

CS FOR HOUSE BILL NO. 88(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 4/1/05
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; relating to the definition**
2 **of 'recreation or youth center' for purposes of misconduct involving a controlled**
3 **substance; to aggravating factors in sentencing for certain offenses committed on school**
4 **grounds, on a school bus, at a school-sponsored event, or in administrative offices of a**
5 **school district; to mitigating factors in sentencing for a defendant's assistance to**
6 **authorities to detect, apprehend, or prosecute other persons who committed an offense;**
7 **and providing for an effective date."**

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

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

11 SHORT TITLE. Sections 1, 3, and 5 of this Act may be known as the School
12 Violence Prevention Act of 2005.

13 * **Sec. 2.** AS 11.71.900(20) is amended to read:

1 (20) "recreation or youth center" means a building, structure, athletic
2 playing field, or playground

3 (A) run or created by a municipality or the state to provide
4 athletic, recreational, or leisure activities for minors; or

5 (B) operated by a public or private organization licensed to
6 provide shelter, training, or guidance for minors.

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

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

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

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

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

15 * **Sec. 4.** AS 12.55.155(d)(12) is amended to read:

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

19 * **Sec. 5.** 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 degree under**

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

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

17 **under circumstances manifesting substantial and unjustifiable risk of**
18 **physical injury to a person.**

19 * **Sec. 6.** The uncoded law of the State of Alaska is amended by adding a new section to
20 read:

21 APPLICABILITY. Sections 2 - 5 of this Act apply to acts committed on or after the
22 effective date of this Act.

23 * **Sec. 7.** This Act takes effect July 1, 2005.