this
22 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense
23 for which the minor is charged or to any additional offenses joinable to it under the
24 applicable rules of court governing criminal procedure. The minor shall be charged,
25 held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as
26 an adult. If the minor is convicted of an offense other than an offense specified in this
27 subsection, the minor may attempt to prove, by a preponderance of the evidence, that
28 the minor is amenable to treatment under this chapter. If the court finds that the minor
29 is amenable to treatment under this chapter, the minor shall be treated as though the
30 charges had been heard under this chapter, and the court shall order disposition of the
31 charges of which the minor is convicted under AS 47.12.120(b). The provisions of

1 this subsection apply when the minor is charged by complaint, information, or
 2 indictment with an offense

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

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

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

14 **(4) that is misconduct involving weapons in the first or second**
 15 **degree in violation of AS 11.61.190 or 11.61.195.**

16 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 17 read:

18 **APPLICABILITY.** Sections 3 and 4 of this Act apply to acts committed on or after
 19 the effective date of this Act.

20 * **Sec. 6.** This Act takes effect July 1, 2005.