

Introduced: 2/20/64
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 336

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing indeterminate sen-
7 tences ^{and} amending various criminal penalties;
8 and providing for an effective date."

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

10 * Section 1. AS 03.40.100 is amended to read:

11 Sec. 03.40.100. PENALTY FOR BRANDING ANOTHER'S LIVE-
12 STOCK. Any person who wilfully and knowingly brands or
13 marks, or causes to be branded or marked, the animals of
14 another, or who wilfully and knowingly effaces, defaces or
15 obliterates any brand or mark upon the animal of another, is
16 guilty of a felony, and upon conviction is punishable by
17 imprisonment for not less than one year [TWO YEARS] nor more
18 than five years.

19 * Sec. 2. AS 06.05.490 is amended to read:

20 Sec. 06.05.490. RECEIPT OF DEPOSITS WHILE INSOLVENT.
21 The director, officer, or employee of any bank who fraudulent-
22 ly receives any deposit, knowing that the bank is insolvent,
23 is guilty of a felony and upon conviction is punishable by a
24 fine of not more than \$5,000, or by imprisonment for not less
25 than one year nor more than three years, or by both.

26 * Sec. 3. AS 06.05.515 is amended to read:

27 Sec. 06.05.515. SLANDER AND LIBEL OF BANK. Any person
28 who wilfully and maliciously makes, circulates or transmits
29 to another any statement, rumor or suggestion, written,

HB 336

1 printed or by word of mouth, which is directly or by implica-
2 tion derogatory to the financial condition or affects the
3 solvency or financial standing of any bank, mutual savings
4 and loan association, or trust company doing business in the
5 state, or who counsels, aids, procures or induces another to
6 start, transmit or circulate such a statement or rumor, is
7 guilty of a felony, and upon conviction is punishable by a
8 fine of not more than \$5,000, or by imprisonment for not
9 less than one year nor more than five years, or by both.

10 * Sec. 4. AS 11.05.060 is repealed and re-enacted to read:

11 Sec. 11.05.060. INDETERMINATE SENTENCE. Courts impos-
12 ing prison sentences for felonies shall sentence the defen-
13 dant to the minimum and maximum term of imprisonment pro-
14 vided by law.

15 If a defendant is sentenced for two or more separate
16 felonies, his sentence may equal, but shall not exceed, the
17 aggregate of the maximum term of imprisonment of all
18 felonies for which he is sentenced.

19 If through oversight or otherwise, a sentence of im-
20 prisonment should be for other than the minimum and maximum
21 term of imprisonment as provided by law, it shall not become
22 void, but the defendant shall be subject to the liabilities
23 provided by law as if he had been sentenced in the manner
24 required by this section.

25 * Sec. 5. AS 11.05.150 is repealed.

26 * Sec. 6. AS 11.15.010 is amended to read:

27 Sec. 11.15.010. FIRST DEGREE MURDER. A person who,
28 being of sound memory and discretion, purposely, and either
29 of deliberate and premeditated malice or by means of poison,

1 printed or by word of mouth, which is directly or by implica-
2 tion derogatory to the financial condition or affects the
3 solvency or financial standing of any bank, mutual savings
4 and loan association, or trust company doing business in the
5 state, or who counsels, aids, procures or induces another to
6 start, transmit or circulate such a statement or rumor, is
7 guilty of a felony, and upon conviction is punishable by a
8 fine of not more than \$5,000, or by imprisonment for not
9 less than one year nor more than five years, or by both.

10 * Sec. 4. AS 11.05.060 is repealed and re-enacted to read:

11 Sec. 11.05.060. INDETERMINATE SENTENCE. Courts impos-
12 ing prison sentences for felonies shall sentence the defen-
13 dant to the minimum and maximum term of imprisonment pro-
14 vided by law.

15 If a defendant is sentenced for two or more separate
16 felonies, his sentence may equal, but shall not exceed, the
17 aggregate of the maximum term of imprisonment of all
18 felonies for which he is sentenced.

19 If through oversight or otherwise, a sentence of im-
20 prisonment should be for other than the minimum and maximum
21 term of imprisonment as provided by law, it shall not become
22 void, but the defendant shall be subject to the liabilities
23 provided by law as if he had been sentenced in the manner
24 required by this section.

25 * Sec. 5. AS 11.05.150 is repealed. —

26 * Sec. 6. AS 11.15.010 is amended to read:

27 Sec. 11.15.010. FIRST DEGREE MURDER. A person who,
28 being of sound memory and discretion, purposely, and either
29 of deliberate and premeditated malice or by means of poison,

1 or in perpetrating or in attempting to perpetrate, rape,
2 arson, robbery, or burglary, kills another, is guilty of
3 murder in the first degree, and shall be sentenced to imprisonment for life. [IS PUNISHABLE BY IMPRISONMENT AT HARD
4 LABOR FOR LIFE OR FOR ANY TERM OF YEARS.] The imposition or
5 execution of sentence shall not be suspended and parole
6 shall not be granted until a minimum imprisonment of 15
7 years is served.

8
9 * Sec. 7. AS 11.15.020 is amended to read:

10 Sec. 11.15.020. OBSTRUCTING OR INJURING RAILROAD OR
11 AIRCRAFT. A person who maliciously (1) places an obstruction
12 upon a railroad or street railroad, or displaces or injures
13 anything appertaining to a railroad or street railroad, or
14 does any other act with intent to endanger the passage of a
15 locomotive or car, and thereby occasions the death of another,
16 or (2) causes or attempts to cause damage or injury to, or
17 places obstruction or explosive material on, in or about an
18 aircraft, or who commits any other act with intent to endan-
19 ger the safety of flight, operation or passage of an aircraft
20 and thereby occasions or implements the death of another, is
21 guilty of murder in the first degree, and shall be sentenced
22 to imprisonment for life. [IS PUNISHABLE BY IMPRISONMENT AT
23 HARD LABOR FOR LIFE OR FOR ANY TERM OF YEARS.] The imposition
24 or execution of sentence shall not be suspended and parole
25 shall not be granted until a minimum imprisonment of 15 years
26 is served.

