

1 IN THE HOUSE

BY MR. TAYLOR AND V. FISCHER

2

HOUSE BILL NO. 99

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act to abolish the death penalty as  
7 punishment for the commission of any crime;  
8 repealing Sections 66-16-43, 66-16-44, ACLA  
9 1949; amending Sections 65-2-1, 65-2-2,  
10 65-4-1, 65-4-2 and 66-16-41, ACLA 1949."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. The death penalty is, and shall hereafter, be  
13 abolished as punishment in Alaska for the commission of any crime.

14 Sec. 2. Sec. 65-2-1, ACLA 1949, is hereby amended to read  
15 as follows:

16 Sec. 65-2-1. "CRIME" DEFINED. That a crime or public  
17 offense is an act of omission forbidden by law, and punish-  
18 able, upon conviction, by any [EITHER] of the following  
19 punishments:

20 First. Imprisonment. [DEATH];

21 Second. Fine [IMPRISONMENT];

22 Third. Removal from office [FINE];

23 Fourth. Disqualification to hold and enjoy any,  
24 office of honor, trust, or profit. [REMOVAL FROM OFFICE]

25 [FIFTH. DISQUALIFICATION TO HOLD AND ENJOY ANY  
26 OFFICE OF HONOR, TRUST, OR PROFIT]

27 Sec. 3. Sec. 65-2-2. ACLA 1949, is hereby amended to read  
28 as follows:

29 Sec. 65-2-2. DIVISION OF CRIMES: "FELONIES" AND

1 "MISDEMEANORS" DEFINED. That crimes are divided into felon-  
2 ies and misdemeanors. A felony is a crime PUNISHABLE WITH  
3 DEATH, OR which is or may be punishable by imprisonment in  
4 the penitentiary. Every other crime is a misdemeanor.

5 Sec. 4. Sec. 65-4-1, ACLA 1949, is hereby amended to read  
6 as follows:

7 Sec. 65-4-1. FIRST DEGREE MURDER. That whoever, be-  
8 ing of sound memory and discretion, purposely, and either of  
9 deliberate and premeditated malice or by means of poison, or  
10 in perpetrating or in attempting to perpetrate, any rape,  
11 arson, robbery, or burglary, kills another, is guilty of  
12 murder in the first degree, and shall be sentenced to im-  
13 prisonment at hard labor for life SUFFER DEATH.

14 Sec. 5. Sec. 65-4-2, ACLA 1949, is hereby amended to read  
15 as follows:

16 Sec. 65-4-2. OBSTRUCTING OR INJURING RAILROAD: VER-  
17 DICT. That whoever maliciously places an obstruction upon  
18 a railroad or street railroad, or displaces or injures any-  
19 thing appertaining thereto, or does any other act with in-  
20 tent to endanger the passage of any locomotive or car, and  
21 thereby occasions the death of another, is guilty of murder  
22 in the first degree, and shall SUFFER DEATH. THAT IN ALL  
23 CASES WHERE THE ACCUSED IS FOUND GUILTY OF THE CRIME OF  
24 MURDER UNDER THIS AND THE NEXT PRECEDING SECTION, THE JURY  
25 MAY QUALIFY THEIR VERDICT BY ADDING THERETO "WITHOUT CAP-  
26 ITAL PUNISHMENT;" AND WHENEVER THE JURY SHALL RETURN A VER-  
27 DICT QUALIFIED AS AFORESAID THE PERSON CONVICTED SHALL be  
28 sentenced to imprisonment at hard labor for life.

29 Sec. 6. Sec. 66-16-41, ACLA 1949, is hereby amended to read

1 as follows:

2           Sec. 66-16-41. AUTHORITY TO EXECUTE JUDGMENT OTHER  
3 THAN DEATH. That when a judgment EXCEPT OF DEATH has  
4 been pronounced a certified copy of the entry thereof upon  
5 the journal must be forthwith furnished by the clerk to the  
6 officer whose duty it is to execute the judgment; and no  
7 warrant or authority is necessary to justify or require its  
8 execution.

9           Sec. 7. Secs. 66-16-43 and 66-16-44, ACLA 1949, are hereby  
10 repealed.