

1 IN THE SENATE BY SENATORS BRADSHAW, GILBERT, HOPSON AND OWEN  
2 SENATE BILL NO. 88

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to person liable to punish-  
7 ment under the laws of the state; defining  
8 those capable of committing crimes; barring  
9 certain defenses; and excepting public  
10 foreign ministers."

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

12 Section 1. PERSONS LIABLE TO PUNISHMENT IN STATE. The  
13 following persons are liable to punishment under the laws of this  
14 state:

15 (1) All persons who commit, in whole or in part, any  
16 crime within the state.

17 (2) All who commit theft out of this state, and bring,  
18 or are found with the property stolen, in this state.

19 (3) All who, being out of this state, abduct or kidnap,  
20 by force or fraud, any person contrary to the laws of the place  
21 where such act is committed, and bring, send, or convey such  
22 person within the limits of this state, and are afterward found  
23 therein.

24 (4) And all who, being out of this state, cause or aid,  
25 advise or encourage, another person, causing an injury to any per-  
26 son or property within this state by means of any act or neglect  
27 which is declared criminal by this code, and who are afterward  
28 found within this state.

29 Sec. 2. PERSONS CAPABLE OF COMMITTING CRIMES: EXCEPTIONS:

1 CHILDREN: IDIOTS: LUNATICS: IGNORANCE: COMMISSION WITHOUT CON-  
2 SCIOUSNESS: INVOLUNTARY SUBJECTION. All persons are capable of  
3 committing crimes, except those belonging to the following classes:

4 (1) Children under the age of seven years.

5 (2) Children over the age of seven years, but under  
6 the age of fourteen years, in the absence of proof that at the  
7 time of committing the act or neglect charged against them, they  
8 knew its wrongfulness.

9 (3) Idiots.

10 (4) Lunatics, insane persons, and all persons of un-  
11 sound mind, including persons temporarily or partially deprived  
12 of reason, upon proof that at the time of committing the act  
13 charged against them they were incapable of knowing its wrongfulness.  
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15 (5) Persons who committed the act, or made the omission  
16 charged, under an ignorance or mistake of fact which disproves any  
17 criminal intent. But ignorance of the law does not excuse from  
18 punishment for its violation.

19 (6) Persons who committed the act charged without being  
20 conscious thereof.

21 (7) Persons who committed the act, or make the omission  
22 charged, while under involuntary subjection to the power of  
23 superiors.

24 Sec. 3. MORBID PROPENSITY NO DEFENSE. A morbid propensity  
25 to commit prohibited acts existing in the mind of a person who  
26 is now shown to have been incapable of knowing the wrongfulness  
27 of such acts, forms no defense to a prosecution therefor.

28 Sec. 4. SUBJECTION TO SUPERIOR EXONERATES. The involuntary  
29 subjection to the power of a superior which exonerates a person

1 charged with a criminal act or omission from punishment therefor,  
2 arises either from:

- 3 (1) Duress; or,
- 4 (2) Coverture.

5 Sec. 5. DURESS MUST BE ACTUAL: The duress which excuses a  
6 person from punishment who has committed a prohibited act or  
7 omission must be an actual compulsion by use of force or fear.

8 Sec. 6. SUBJECTION INFERRED FROM COVERTURE: EXCEPTIONS. A  
9 subjection sufficient to excuse from punishment may be inferred  
10 in favor of a wife from the fact of coverture whenever she com-  
11 mitted the act charged in the presence and with the assent of her  
12 husband, except where such act is a participation in:

- 13 (1) Treason;
- 14 (2) Murder;
- 15 (3) Manslaughter;
- 16 (4) Maiming;
- 17 (5) An attempt to kill;
- 18 (6) Rape;
- 19 (7) Abduction;
- 20 (8) Abuse of children;
- 21 (9) Seduction;
- 22 (10) Abortion, either upon herself or upon another  
23 female;
- 24 (11) Concealing the death of an infant, whether her own  
25 or that of another;
- 26 (12) Fraudulently producing a false child, whether as  
27 her own or that of another;
- 28 (13) Bigamy;
- 29 (14) Incest;

- 1 (15) The crime against nature;
- 2 (16) Indecent exposure;
- 3 (17) Obscene exhibition of books and prints;
- 4 (18) Keeping a bawdy or other disorderly house.

5 Sec. 7. DURESS BY HUSBAND MUST BE PROVED. In case of the  
6 crimes enumerated in the last section, the wife is not excused  
7 from punishment by reason of her subjection to the power of her  
8 husband unless the facts proved show a case of duress as defined  
9 in the second preceding section.

10 Sec. 8. INFERENCE OF SUBJECTION MAY BE REBUTTED. The in-  
11 ference of subjection arising from the fact of coverture may be  
12 rebutted by any facts showing that in committing the act charged  
13 the wife acted freely.

14 Sec. 9. PUBLIC FOREIGN MINISTERS EXEMPTED. Ambassadors and  
15 other public ministers from foreign governments accredited to the  
16 President or the government of the United States, and recognized  
17 by it according to the laws of the United States, with their  
18 secretaries, messengers, families and servants are not liable to  
19 punishment in this state, but are to be returned to their own  
20 country for trial and punishment.

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