

CS FOR SENATE BILL NO. 65(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 2/9/05

Referred: Finance

Sponsor(s): SENATE 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 aggravating**
2 **factors in sentencing for certain offenses committed on school grounds, on a school bus,**
3 **at a school-sponsored event, or in the administrative offices of a school district; and**
4 **providing for an effective date."**

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

6 *** Section 1.** AS 12.55.155(c) is amended by adding a new paragraph to read:

7 (31) the offense is a violation of AS 11.41 and the offense occurred on
8 school grounds, on a school bus, at a school-sponsored event, or in the administrative
9 offices of a school district if students are educated at that office; in this paragraph,

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

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

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

13 *** Sec. 2.** AS 47.12.030(a) is amended to read:

14 (a) When a minor who was at least 16 years of age at the time of the offense is

1 charged by complaint, information, or indictment with an offense specified in this
 2 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense
 3 for which the minor is charged or to any additional offenses joinable to it under the
 4 applicable rules of court governing criminal procedure. The minor shall be charged,
 5 held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as
 6 an adult. If the minor is convicted of an offense other than an offense specified in this
 7 subsection, the minor may attempt to prove, by a preponderance of the evidence, that
 8 the minor is amenable to treatment under this chapter. If the court finds that the minor
 9 is amenable to treatment under this chapter, the minor shall be treated as though the
 10 charges had been heard under this chapter, and the court shall order disposition of the
 11 charges of which the minor is convicted under AS 47.12.120(b). The provisions of this
 12 subsection apply when the minor is charged by complaint, information, or indictment
 13 with an offense

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

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

17 (3) that is a class B felony and the felony is a crime against a person in
 18 which the minor is alleged to have used a deadly weapon in the commission of the
 19 offense and the minor was previously adjudicated as a delinquent or convicted as an
 20 adult, in this or another jurisdiction, as a result of an offense that involved use of a
 21 deadly weapon in the commission of a crime against a person or an offense in another
 22 jurisdiction having elements substantially identical to those of a crime against a
 23 person, and the previous offense was punishable as a felony; in this paragraph, "deadly
 24 weapon" has the meaning given in AS 11.81.900(b); or

25 **(4) that is misconduct involving weapons in the first or second**
 26 **degree in violation of AS 11.61.190 or 11.61.195.**

27 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 28 read:

29 APPLICABILITY. Sections 1 and 2 of this Act apply to acts committed on or after
 30 the effective date of this Act.

31 * **Sec. 4.** This Act takes effect July 1, 2005.