

**CS FOR HOUSE BILL NO. 307(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 3/18/08**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVES HOLMES, GARA, DAHLSTROM, FAIRCLOUGH, JOHNSON, BUCH, HARRIS AND DOLL, Lynn, Salmon, Ramras, Samuels, Edgmon, Crawford, Doogan, Gardner, Olson, Gatto, Kerttula, LeDoux, Kawasaki, Nelson, Wilson, Gruenberg, Guttenberg, Roses**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to penalizing certain misdemeanor domestic violence assaults as**  
2 **felonies."**

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

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 INTENT. It is the intent of the legislature that, before accepting a plea, a court shall  
7 make a factual finding that the defendant in a domestic violence case subject to an enhanced  
8 penalty under AS 11.41.220(a)(5), added by sec. 2 of this Act, was the perpetrator of the  
9 crime and not an innocent victim of domestic violence.

10 \* **Sec. 2.** AS 11.41.220(a) is amended to read:

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

12 (1) recklessly

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

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

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

4 (i) causes physical injury to a child under 10 years of  
5 age and the injury would cause a reasonable caregiver to seek medical  
6 attention from a health care professional in the form of diagnosis or  
7 treatment;

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

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

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

16 (4) with criminal negligence causes serious physical injury under  
17 AS 11.81.900(b)(56)(B) to another person by means of a dangerous instrument; or

18 (5) commits a crime involving domestic violence that is a violation  
19 of AS 11.41.230(a)(1) or (2) and, within the preceding 10 years, the person was  
20 convicted on two or more separate occasions of crimes involving domestic  
21 violence under

22 (A) AS 11.41.100 - 11.41.170;

23 (B) AS 11.41.200 - 11.41.220, 11.41.230(a)(1) or (2),  
24 11.41.280, or 11.41.282;

25 (C) AS 11.41.260 or 11.41.270;

26 (D) AS 11.41.410, 11.41.420, or 11.41.425(a)(1); or

27 (E) a law or ordinance of this or another jurisdiction with  
28 elements similar to those of an offense described in (A) - (D) of this  
29 paragraph.

30 \* **Sec. 3.** AS 11.41.220 is amended by adding new subsections to read:

31 (e) In (a)(5) of this section, when considering whether a conviction has

1 occurred in the preceding 10 years, the date that sentence is imposed is the date that a  
2 previous conviction has occurred.

3 (f) In (a)(5) of this section, when determining whether a person has committed  
4 a crime involving domestic violence or has been previously convicted of crimes  
5 involving domestic violence, "household member" means

6 (1) adults or minors who are current or former spouses;

7 (2) adults or minors who live together;

8 (3) adults or minors who are dating or who have dated;

9 (4) adults or minors who are engaged in or who have engaged in a  
10 sexual relationship;

11 (5) adults or minors who are related or formerly related by marriage;

12 (6) persons who have a child of the relationship; and

13 (7) parents or children of a person in a relationship that is described in  
14 (1) - (6) of this subsection.

15 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

17 **APPLICABILITY.** AS 11.41.220(a)(5), added by sec. 2 of this Act, applies to  
18 offenses committed on or after the effective date of this Act. References to previous  
19 convictions apply to convictions for offenses committed on or after the effective date of this  
20 Act.