

CS FOR HOUSE BILL NO. 88(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/22/05

Referred: Rules

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; to mitigating**
4 **factors in sentencing for a defendant's assistance to authorities to detect, apprehend, or**
5 **prosecute other persons who committed an offense; and providing for an effective date."**

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

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

9 SHORT TITLE. Sections 1, 2, and 4 of this Act may be known as the School
10 Violence Prevention Act of 2005.

11 * **Sec. 2.** AS 12.55.155(c) is amended by adding a new paragraph to read:

12 (31) the offense is a violation of AS 11.41 or AS 11.46.400 and the
13 defendant directed the conduct constituting the offense against a person while the

1 person was on school grounds, on a school bus, at a school-sponsored event, or in the
2 administrative offices of a school district; in this paragraph,

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

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

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

6 * **Sec. 3.** AS 12.55.155(d)(12) is amended to read:

7 (12) **after commission of the offense for which the defendant is**
8 **being sentenced**, the defendant assisted authorities to detect, apprehend, or prosecute
9 other persons who committed an offense;

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

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

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

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

28 (3) that is a class B felony and the felony is a crime against a person in
29 which the minor is alleged to have used a deadly weapon in the commission of the
30 offense and the minor was previously adjudicated as a delinquent or convicted as an
31 adult, in this or another jurisdiction, as a result of an offense that involved use of a

1 deadly weapon in the commission of a crime against a person or an offense in another
 2 jurisdiction having elements substantially identical to those of a crime against a
 3 person, and the previous offense was punishable as a felony; in this paragraph, "deadly
 4 weapon" has the meaning given in AS 11.81.900(b); or

5 **(4) that is misconduct involving weapons in the first degree under**

6 **(A) AS 11.61.190(a)(1); or**

7 **(B) AS 11.61.190(a)(2) when the firearm was discharged**

8 **under circumstances manifesting substantial and unjustifiable risk of**
 9 **physical injury to a person.**

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

12 APPLICABILITY. Sections 2 - 4 of this Act apply to acts committed on or after the
 13 effective date of this Act.

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