

CS FOR SENATE BILL NO. 45(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 2/12/07

Referred: Rules

Sponsor(s): SENATOR OLSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to murder in the first degree."**

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

3 *** Section 1.** AS 12.55.125(a) is amended to read:

4 (a) A defendant convicted of murder in the first degree or murder of an unborn
5 child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment
6 of at least 20 years but not more than 99 years. A defendant convicted of murder in the
7 first degree shall be sentenced to a mandatory term of imprisonment of 99 years when

8 (1) the defendant is convicted of the murder of a uniformed or
9 otherwise clearly identified peace officer, fire fighter, or correctional employee who
10 was engaged in the performance of official duties at the time of the murder;

11 (2) the defendant has been previously convicted of

12 (A) murder in the first degree under AS 11.41.100 or former
13 AS 11.15.010 or 11.15.020;

14 (B) murder in the second degree under AS 11.41.110 or former
15 AS 11.15.030; or

1 (C) homicide under the laws of another jurisdiction when the
2 offense of which the defendant was convicted contains elements similar to first
3 degree murder under AS 11.41.100 or second degree murder under
4 AS 11.41.110;

5 (3) the court finds by clear and convincing evidence that the defendant
6 subjected the murder victim to substantial physical torture; [OR]

7 (4) the defendant is convicted of the murder of and personally caused
8 the death of a person, other than a participant, during a robbery; **or**

9 **(5) the court finds by clear and convincing evidence that the**
10 **defendant is a peace officer who used the officer's authority as a peace officer to**
11 **facilitate the murder.**

12 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 APPLICABILITY. Section 1 of this Act applies to offenses committed on or after the
15 effective date of this Act.