27 * Sec. 8. AS 11.15.030 is amended to read:

28 Sec. 11.15.030. SECOND DEGREE MURDER. Except as pro-
29 vided in secs. 10 and 20 of this chapter, a person who pur-

1 posely and maliciously kills another is guilty of murder in
2 the second degree, and shall be imprisoned in the penitentiary
3 for a term of not less than 15 years to life. The imposition
4 or execution of sentence shall not be suspended and parole
5 shall not be granted until a minimum imprisonment of five
6 years is served.

7 * Sec. 9. AS 11.15.040 is amended to read:

8 Sec. 11.15.040. MANSLAUGHTER. Except as provided in
9 secs. 10--30 of this chapter, a person who unlawfully kills
10 another is guilty of manslaughter, and is punishable by
11 imprisonment in the penitentiary for not less than one year
12 nor more than 20 years. [NOT MORE THAN 20 YEARS NOR LESS THAN
13 ONE YEAR.] Upon conviction of voluntary manslaughter, the
14 imposition or execution of sentence shall not be suspended
15 and parole shall not be granted until the minimum term of
16 imprisonment prescribed by this section is served.

17 * Sec. 10. AS 11.15.130 is amended to read:

18 Sec. 11.15.130. PUNISHMENT FOR RAPE. (a) A person 19
19 years of age or older convicted of rape upon his daughter
20 or sister, or upon a female person under 16 years of age, is
21 punishable by imprisonment in the penitentiary for not less
22 than one year nor more than seven years. [ANY TERM OF YEARS.]

23 (b) A person less than 19 years of age convicted of
24 rape upon his daughter, or sister, or a female person under
25 16 years of age, is punishable by imprisonment in the peni-
26 tentiary for not less than one year nor more than seven years.
27 [MORE THAN 20 YEARS]

28 (c) A person convicted of rape upon any other female
29 person is punishable by imprisonment in the penitentiary for

1 a term of not less than one year nor more than 10 years.

2 [NOT MORE THAN 20 YEARS NOR LESS THAN ONE YEAR.]

3 * Sec. 11. AS 11.15.260 is amended to read:

4 Sec. 11.15.260. KIDNAPPING. A person who knowingly and
5 without lawful reason kidnaps, abducts or carries away and
6 holds for ransom, reward or other unlawful reason another
7 person, except in the case of a minor by his parent, is
8 punishable by imprisonment for not less than one year nor
9 more than 20 years. [A TERM OF YEARS OR FOR LIFE.]

10 * Sec. 12. AS 11.15.270 is amended to read:

11 Sec. 11.15.270. CONSPIRACY TO KIDNAP. If two or more
12 persons conspire to violate sec. 260 of this chapter and one
13 or more of them does any overt act to effect the object of
14 the conspiracy, each is punishable by imprisonment for not
15 less than one year nor more than 20 years. [A TERM OF YEARS
16 OR FOR LIFE.]

17 * Sec. 13. AS 11.15.280 is amended to read:

18 Sec. 11.15.280. RECEIVING, POSSESSING OR DISPOSING OF
19 RANSOM. A person who receives, possesses or disposes of
20 money or other property or a portion of it which at any time
21 has been delivered as ransom or reward in connection with a
22 kidnapping under sec. 260 of this chapter, knowing it to be
23 money or property delivered as ransom or reward, is punish-
24 able by a fine of not more than \$10,000, or by imprisonment
25 for not less than one year nor more than 10 years, or by both.

26 * Sec. 14. AS 11.15.290 is amended to read:

27 Sec. 11.15.290. CHILD STEALING. A person who malici-
28 ously, forcibly or fraudulently takes or entices away a child
29 under the age of 12 years, in a manner other than as provided

1 in sec. 260 of this chapter, with intent to detain and con-
2 ceals the child from its parent, guardian, or other person
3 having the lawful charge of the child, is punishable by
4 imprisonment in the penitentiary for not less than six months
5 nor more than five years, [MORE THAN 10 YEARS NOR LESS THAN
6 SIX MONTHS] or by imprisonment in jail for not more than one
7 year, or by a fine of not more than \$500, or by both.

8 * Sec. 15. AS 11.20.080 is amended to read:

9 Sec. 11.20.080. BURGLARY IN DWELLING HOUSE. A person
10 who breaks and enters a dwelling house with intent to commit
11 a crime in it, or having entered with that intent, breaks a
12 dwelling house or is armed with a dangerous weapon in it, or
13 assaults a person lawfully in it, is guilty of burglary, and
14 upon conviction is punishable by imprisonment in the peniten-
15 tiary for not less than one year nor more than 20 [10] years.
16 However, if the burglary is committed at nighttime, it shall
17 be punishable by imprisonment for not less than one year nor
18 more than 15 years. [THE MAXIMUM PENALTY IS 15 YEARS.] If
19 a human being is within the dwelling at the time of the burg-
20 lary during the nighttime or daytime, it shall be punishable
21 by imprisonment for not less than one year nor more than 20
22 years. [THE MAXIMUM PENALTY IS 20 YEARS.]

