

CS FOR HOUSE BILL NO. 99(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/11/05
Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to controlled substances regarding the crimes of manslaughter,
2 endangering the welfare of a child, and misconduct involving a controlled substance;
3 and providing for an effective date."

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

5 * **Section 1.** AS 11.41.120(a) is amended to read:

6 (a) A person commits the crime of manslaughter if the person

7 (1) intentionally, knowingly, or recklessly causes the death of another
8 person under circumstances not amounting to murder in the first or second degree;

9 [OR]

10 (2) intentionally aids another person to commit suicide; or

11 (3) knowingly manufactures or delivers a controlled substance in
12 violation of AS 11.71, and a person dies as a direct result of ingestion of the
13 controlled substance; the death is a result that does not require a culpable mental
14 state.

1 * **Sec. 2.** AS 11.51.100(c) is amended to read:

2 (c) In this section,

3 **(1) "building," in addition to its usual meaning, includes any**
 4 **propelled vehicle or structure adopted for overnight accommodation of persons**
 5 **or for carrying on business; when a building consists of separate units, including**
 6 **apartment units, offices, or rented rooms, each unit is considered a part of the**
 7 **same building;**

8 **(2)** "physically mistreated" means

9 **(A)** [(1)] having committed an act punishable under
 10 AS 11.41.100 - 11.41.250; or

11 **(B)** [(2)] having applied force to a child that, under the
 12 circumstances in which it was applied, or considering the age or physical
 13 condition of the child, constitutes a gross deviation from the standard of
 14 conduct that a reasonable person would observe in the situation because of the
 15 substantial and unjustifiable risk of

16 **(i)** [(A)] death;

17 **(ii)** [(B)] serious or protracted disfigurement;

18 **(iii)** [(C)] protracted impairment of health;

19 **(iv)** [(D)] loss or impairment of the function of a body
 20 member or organ;

21 **(v)** [(E)] substantial skin bruising, burning, or other skin
 22 injury;

23 **(vi)** [(F)] internal bleeding or subdural hematoma;

24 **(vii)** [(G)] bone fracture; or

25 **(viii)** [(H)] prolonged or extreme pain, swelling, or
 26 injury to soft tissue.

27 * **Sec. 3.** AS 11.51.100(f) is amended to read:

28 (f) Endangering the welfare of a child in the first degree under (a)(1) or (2), **or**
 29 **(g)** of this section is a class C felony.

30 * **Sec. 4.** AS 11.51.100 is amended by adding a new subsection to read:

31 (g) Notwithstanding AS 11.51.130, a person commits the crime of

1 endangering the welfare of a child in the first degree if the person knowingly
 2 manufactures or attempts to manufacture methamphetamine in violation of AS 11.71
 3 in a building, with reckless disregard that the building is used as a permanent or
 4 temporary home or place of lodging for one or more children under 18 years of age.

5 * **Sec. 5.** AS 11.71.020(a) is amended to read:

6 (a) Except as authorized in AS 17.30, a person commits the crime of
 7 misconduct involving a controlled substance in the second degree if the person

8 (1) manufactures or delivers any amount of a schedule IA controlled
 9 substance or possesses any amount of a schedule IA controlled substance with intent
 10 to manufacture or deliver;

11 (2) manufactures any material, compound, mixture, or preparation that
 12 contains

13 (A) methamphetamine, or its salts, isomers, or salts of isomers;

14 or

15 (B) an immediate precursor of methamphetamine, or its salts,
 16 isomers, or salts of isomers;

17 (3) possesses an immediate precursor of methamphetamine, or the
 18 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,
 19 with the intent to manufacture any material compound, mixture, or preparation that
 20 contains methamphetamine, or its salts, isomers, or salts of isomers; [OR]

21 (4) possesses a listed chemical with intent to manufacture any material,
 22 compound, mixture, or preparation that contains

23 (A) methamphetamine, or its salts, isomers, or salts of isomers;

24 or

25 (B) an immediate precursor of methamphetamine, or its salts,
 26 isomers, or salts of isomers; or

27 **(5) possesses methamphetamine in an organic solution with intent**
 28 **to extract from it methamphetamine salts, isomers, or salts of isomers** [ISOMER].

29 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 **APPLICABILITY.** The changes made in secs. 1 - 5 of this Act apply to offenses

- 1 committed on or after the effective date of this Act.
- 2 * **Sec. 7.** This Act takes effect July 1, 2005.