

CS FOR HOUSE BILL NO. 343(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 3/17/06

Offered: 2/13/06

Sponsor(s): REPRESENTATIVES LYNN, Wilson, Anderson, Kerttula, Dahlstrom, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 **"An Act creating the crimes of harassment in the first and second degree, amending the**
2 **crime of stalking, and adding a definition of 'medical professional' to the assault and**
3 **harassment statutes."**

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

5 *** Section 1.** AS 11.41.260(a) is amended to read:

6 (a) A person commits the crime of stalking in the first degree if the person
7 violates AS 11.41.270 and

8 (1) the actions constituting the offense are in violation of an order
9 issued or filed under AS 18.66.100 - 18.66.180 or issued under former
10 AS 25.35.010(b) or 25.35.020;

11 (2) the actions constituting the offense are in violation of a condition of
12 probation, release before trial, release after conviction, or parole;

13 (3) the victim is under 16 years of age;

14 (4) at any time during the course of conduct constituting the offense,

1 the defendant possessed a deadly weapon;

2 (5) the defendant has been previously convicted of a crime under this
3 section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another
4 jurisdiction with elements similar to a crime under this section, AS 11.41.270, or
5 AS 11.56.740; or

6 (6) the defendant has been previously convicted of a crime, or an
7 attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250,
8 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120
9 [AS 11.61.120], or (B) a law or an ordinance of this or another jurisdiction with
10 elements similar to a crime, or an attempt or solicitation to commit a crime, under
11 AS 11.41.100 - 11.41.250, 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810,
12 AS 11.61.118, or 11.61.120 [AS 11.61.120], involving the same victim as the present
13 offense.

14 * **Sec. 2.** AS 11.61 is amended by adding a new section to read:

15 **Sec. 11.61.118. Harassment in the first degree.** (a) A person commits the
16 crime of harassment in the first degree if the person violates AS 11.61.120(a)(5) and
17 the offensive physical contact is contact with human or animal blood, mucus, saliva,
18 semen, urine, vomitus, or feces.

19 (b) Harassment in the first degree is a class A misdemeanor.

20 * **Sec. 3.** AS 11.61.120 is amended to read:

21 **Sec. 11.61.120. Harassment in the second degree.** (a) A person commits the
22 crime of harassment in the second degree if, with intent to harass or annoy another
23 person, that person

24 (1) insults, taunts, or challenges another person in a manner likely to
25 provoke an immediate violent response;

26 (2) telephones another and fails to terminate the connection with intent
27 to impair the ability of that person to place or receive telephone calls;

28 (3) makes repeated telephone calls at extremely inconvenient hours;

29 (4) makes an anonymous or obscene telephone call, an obscene
30 electronic communication, or a telephone call or electronic communication that
31 threatens physical injury or sexual contact; or

1 (5) subjects another person to offensive physical contact.

2 (b) Harassment **in the second degree** is a class B misdemeanor.

3 * **Sec. 4.** AS 12.55.135(d) is amended to read:

4 (d) A defendant convicted of assault in the fourth degree **or harassment in**
5 **the first degree** who knowingly directed the conduct constituting the offense at a
6 uniformed or otherwise clearly identified peace officer, fire fighter, correctional
7 employee, emergency medical technician, paramedic, ambulance attendant, or other
8 emergency responder **or medical professional** who was engaged in the performance
9 of official duties at the time of the assault **or harassment** shall be sentenced to a
10 minimum term of imprisonment of

11 (1) 60 days if the defendant violated AS 11.41.230(a)(1) or (2) **or**
12 **AS 11.61.118;**

13 (2) 30 days if the defendant violated AS 11.41.230(a)(3).

14 * **Sec. 5.** AS 12.55.135(j) is amended by adding a new paragraph to read:

15 (3) "medical professional" means a person who is an anesthesiologist,
16 dentist, dental hygienist, health aide, nurse, nurse aid, nurse practitioner, mental health
17 counselor, physician, physician assistant, chiropractor, psychiatrist, osteopath,
18 psychologist, psychological associate, radiologist, surgeon, or x-ray technician, or who
19 holds a substantially similar position.