23 * Sec. 16. AS 11.20.240 is amended to read:

24 Sec. 11.20.240. PUNISHMENT FOR VIOLATION OF SEC. 230
25 OF THIS CHAPTER. A person who violates sec. 230 of this chap-
26 ter is punishable as follows.

27 (1) If the value of the consideration given for the
28 check or draft is \$100 [\$50] or less, he is punishable by
29 imprisonment in jail for not less than one month nor more than

1 one year, or by a fine of not less than \$25 nor more than
2 \$200. [\$100]

3 (2) If the value of the consideration given for
4 the check or draft exceeds \$100 [\$50], he is punishable by
5 imprisonment in the penitentiary for not less than one year
6 nor more than 10 years.

7 * Sec. 17. AS 11.20.350 is amended to read:

8 Sec. 11.20.350. BUYING, RECEIVING OR CONCEALING STOLEN
9 PROPERTY. A person who buys, receives or conceals money,
10 goods, bank notes, or other thing which may be the subject of
11 larceny and which has been taken, embezzled or stolen from
12 another person, knowing it to have been taken, embezzled or
13 stolen, is punishable by a fine of not more than \$1,000 and
14 by imprisonment [AT HARD LABOR] for not less than one year
15 nor more than three years.

16 * Sec. 18. AS 11.20.530 is amended to read:

17 Sec. 11.20.530. DESTROYING BOATS. A person who wilfully
18 casts away, burns, sinks, or otherwise destroys a ship,
19 steamboat, or other vessel, with intent to injure or defraud
20 the owner or with intent to injure or defraud the owner of
21 property loaded on board it, upon conviction, is punishable
22 by imprisonment in the penitentiary for not less than one
23 year [THREE YEARS] nor more than 10 years.

24 * Sec. 19. AS 11.25.010 is amended to read:

25 Sec. 11.25.010. FORGERY OF RECORD OR CERTIFICATE AND
26 UTTERING FORGED INSTRUMENT. A person who, with intent to
27 injure or defraud, (1) falsely makes, alters, forges, counter-
28 feits, prints, or photographs a public record, certificate,
29 return, or attestation of a clerk, notary public, or other

1 public officer in relation to a matter in which the certifi-
2 cate, return or attestation may be received as legal evidence,
3 or a note, certificate or other evidence of debt issued by an
4 officer of the state, or borough, town, or other municipal
5 or public corporation, authorized to issue it, or a contract,
6 charter, letters, patent, deed, lease, bill of sale, will,
7 testament, bond, writing obligatory, undertaking, letter of
8 attorney, policy of insurance, bill of lading, bill of ex-
9 change, promissory note, evidence of debt, or any acceptance
10 of a bill of exchange, endorsement or assignment of a promis-
11 sory note, or a warrant, order, check, money, other property,
12 a receipt for money or other property, an acquittance or
13 discharge for money or other property, or a plat, draft, or
14 survey of land; or (2) intentionally utters or publishes as
15 true and genuine a false, altered, forged, counterfeited,
16 falsely printed, or photographed record, writing, instrument,
17 or other matter, upon conviction, is punishable by imprison-
18 ment in the penitentiary for not less than one year [TWO
19 YEARS] nor more than 20 years.

20 * Sec. 20. AS 11.25.110 is repealed.

21 * Sec. 21. AS 11.30.050 is amended to read:

22 Sec. 11.30.050. ACCEPTING BRIBE. A judicial or execu-
23 tive officer who corruptly accepts or receives a gift, gra-
24 tuity, valuable consideration, or thing, or a promise of one
25 of them, or a promise to do or cause to be done an act bene-
26 ficial to him, with the understanding or agreement, express
27 or implied, that the officer will give his vote, opinion,
28 decision, or judgment in a particular manner in a matter,
29 question, duty, cause, or proceeding which then is or may by

1 law come or be brought before him, or with the understanding
2 or agreement that the officer will in his official capacity
3 act in a particular manner to produce or prevent a particular
4 result, upon conviction, is punishable by imprisonment in
5 the penitentiary for not less than two years [FIVE YEARS]
6 nor more than 15 years.

7 * Sec. 22. AS 11.30.090 is amended to read:

8 Sec. 11.30.090. ESCAPE FROM CUSTODY OR CONFINEMENT. A
9 person who escapes or attempts to escape from the custody of
10 a peace officer under a lawful arrest or from a jail or insti-
11 tution in which he is detained by a peace officer or confined
12 by direction of a court in this state or from custody under
13 process issued by a court in this state is punishable,

14 (1) if the custody or confinement is by an arrest
15 on a charge of a felony, or conviction of a felony, by a fine
16 of not more than \$5,000, or by imprisonment for not less than
17 one year nor more than three years, or by both; or

18 (2) if the custody or confinement is for extradi-
19 tion, or by an arrest, or charge of, or conviction of a mis-
20 demeanor, by a fine of not more than \$1,000, or imprisonment
21 for not more than one year, or by both.

22 * Sec. 23. AS 11.30.250 is amended to read:

23 Sec. 11.30.250. ACT OF OFFICER HAVING CUSTODY. An
24 officer having custody of a record, map, or book, or a paper
25 or proceeding of a court, filed or deposited in a public
26 office, or placed in his hands for any purpose, who is guilty
27 of stealing, wilfully destroying, mutilating, defacing, alter-
28 ing or falsifying, removing or secreting the whole or a part
29 of the record, map, book, paper, or proceeding, or who permits

1 another person to do so, is punishable by imprisonment in the
2 penitentiary for not less than one year nor more than five
3 years, or by a fine of not more than \$5,000, or by both.

