

**CS FOR HOUSE BILL NO. 88(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/18/05  
Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**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 on school grounds, on a school bus, at a**  
3 **school-sponsored event, or in administrative offices of a school district; and providing**  
4 **for an effective date."**

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

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

8 SHORT TITLE. This Act may be known as the School Violence Prevention Act of  
9 2005.

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

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

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

14 (2) the Department of Health and Social Services conducted a youth risk

1 behavior survey and found the following:

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

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

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

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

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

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

17 (31) the offense is a violation of AS 11.41 or AS 11.46.400 and the  
18 defendant directed the conduct constituting the offense against a person while the  
19 person was on school grounds, on a school bus, at a school-sponsored event, or in the  
20 administrative offices of a school district; in this paragraph,

21 (A) "school bus" has the meaning given in AS 11.71.900;

22 (B) "school district" has the meaning given in AS 47.07.063;

23 (C) "school grounds" has the meaning given in AS 11.71.900.

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

25 (a) When a minor who was at least 16 years of age at the time of the offense is  
26 charged by complaint, information, or indictment with an offense specified in this  
27 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense  
28 for which the minor is charged or to any additional offenses joinable to it under the  
29 applicable rules of court governing criminal procedure. The minor shall be charged,  
30 held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as  
31 an adult. If the minor is convicted of an offense other than an offense specified in this

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

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

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

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

19 **(4) that is misconduct involving weapons in the**

20 **(A) first degree under**

21 **(i) AS 11.61.190(a)(1); or**

22 **(ii) AS 11.61.190(a)(2) when the firearm was**  
 23 **discharged under circumstances manifesting substantial and**  
 24 **unjustifiable risk of physical injury to a person; or**

25 **(B) second degree under AS 11.61.195.**

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

28 APPLICABILITY. Sections 3 and 4 of this Act apply to acts committed on or after  
 29 the effective date of this Act.

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