

**CS FOR SENATE BILL NO. 135(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 4/14/05**

**Referred: Finance**

**Sponsor(s): SENATOR DYSON**

**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

1                    **diagnosis or treatment** [REASONABLY REQUIRES MEDICAL  
2                    TREATMENT];

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

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

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

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

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

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

18                    (1) 24 hours; or

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

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