

SENATE CS FOR CS FOR HOUSE BILL NO. 307(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/4/08

Referred: Finance

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 assaults as felonies."**

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

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

5 INTENT. It is the intent of the legislature that the courts and the Department of Law
6 should ensure that the enhanced penalty under AS 11.41.220(a)(5), added by sec. 2 of this
7 Act, is applied to the perpetrators of domestic violence and not to innocent victims of
8 domestic violence.

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

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

11 (1) recklessly

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

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

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

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

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

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

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

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

16 **(5) commits a crime that is a violation of AS 11.41.230(a)(1) or (2)**
17 **and, within the preceding 10 years, the person was convicted on two or more**
18 **separate occasions of crimes under**

19 **(A) AS 11.41.100 - 11.41.170;**

20 **(B) AS 11.41.200 - 11.41.220, 11.41.230(a)(1) or (2),**
21 **11.41.280, or 11.41.282;**

22 **(C) AS 11.41.260 or 11.41.270;**

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

24 **(E) a law or ordinance of this or another jurisdiction with**
25 **elements similar to those of an offense described in (A) - (D) of this**
26 **paragraph.**

27 * **Sec. 3.** AS 11.41.220 is amended by adding a new subsection to read:

28 (e) In (a)(5) of this section, when considering whether a conviction has
29 occurred in the preceding 10 years, the date that sentence is imposed is the date that a
30 previous conviction has occurred.

31 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

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