

1 IN THE HOUSE

BY MESSRS. TAYLOR AND
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 or 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
9 of deliberate and premeditated malice or by means of poison,
0 or in perpetrating or in attempting to perpetrate, any rape,
1 arson, robbery, or burglary, kills another, is guilty of
2 murder in the first degree, and shall be sentenced to im-
3 prisonment at hard labor for life or for any term of years
4 SUFFER DEATH.

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

7 Sec. 65-4-2. OBSTRUCTING OR INJURING RAILROAD OR AIR-
8 CRAFT VERDICT. That whoever maliciously places an
9 obstruction upon a railroad or street railroad, or displaces
10 or injures anything appertaining thereto, or does any other
11 act with intent to endanger the passage of any locomotive
12 or car, and thereby occasions the death of another, or who
13 maliciously causes or attempts to cause damage or injury
14 to, or places obstruction or explosive material on, in or
15 about any aircraft, or who commits any other act with intent
16 to endanger the safety of flight, operation or passage of
17 any aircraft and thereby occasions or implements the death
18 of another, is guilty of murder in the first degree, and
19 shall SUFFER DEATH. THAT IN ALL CASES WHERE THE ACCUSED

1 IS FOUND GUILTY OF THE CRIME OF MURDER UNDER THIS AND THE
2 NEXT PRECEDING SECTION, THE JURY MAY QUALIFY THEIR VERDICT
3 BY ADDING THERETO "WITHOUT CAPITAL PUNISHMENT;" AND WHEN-
4 EVER THE JURY SHALL RETURN A VERDICT QUALIFIED AS AFORESAID
5 THE PERSON CONVICTED SHALL be sentenced to imprisonment
6 at hard labor for life or for any term of years.

7 Sec. 6. Sec. 66-16-41, ACLA 1949, is hereby amended to read
8 as follows:

9 Sec. 66-16-41. AUTHORITY TO EXECUTE JUDGMENT. [OTHER
10 THAN OF DEATH]. That when a judgment [EXCEPT OF DEATH] has
11 been pronounced a certified copy of the entry thereof upon
12 the journal must be forthwith furnished by the clerk to the
13 officer whose duty it is to execute the judgment; and no other
14 warrant or authority is necessary to justify or require its
15 execution.

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17 repealed