4 * Sec. 24. AS 11.30.260 is amended to read:

5 Sec. 11.30.260. ACT OF PERSON NOT OFFICER. A person
6 not an officer referred to in sec. 250 of this chapter, who
7 is guilty of the acts specified in sec. 250 of this chapter,
8 is punishable by imprisonment in the penitentiary for not
9 less than one year nor more than three years, or by a fine of
10 not more than \$2,000, or by both.

11 * Sec. 25. AS 11.30.270 is amended to read:

12 Sec. 11.30.270. FILING, OR OFFERING FOR FILING, FALSE
13 OR FORGED INSTRUMENTS. A person who knowingly procures or
14 offers a false or forged instrument to be filed, registered,
15 or recorded in a public office, which, if genuine, might be
16 filed, registered or recorded under a law of this state or
17 the federal government, is guilty of a felony, and upon con-
18 viction is punishable by imprisonment in the penitentiary for
19 not less than one year nor more than two years, or by a fine
20 of not more than \$2,000, or by both.

21 * Sec. 26. AS 11.30.280 is amended to read:

22 Sec. 11.30.280. FALSE CERTIFICATE BY PUBLIC OFFICER.
23 A public officer authorized by law to make or give a certifi-
24 cate or other writing, who makes or delivers as true a certifi-
25 cate or writing containing a statement which he knows is
26 false, is guilty of a felony, and upon conviction is punish-
27 able by imprisonment in the penitentiary for not less than
28 one year nor more than two years, or by a fine of not more
29 than \$5,000, or by both.

1 * Sec. 27. AS 11.30.310 is amended to read:

2 Sec. 11.30.310. PUNISHMENT FOR PREPARING OR OFFERING
3 FALSE EVIDENCE. A violation of secs. 290 and 300 of this
4 chapter is punishable by imprisonment in the penitentiary
5 for not less than one year nor more than two years, or by a
6 fine of not more than \$10,000, or by both.

7 * Sec. 28. AS 11.30.320 is amended to read:

8 Sec. 11.30.320. INFLUENCING WITNESSES, JUDGES OR JURORS
9 OR OBSTRUCTING ADMINISTRATION OF JUSTICE. A person, upon
10 conviction, is punishable by a fine of not more than \$5,000,
11 or by imprisonment for not less than one year nor more than
12 five years, or by both, if he

13 (1) corruptly, or by threats or force, or by a
14 threatening letter or communication, endeavors to influence,
15 intimidate, or impede a witness in a court of this state or
16 before a committing magistrate, or a grand or petit juror,
17 judge, or officer in or of a court of this state, or an
18 officer serving at an examination or other proceeding before
19 a committing magistrate, in the discharge of his duty; or

20 (2) injures the person or property of a party or
21 witness because of his attending or having attended a court
22 or examination before an officer, or committing magistrate,
23 or because of his testifying or having testified to a matter
24 pending before them; or

25 (3) injures the person or property of a grand or
26 petit juror because of a verdict or indictment assented to
27 by him, or because of his being or having been a juror; or

28 (4) injures the person or property of an officer
29 or committing magistrate because of the performance of his

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

official duties; or

(5) corruptly or by threats or force, or by threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede the due administration of justice.

* Sec. 29. AS 11.40.040 is amended to read:

Sec. 11.40.040. COHABITING IN STATE OF ADULTERY OR FORNICATION. A person who cohabits with another in a state of adultery or fornication is punishable by a fine of not more than \$500, or by imprisonment in the penitentiary for not less than one year nor more than two years, or by both.

* Sec. 30. AS 11.40.110 is amended to read:

Sec. 11.40.110. INCEST. A person related to another person within and not including the fourth degree of consanguinity, computed according to the rules of the civil law, who marries or cohabits with or has sexual intercourse with that person, knowing him to be within that degree of relationship, is guilty of incest, and upon conviction is punishable by imprisonment in the penitentiary not less than one year [THREE YEARS] nor more than 15 years.

* Sec. 31. AS 11.40.290 is amended to read:

Sec. 11.40.290. PROCURING FEMALE TO HAVE SEXUAL INTERCOURSE FOR HIRE. A person who procures, encourages, persuades, induces, or prevails upon a female person of previous chaste character to have sexual intercourse for hire with a male person, is guilty of a felony, and upon conviction is punishable by imprisonment in the penitentiary for not less than one year [TWO YEARS] nor more than five years.

* Sec. 32. AS 11.40.300 is amended to read:

1 Sec. 11.40.300. EMPLOYMENT IN HOUSE OF PROSTITUTION OR
2 LIVING ON EARNINGS OF PROSTITUTE. A male person who acts as
3 an employee or servant in and about a room, house, or place
4 of prostitution, or who engages or assists in operating or
5 managing a room, house or building for the purpose of carry-
6 ing on prostitution, or a male or female person who knowingly
7 lives on, or is supported in whole or in part by the money or
8 other valuable consideration realized, procured or earned by a
9 female person through the prostitution of any other female
10 person is guilty of a felony, and upon conviction, is punish-
11 able by imprisonment in the penitentiary for not less than
12 one year [TWO YEARS] nor more than five years.

13 * Sec. 33. AS 11.40.330 is amended to read:

14 Sec. 11.40.330. IMPORTING OR EXPORTING FEMALES FOR
15 IMMORAL PURPOSES. The importation or exportation of a female
16 into or from state for immoral purposes is prohibited, and a
17 person who (1) induces, entices or procures, or attempts to
18 induce, entice or procure a female to come into or leave the
19 state for the purpose of prostitution or concubinage, or for
20 other immoral purpose, or to enter a house of prostitution
21 in the state; or (2) aids a female in obtaining transporta-
22 tion to or within the state for the purpose of prostitution or
23 concubinage, or for other immoral purpose is guilty of a
24 felony, and upon conviction is punishable by imprisonment in
25 the penitentiary for a period of not less than one year [TWO
26 YEARS] nor more than five years [20 YEARS], or by a fine of
27 not less than \$1,000 nor more than \$5,000, or by both.

