

**HOUSE BILL NO. 353**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES NEUMAN AND LYNN, Elkins, McGuire, Stoltze, LeDoux, Dahlstrom

Introduced: 1/9/06

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to sentences for sexual offenses."**

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

3 \* **Section 1.** AS 12.55.125(i) is amended to read:

4 (i) A defendant convicted of

5 (1) sexual assault in the first degree or sexual abuse of a minor in the  
6 first degree may be sentenced to a definite term of imprisonment of not more than 99  
7 years and shall be sentenced to a definite term within the following presumptive  
8 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

9 (A) if the offense is a first felony conviction and does not  
10 involve circumstances described in (B) of this paragraph, **16 to 24** [EIGHT TO  
11 12] years;

12 (B) if the offense is a first felony conviction and the defendant  
13 possessed a firearm, used a dangerous instrument, or caused serious physical  
14 injury during the commission of the offense, **24 to 32** [12 TO 16] years;

15 (C) if the offense is a second felony conviction and does not

1 involve circumstances described in (D) of this paragraph, 30 to 40 [15 TO 20]  
2 years;

3 (D) if the offense is a second felony conviction and the  
4 defendant has a prior conviction for a sexual felony, 40 to 60 [20 TO 30]  
5 years;

6 (E) if the offense is a third felony conviction and the defendant  
7 is not subject to sentencing under (F) of this paragraph or (I) of this section, 50  
8 to 70 [25 TO 35] years;

9 (F) if the offense is a third felony conviction, the defendant is  
10 not subject to sentencing under (I) of this section, and the defendant has two  
11 prior convictions for sexual felonies, 60 to 80 [30 TO 40] years;

12 (2) attempt, conspiracy, or solicitation to commit sexual assault in the  
13 first degree or sexual abuse of a minor in the first degree may be sentenced to a  
14 definite term of imprisonment of not more than 99 [30] years and shall be sentenced to  
15 a definite term within the following presumptive ranges, subject to adjustment as  
16 provided in AS 12.55.155 - 12.55.175:

17 (A) if the offense is a first felony conviction and does not  
18 involve circumstances described in (B) of this paragraph, 10 to 16 [FIVE TO  
19 EIGHT] years;

20 (B) if the offense is a first felony conviction, and the defendant  
21 possessed a firearm, used a dangerous instrument, or caused serious physical  
22 injury during the commission of the offense, 20 to 28 [10 TO 14] years;

23 (C) if the offense is a second felony conviction and does not  
24 involve circumstances described in (D) of this paragraph, 24 to 32 [12 TO 16]  
25 years;

26 (D) if the offense is a second felony conviction and the  
27 defendant has a prior conviction for a sexual felony, 30 to 40 [15 TO 20]  
28 years;

29 (E) if the offense is a third felony conviction, does not involve  
30 circumstances described in (F) of this paragraph, and the defendant is not  
31 subject to sentencing under (I) of this section, 30 to 50 [15 TO 25] years;

1 (F) if the offense is a third felony conviction, the defendant is  
 2 not subject to sentencing under (I) of this section, and the defendant has two  
 3 prior convictions for sexual felonies, **40 to 60** [20 TO 30] years;

4 (3) sexual assault in the second degree, sexual abuse of a minor in the  
 5 second degree, unlawful exploitation of a minor, or distribution of child pornography  
 6 may be sentenced to a definite term of imprisonment of not more than **60** [20] years  
 7 and shall be sentenced to a definite term within the following presumptive ranges,  
 8 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

9 (A) if the offense is a first felony conviction, **four to eight**  
 10 [TWO TO FOUR] years;

11 (B) if the offense is a second felony conviction and does not  
 12 involve circumstances described in (C) of this paragraph, **10 to 16** [FIVE TO  
 13 EIGHT] years;

14 (C) if the offense is a second felony conviction and the  
 15 defendant has a prior conviction for a sexual felony, **20 to 28** [10 TO 14]  
 16 years;

17 (D) if the offense is a third felony conviction and does not  
 18 involve circumstances described in (E) of this paragraph, **20 to 28** [10 TO 14]  
 19 years;

20 (E) if the offense is a third felony conviction and the defendant  
 21 has two prior convictions for sexual felonies, **30 to 40** [15 TO 20] years;

22 (4) sexual assault in the third degree, **sexual abuse of a minor in the**  
 23 **third degree**, incest, indecent exposure in the first degree, possession of child  
 24 pornography, or attempt, conspiracy, or solicitation to commit sexual assault in the  
 25 second degree, sexual abuse of a minor in the second degree, unlawful exploitation of  
 26 a minor, or distribution of child pornography, may be sentenced to a definite term of  
 27 imprisonment of not more than **30** [10] years and shall be sentenced to a definite term  
 28 within the following presumptive ranges, subject to adjustment as provided in  
 29 AS 12.55.155 - 12.55.175:

30 (A) if the offense is a first felony conviction, **two to four** [ONE  
 31 TO TWO] years;

1 (B) if the offense is a second felony conviction and does not  
2 involve circumstances described in (C) of this paragraph, **four to 10** [TWO TO  
3 FIVE] years;

4 (C) if the offense is a second felony conviction and the  
5 defendant has a prior conviction for a sexual felony, **six to 12** [THREE TO  
6 SIX] years;

7 (D) if the offense is a third felony conviction and does not  
8 involve circumstances described in (E) of this paragraph, **six to 12** [THREE  
9 TO SIX] years;

10 (E) if the offense is a third felony conviction and the defendant  
11 has two prior convictions for sexual felonies, **12 to 20** [SIX TO 10] years.