

SENATE BILL NO. 135

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR DYSON

Introduced: 3/8/05

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the crimes of assault and custodial interference; and providing for**
2 **an effective date."**

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

4 * **Section 1.** AS 11.41.220(a) is amended to read:

5 (a) A person commits the crime of assault in the third degree if that person

6 (1) recklessly

7 (A) places another person in fear of imminent serious physical
8 injury by means of a dangerous instrument;

9 (B) causes physical injury to another person by means of a
10 dangerous instrument; or

11 (C) while being 18 years of age or older

12 (i) causes physical injury to a child under 10 years of
13 age and the injury **would cause a reasonable caregiver to seek**
14 **medical attention from a health care professional in the form of**
15 **diagnosis, treatment, or care** [REASONABLY REQUIRES

1 MEDICAL TREATMENT];

2 (ii) causes physical injury to a child under 10 years of
3 age on more than one occasion;

4 (2) with intent to place another person in fear of death or serious
5 physical injury to the person or the person's family member makes repeated threats to
6 cause death or serious physical injury to another person;

7 (3) while being 18 years of age or older, knowingly causes physical
8 injury to a child under 16 years of age but at least 10 years of age and the injury
9 reasonably requires medical treatment; or

10 (4) with criminal negligence causes serious physical injury under
11 AS 11.81.900(b)(55)(B) to another person by means of a dangerous instrument.

12 * **Sec. 2.** AS 11.41.330 is amended by adding a new subsection to read:

13 (c) The affirmative defense of necessity under AS 11.81.320 does not apply to
14 a prosecution for custodial interference under (a) of this section if the protracted
15 period for which the person held the child or incompetent person exceeded the shorter
16 of the following:

17 (1) 24 hours; or

18 (2) the time necessary to report to a peace officer or social service
19 agency that the child or incompetent person has been abused, neglected, or is in
20 imminent physical danger.

21 * **Sec. 3.** This Act takes effect July 1, 2005.