28 * Sec. 34. AS 11.40.340 is amended to read:

29 Sec. 11.40.340. PLACING FEMALE IN HOUSE OF PROSTITUTION

1 OR COMPELLING FEMALE TO BE PROSTITUTE. A person who (1)
2 places a female in the charge or custody of another for immor-
3 al purposes, or in a house of prostitution or elsewhere with
4 intent that she live a life of prostitution; or (2) compels
5 or induces, entices or procures, or attempts to induce, entice
6 procure or compel a female to reside with him or with another
7 for immoral purposes, or for the purpose of prostitution; or
8 (3) compels a female to reside in a house of prostitution or
9 compels or attempts to induce, entice, procure or compel her
10 to live a life of prostitution is guilty of a felony, and
11 upon conviction is punishable by imprisonment in the peniten-
12 tiary for a period of not less than one year [TWO YEARS] nor
13 more than five years [21 YEARS], or by a fine of not less
14 than \$1,000 nor more than \$5,000, or by both.

15 * Sec. 35. AS 11.40.350 is amended to read:

16 Sec. 11.40.350. PROCURING OR ATTEMPTING TO PROCURE
17 FEMALE FOR PROSTITUTION. A person who induces, entices or
18 procures, or attempts to induce, entice or procure a female
19 for the purpose of prostitution or concubinage, or for other
20 immoral purpose, or to enter a house of prostitution in the
21 state, is guilty of a felony, and upon conviction is punish-
22 able by imprisonment in the penitentiary for a period of not
23 less than one year [TWO YEARS] nor more than five years [20
24 YEARS], or by a fine of not less than \$1,000, or by both.

25 * Sec. 36. AS 11.40.360 is amended to read:

26 Sec. 11.40.360. RECEIVING MONEY FOR PLACING FEMALE IN
27 HOUSE OF PROSTITUTION. A person who receives money or other
28 valuable thing for or on account of placing a female in a
29 house of prostitution or elsewhere for the purpose of causing

1 her to cohabit with a male person to whom she is not married
2 is guilty of a felony, and upon conviction is punishable by
3 imprisonment in the penitentiary for a period of not less
4 than one year [TWO YEARS] nor more than five years [20 YEARS],
5 or by a fine of not less than \$1,000 nor more than \$5,000,
6 or by both.

7 * Sec. 37. AS 11.40.370 is amended to read:

8 Sec. 11.40.370. PAYING TO PROCURE FEMALE FOR PROSTITU-
9 TION. A person who pays money or other valuable thing to
10 procure a female for the purpose of placing her for immoral
11 purposes in a house of prostitution or elsewhere, with or with-
12 out her consent, is guilty of a felony, and upon conviction
13 is punishable by imprisonment in the penitentiary for a period
14 of not less than one year [TWO YEARS] nor more than five years
15 [20 YEARS], or by a fine of not less than \$1,000 nor more than
16 \$5,000, or by both.

17 * Sec. 38. AS 11.40.380 is amended to read:

18 Sec. 11.40.380. RECEIVING MONEY OR VALUE FOR PROCURING
19 FEMALE FOR IMMORAL PURPOSE. A person who knowingly receives
20 money, or other valuable thing, for or on account of procuring
21 and placing a woman in the custody of another person for
22 immoral purposes, with or without her consent, is guilty of
23 a felony, and upon conviction is punishable by imprisonment in
24 the penitentiary for a period of not less than one year [TWO
25 YEARS] nor more than five years [20 YEARS], or by a fine of
26 not less than \$1,000 nor more than \$5,000, or by both.

27 * Sec. 39. AS 11.40.390 is amended to read:

28 Sec. 11.40.390. DETAINING FEMALE TO PAY DEBTS. A person
29 who holds, detains, restrains or attempts to hold, detain or

1 restrain a female in any house of prostitution or other place
2 for the purpose of compelling her directly or indirectly, by
3 her voluntary or involuntary service or labor to pay, liqui-
4 date or cancel a debt, dues, or obligations incurred in the
5 house of prostitution, or other place, is guilty of a felony,
6 and upon conviction is punishable by imprisonment in the
7 penitentiary for a period of not less than one year [TWO YEARS]
8 nor more than five years [20 YEARS], or by a fine of not less
9 than \$1,000 nor more than \$5,000, or by both.

10 * Sec. 40. AS 11.40.400 is amended to read:

11 Sec. 11.40.400. ACCEPTING EARNINGS OF PROSTITUTE. A
12 person who knowingly accepts, receives, levies or appropriates
13 money or other valuable thing without consideration from the
14 proceeds or earnings of a woman engaged in prostitution is
15 guilty of a felony, and upon conviction is punishable by
16 imprisonment in the penitentiary for a period of not less than
17 one year [TWO YEARS] nor more than five years [20 YEARS] or
18 by a fine of not less than \$1,000 nor more than \$5,000, or by
19 both. The acceptance, receipt, levy, or appropriation of
20 money or valuable thing is, in a proceeding or trial for
21 violation of this section, presumptive evidence of lack of
22 consideration.

23 * Sec. 41. AS 11.40.410 is amended to read:

24 Sec. 11.40.410. MALE LIVING WITH OR ON EARNINGS OF
25 PROSTITUTE. A male person who lives with a common prostitute
26 or woman of bad repute, or in whole or in part upon the earn-
27 ings of, or money supplied by a common prostitute or woman of
28 bad repute, is guilty of a felony, and upon conviction is
29 punishable by imprisonment in the penitentiary for a period

1 of not less than one year [TWO YEARS] nor more than five
2 years [20 YEARS].

3 * Sec. 42. AS 11.45.010 is amended to read:

4 Sec. 11.45.010. PUNISHMENT FOR RIOT. A person guilty
5 of participating in a riot, upon conviction, is punishable as
6 follows

7 (1) If a felony or misdemeanor was committed in
8 the course of the riot, he is punishable as a principal in
9 the crime.

10 (2) If the person carried at the time of the riot
11 a species of dangerous weapon, or was disguised, or encouraged
12 or solicited other persons who participated in the riot to an
13 act of force or violence, he is punishable by imprisonment in
14 the penitentiary for not less than one year [THREE YEARS] nor
15 more than 15 years.

16 (3) In all other cases, he is punishable by
17 imprisonment in a jail for not less than three months nor more
18 than one year, or by a fine of not less than \$50 nor more than
19 \$500.

20 * Sec. 43. AS 11.50.020 is amended to read:

21 Sec. 11.50.020. PROHIBITED ACTS AND PUNISHMENT. A
22 person is guilty of a felony and is punishable by imprisonment
23 in the penitentiary for not less than one year nor more than
24 10 years, or by a fine of not more than \$5,000, or by both,
25 who

26 (1) by word of mouth or writing, advocates or
27 teaches the duty, necessity or propriety of crime, sabotage,
28 violence or other unlawful methods of terrorism as a means
29 of accomplishing industrial or political reform;

1 (2) prints, publishes, edits, issues or knowingly
2 circulates, sells, distributes, or publicly displays a book,
3 paper, document or other written matter containing or advoca-
4 ting, advising or teaching the doctrine that industrial or
5 political reform should be brought about by crime, sabotage,
6 violence or other unlawful methods of terrorism;

7 (3) openly, wilfully and deliberately justifies,
8 by word of mouth or writing, the commission or the attempt to
9 commit crime, sabotage, violence or other unlawful methods of
10 terrorism with intent to exemplify; spread or advocate the
11 propriety of the doctrine of criminal syndicalism; or

12 (4) knowingly and wilfully organizes or helps to
13 organize, or becomes a member of or voluntarily assembles with
14 a society, group or assemblage of persons formed to teach or
15 advocate the doctrine of criminal syndicalism.

16 * Sec. 44. AS 11.50.030 is amended to read:

17 Sec. 11.50.030. ASSEMBLY TO ADVOCATE CRIMINAL SYNDICAL-
18 ISM. An assemblage of two or more persons for the purpose of
19 advocating or teaching the doctrine of criminal syndicalism as
20 defined in secs. 10 and 20 of this chapter is unlawful and a
21 person wilfully, knowingly and voluntarily participating in
22 the assemblage by his presence, aid or instigation is guilty
23 of a felony, and is punishable by imprisonment in the peni-
24 tentiary for not less than one year nor more than 10 years,
25 or by a fine of not more than \$5,000, or by both.

26 * Sec. 45. AS 11.55.040 is amended to read:

27 Sec. 11.55.040. PUNISHMENT FOR POSSESSION BY CONVICT.
28 A person who violates sec. 30 of this chapter is punishable
29 by imprisonment for not less than one year nor more than five

1 years, [NOT EXCEEDING FIVE YEARS] or by a fine not exceeding
2 \$500, or by both.

3 * Sec. 46. AS 12.55.050 is amended to read:

4 Sec. 12.55.050. INCREASED PUNISHMENT FOR PERSONS CON-
5 VICTED OF MORE THAN ONE FELONY. (a) A person convicted of
6 a felony in this state who has been previously convicted of
7 a felony in this state or elsewhere, if the same crime else-
8 where would constitute a felony under Alaska law, is punish-
9 able as follows:

10 (1) If the person is convicted of a felony which
11 would be punishable by imprisonment for a term less than his
12 natural life, and had previously been convicted of one felony,
13 then he is punishable by imprisonment for not less than the
14 minimum nor more than twice the longest term prescribed for
15 the felony of which that person is convicted.

16 (2) If the person has previously been convicted
17 of two felonies, then he is punishable by imprisonment for
18 not less than the minimum nor more than twice the longest
19 term prescribed herein for a second conviction of felony.

20 (3) If the person has previously been convicted
21 of three or more felonies, then on the fourth conviction he
22 shall be adjudged an habitual criminal, and is punishable by
23 imprisonment for not less than 15 [20] years nor more than
24 the remainder of his natural life.

25 (b) The imposition or execution of sentence shall not
26 be suspended and probation or parole shall not be granted
27 until the minimum imprisonment provided in the section is
28 served.

29 * Sec. 47. AS 12.55.080 is amended to read:

HB 336

1 Sec. 12.55.080. SUSPENSION OF SENTENCE AND PROBATION.
2 Upon entering a judgment of conviction of a crime, or at any
3 time within 60 days from the date of entry of that judgment of
4 conviction, any court, when satisfied that the ends of justice
5 and the best interest of the public as well as the defendant
6 will be served thereby, may suspend the imposition or execu-
7 tion of the [OR] balance of the sentence [OR A PORTION THERE-
8 OF], and place the defendant on probation for a period and
9 upon the terms and conditions as the court considers best.
10 Provided that when a person has been convicted of murder
11 in the first degree, murder in the second degree, voluntary
12 manslaughter, under the Uniform Narcotic Drug Act, AS 17.10,
13 or as an habitual criminal under AS 12.55.050, he must serve
14 the minimum sentence prescribed by law.

15 * Sec. 48. AS 12.55.090 is amended by adding new subsections
16 to read:

17 (d) Probation may not be granted by the sentencing
18 court when the conviction is for murder in the first degree,
19 murder in the second degree, voluntary manslaughter, as a
20 habitual criminal under AS 12.55.050, or under the Uniform
21 Narcotic Drug Act, AS 17.10.

22 (e) Once sentencing of imprisonment has been imposed
23 and the court has failed to suspend the sentence and grant
24 probation within the time prescribed in sec. 80, or revokes
25 the suspension as provided in sec. 110, the parole board will
26 then have exclusive jurisdiction over the prisoner for all
27 matters including the determination of the period the prisoner
28 shall remain in custody.

29 * Sec. 49. AS 15.55.220 is amended to read:

1 Sec. 15.55.220. GENERAL PENALTY FOR FELONY. A person
2 found guilty of a felony under the provisions of the Alaska
3 Election Code (AS 15.05--15.60) is punishable, unless specif-
4 cally provided otherwise, by a fine of not more than \$3,000 or
5 by imprisonment for not less than one year nor more than five
6 years, or by both.

7 * Sec. 50. AS 15.65.040 is amended to read:

8 Sec. 15.65.040. OFFENSES AGAINST ELECTION LAWS. A
9 person who hinders, delays, prevents or obstructs a person
10 from qualifying himself to vote or from lawfully voting at a
11 local election, or who knowingly personates and votes or
12 attempts to vote in the name of another person, or who votes
13 more than once at the same election, or votes at a place
14 where or at a time when he is not lawfully entitled to vote,
15 or does any unlawful act to secure an opportunity to vote,
16 for himself or for any other person, or who, by or through
17 force, threat, intimidation, bribery, reward or offer, unlaw-
18 fully votes himself or procures another to vote, or prevents
19 or induces another to refrain from exercising his right of
20 suffrage, or induces an officer of an election to any unlawful
21 act or omit to do his duty in any manner, or who, directly or
22 indirectly, in any manner fraudulently changes or has changed
23 the returns or the true and lawful result of an election or
24 attempts to do the same, or who delays, has delayed, or con-
25 nives at the delay of election returns in any manner or at-
26 tempts to do so, upon conviction is punishable by a fine of
27 not more than \$500 nor less than \$100, or imprisonment for not
28 less than one year nor more than three years, or by both, and
29 shall pay the costs of the prosecution. Every officer of an

1 election who neglects to perform or violates any duty imposed
2 upon him, or knowingly does any unauthorized act with the
3 intent to affect the election or its result, or who permits,
4 makes, or connives at any false count or certificate of elec-
5 tion, or who conceals, withholds, destroys, or wilfully delays
6 the returns of election, or connives at the same being done,
7 or who aids, counsels, or procures any person to do or attempt
8 to do any act made a crime in this section, upon conviction,
9 is punishable by a fine of not less than \$200 nor more than
10 \$1,000, or by imprisonment for not less than one year nor
11 more than five years, or by both and shall pay all costs of
12 the prosecution.

13 * Sec. 51. AS 17.10.200(b) is amended to read:

14 (b) A person who violates any provision of this chapter
15 relating to the keeping of records by persons authorized to
16 administer or professionally use narcotic drugs, upon convic-
17 tion, is punishable by a fine of not less than \$500 nor more
18 than \$5,000, or by imprisonment for not less than one year nor
19 more than five years, or by both.

20 * Sec. 52. AS 27.05.130 is amended to read:

21 Sec. 27.05.130. PENALTIES. Any person convicted of
22 violating a provision of secs. 100--120 of this chapter is
23 punishable by a fine of not more than \$1,000 or by imprison-
24 ment for a term of not less than one year nor more than two
25 years, or by both.

26 * Sec. 53. AS 28.10.600 is amended to read:

27 Sec. 28.10.600. FRAUDULENT APPLICATIONS. A person who
28 fraudulently uses a false or fictitious name in application
29 for the registration of a vehicle or a certificate of title,

HB 336

1 or knowingly makes a false statement or knowingly conceals a
2 material fact or otherwise commits a fraud in an application
3 for registration is guilty of a felony, and upon conviction
4 is punishable by imprisonment for not less than one year nor
5 more than two years, or by a fine of not more than \$2,000, or
6 by both.

7 * Sec. 54. AS 28.10.610 is amended to read:

8 Sec. 28.10.610. FALSE EVIDENCE OF TITLE AND REGISTRA-
9 TION. A person who (1) alters with fraudulent intent a cer-
10 tificate of title, registration card, registration plate or
11 permit issued by the department, (2) forges or counterfeits
12 a certificate of title, registration card, registration plate
13 or permit, (3) alters or falsifies with fraudulent intent or
14 forges an assignment upon a certificate of title, or (4) holds
15 or uses a certificate of title, registration card, registra-
16 tion plate or permit knowing it is altered, forged, or falsi-
17 fied, is guilty of a felony, and upon conviction is punishable
18 by imprisonment for not less than one year nor more than two
19 years, or by a fine of not more than \$2,000, or by both.

20 * Sec. 55. AS 28.10.620 is amended to read:

21 Sec. 28.10.620. REMOVAL OF VEHICLES FROM STATE. An
22 owner who removes or has removed from the state an encumbered
23 vehicle, which is subject to this chapter, without the written
24 consent of the mortgagee or conditional vendor is guilty of a
25 felony, and upon conviction is punishable by imprisonment for
26 not less than one year nor more than two years, or by a fine
27 of not more than \$2,000, or by both.

28 * Sec. 56. AS 28.10.630 is amended to read:

29 Sec. 28.10.630. REPRESENTATION BY DEALERS AS TO VEHICLE

1 OF ANOTHER STATE. A dealer or person who represents a vehicle
2 of another state to be new, except new vehicles brought into
3 the state in the ordinary course of business by or through a
4 manufacturer or dealer, and sells or procures the sale of the
5 foreign vehicle as a new vehicle, is guilty of a felony, and
6 upon conviction is punishable by imprisonment for not less
7 than one year nor more than two years, or by a fine of not more
8 than \$2,000, or by both.

9 * Sec. 57. AS 33.15.180 is amended to read:

10 Sec. 33.15.180. PERSONS ELIGIBLE FOR PAROLE. A state
11 prisoner, other than a juvenile delinquent, wherever confined
12 and serving a term the minimum of which is at least 181 days,
13 [DEFINITE TERM OF OVER 180 DAYS] whose record shows that he
14 has observed the rules of the institution in which he is con-
15 fined may, in the discretion of the board, be released on
16 parole, except when such person is convicted of murder in the
17 first degree, murder in the second degree, voluntary manslaugh-
18 ter, under AS 17.10 the Uniform Narcotic Drug Act, or sentenced
19 as a habitual criminal under AS 12.55.050, he shall not be
20 eligible for parole until he has served the minimum term of
21 imprisonment prescribed by statute.

22 * Sec. 58. AS 33.15.230 is repealed.

23 * Sec. 59. AS 44.21.050 is amended to read:

24 Sec. 44.21.050. PENALTY FOR ALLOWANCE OF FALSE, UNJUST
25 OR ILLEGAL CLAIMS. If the commissioner of administration or
26 a person acting in his behalf allows a claim against the state
27 which he knows is false or fraudulent or for which there is
28 not an existing appropriation against which a warrant may be
29 drawn, except where otherwise provided by law, or knows is not

HB 336

1 a just, true or legal charge against the state, he is guilty
2 of a felony, and upon conviction is punishable by a fine of
3 not more than \$10,000, or by imprisonment for not less than
4 one year nor more than two years, or by both.

5 * Sec. 60. AS 47.30.330 is amended to read:

6 Sec. 47.30.330. CRIMINAL PENALTIES. A person who
7 intentionally causes, or attempts to cause, or conspires
8 with another person to cause an individual to be committed
9 to a hospital under secs. 10--340 of this chapter, knowing
10 or having reasonable grounds for believing that the indi-
11 vidual is not mentally ill, and in need of hospitalization,
12 is punishable by a fine of not more than \$10,000, or by
13 imprisonment for not less than one year nor more than 10
14 years, or by both. The court may order all or part of the
15 fine paid to the injured individual.

16 * Sec. 61. AS 11.25.060 is amended to read:

17 Sec. 11.25.060. JOINING PARTS OF GENUINE INSTRUMENTS.
18 A person who connects together different parts of several
19 bank notes or other genuine instruments to produce an
20 additional or different note or instrument, with intent to
21 utter or pass all of them as true and genuine, commits a
22 forgery in the same manner and with the same effect as if
23 each of them had been falsely made or forged, and is
24 punishable by imprisonment in the penitentiary for not
25 less than one year [TWO YEARS] or more than 20 years.

26 * Sec. 62. AS 12.55.040 is amended to read:

27 Sec. 12.55.040. INCREASED PUNISHMENT FOR HABITUAL
28 CRIMINAL AFTER CONVICTION OF PETTY LARCENY OR MISDEMEANOR
29 INVOLVING FRAUD. A person convicted of petty larceny or a

1 misdemeanor in which fraud or intent to defraud is an
2 element who, subsequent to March 9, 1939, has been three
3 times convicted in this state or elsewhere of a crime which
4 would constitute burglary, larceny except changing brands,
5 embezzlement, or obtaining money or property by false pre-
6 tenses under Alaska law shall be adjudged an habitual
7 criminal, and is punishable by imprisonment for not less
8 than one year nor more than 10 years.

9 * Sec. 63. AS 42.30.090 is amended to read:

10 Sec. 42.30.090. PENALTY FOR VIOLATION CAUSING DEATH
11 OR INJURY. When death or bodily injury is caused by the
12 explosion of an article referred to in secs. 60--100 of
13 this chapter while it is being placed on a vessel or
14 vehicle for transportation in violation of secs. 60--100
15 of this chapter, or while it is being transported or re-
16 moved from a vessel or vehicle, the person knowingly
17 placing, or aiding, or permitting the placing of the
18 article upon the vessel or vehicle upon conviction is
19 punishable by imprisonment for not less than one year nor
20 more than 10 years.

21 * Sec. 64. AS 45.55.210(a) is amended to read:

22 (a) A person who wilfully violates a provision of
23 this chapter except sec. 160 of this chapter, or who wil-
24 fully violates a rule or order under this chapter, or who
25 wilfully violates sec. 160 of this chapter knowing the
26 statement made to be false or misleading in a material
27 respect, upon conviction, is punishable by a fine of not
28 more than \$5,000, or by imprisonment for not less than one
29 year nor more than three years, or by both. However, no

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

person may be imprisoned for the violation of a rule or order if he proves that he had no knowledge of the rule or order. No indictment or information may be returned under this chapter more than five years after the alleged violation.

* Sec. 65. AS 11.05 is amended by adding a new section to read:

Sec. 11.05.145. PUNISHMENT FOR FELONIES. Whenever an act is declared to be a felony, and no minimum term of imprisonment is prescribed, the minimum term is one year.

* Sec. 66. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.