

Offered: 3/11/64
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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 sentences
7 amending various criminal penalties; and
8 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,

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 AS 11.05.060 is repealed and re-enacted to read: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 felonies
18 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 im-
4 prisonment for life. [IS PUNISHABLE BY IMPRISONMENT AT
5 HARD LABOR FOR LIFE OR FOR ANY TERM OF YEARS.] The im-
6 position or execution of sentence shall not be suspended.

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

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

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

25 Sec. 11.15.030. SECOND DEGREE MURDER. Except as pro-
26 vided in secs. 10 and 20 of this chapter, a person who pur-
27 posely and maliciously kills another is guilty of murder in
28 the second degree, and shall be imprisoned in the peniten-
29 tiary for a term of not less than 15 years to life. The im-

1 position or execution of sentence shall not be suspended.

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

3 Sec. 11.15.040. MANSLAUGHTER. Except as provided in
4 secs. 10 - 30 of this chapter, a person who unlawfully kills
5 another is guilty of manslaughter, and is punishable by
6 imprisonment in the penitentiary for not less than one year
7 nor more than 20 years. [NOR LESS THAN ONE YEAR.]

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

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

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

19 (c) A person convicted of rape upon any other female
20 person is punishable by imprisonment in the penitentiary for
21 a term of not less than one year nor more than 10 years.

22 [NOT MORE THAN 20 YEARS NOR LESS THAN ONE YEAR]

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

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

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

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

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

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

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

18 Sec. 11.15.290. CHILD STEALING. A person who malicious-
19 ly, forcibly or fraudulently takes or entices away a child
20 under the age of 12 years, in a manner other than as provided
21 in sec. 260 of this chapter, with intent to detain and con-
22 ceals the child from its parent, guardian, or other person
23 having the lawful charge of the child, is punishable by
24 imprisonment in the penitentiary for not less than six months
25 nor more than five years, [MORE THAN 10 YEARS NOR LESS THAN
26 SIX MONTHS] or by imprisonment in jail for not more than one
27 year, or by a fine of not more than \$500, or by both.

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

29 Sec. 11.20.080. BURGLARY IN DWELLING HOUSE. A person

1 who breaks and enters a dwelling house with intent to commit
2 a crime in it, or having entered with that intent, breaks a
3 dwelling house or is armed with a dangerous weapon in it, or
4 assaults a person lawfully in it, is guilty of burglary, and
5 upon conviction is punishable by imprisonment in the peniten-
6 tiary for not less than one year nor more than 10 years.
7 However, if the burglary is committed at nighttime, it shall
8 be punishable by imprisonment for not less than one year nor
9 more than 15 years. [THE MAXIMUM PENALTY IS 15 YEARS.] If
10 a human being is within the dwelling at the time of the burg-
11 lary during the nighttime or daytime, it shall be punishable
12 by imprisonment for not less than one year nor more than 20
13 years. [THE MAXIMUM PENALTY IS 20 YEARS.]

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

15 Sec. 11.20.240. PUNISHMENT FOR VIOLATION OF SEC. 230
16 OF THIS CHAPTER. A person who violates sec. 230 of this
17 chapter is punishable as follows.

18 (1) If the value of the consideration given for
19 the check or draft is \$100 [\$50] or less, he is punishable
20 by imprisonment in jail for not less than one month nor more
21 than one year, or by a fine of not less than \$25 nor more
22 than \$200. [\$100]

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

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

28 Sec. 11.20.350. BUYING, RECEIVING OR CONCEALING STOLEN
29 PROPERTY. A person who buys, receives or conceals money,

1 goods, bank notes, or other thing which may be the subject of
2 larceny and which has been taken, embezzled or stolen from
3 another person, knowing it to have been taken, embezzled or
4 stolen, is punishable by a fine of not more than \$1,000 and
5 by imprisonment [AT HARD LABOR] for not less than one year
6 nor more than three years.

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

8 Sec. 11.20.530. DESTROYING BOATS. A person who wil-
9 fully casts away, burns, sinks, or otherwise destroys a ship,
10 steamboat, or other vessel, with intent to injure or defraud
11 the owner or with intent to injure or defraud the owner of
12 property loaded on board it, upon conviction, is punishable
13 by imprisonment in the penitentiary for not less than one
14 year [THREE YEARS] nor more than 10 years.

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

16 Sec. 11.25.010. FORGERY OF RECORD OR CERTIFICATE AND
17 UTTERING FORGED INSTRUMENT. A person who, with intent to
18 injure or defraud, (1) falsely makes, alters, forges, counter-
19 feits, prints, or photographs a public record, certificate,
20 return, or attestation of a clerk, notary public, or other
21 public officer in relation to a matter in which the certifi-
22 cate, return or attestation may be received as legal evidence,
23 or a note, certificate or other evidence of debt issued by an
24 officer of the state, or borough, town, or other municipal
25 or public corporation, authorized to issue it, or a contract,
26 charter, letters, patent, deed, lease, bill of sale, will,
27 testament, bond, writing obligatory, undertaking, letter of
28 attorney, policy of insurance, bill of lading, bill of ex-
29 change, promissory note, evidence of debt, or any acceptance

1 of a bill of exchange, endorsement or assignment of a promis-
2 sory note, or a warrant, order, check, money, other property,
3 a receipt for money or other property, an acquittance or
4 discharge for money or other property, or a plat, draft, or
5 survey of land; or (2) intentionally utters or publishes as
6 true and genuine a false, altered, forged, counterfeited,
7 falsely printed, or photographed record, writing, instrument,
8 or other matter, upon conviction, is punishable by imprison-
9 ment in the penitentiary for not less than one year [TWO
10 YEARS] nor more than 20 years.

11 * Sec. 20. AS 11.25.110 is repealed.

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

13 Sec. 11.30.050. ACCEPTING BRIBE. A judicial or execu-
14 tive officer who corruptly accepts or receives a gift, gra-
15 tuity, valuable consideration, or thing, or a promise of one
16 of them, or a promise to do or cause to be done an act bene-
17 ficial to him, with the understanding or agreement, express
18 or implied, that the officer will give his vote, opinion,
19 decision, or judgment in a particular manner in a matter,
20 question, duty, cause, or proceeding which then is or may by
21 law come or be brought before him, or with the understanding
22 or agreement that the officer will in his official capacity
23 act in a particular manner to produce or prevent a particular
24 result, upon conviction, is punishable by imprisonment in
25 the penitentiary for not less than two years [FIVE YEARS]
26 nor more than 15 years.

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

28 Sec. 11.30.090. ESCAPE FROM CUSTODY OR CONFINEMENT. A
29 person who escapes or attempts to escape from the custody of

1 a peace officer under a lawful arrest or from a jail or insti-
2 tution in which he is detained by a peace officer or confined
3 by direction of a court in this state or from custody under
4 process issued by a court in this state is punishable,

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

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

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

14 Sec. 11.30.250. ACT OF OFFICER HAVING CUSTODY. An
15 officer having custody of a record, map, or book, or a paper
16 or proceeding of a court, filed or deposited in a public
17 office, or placed in his hands for any purpose, who is guilty
18 of stealing, wilfully destroying, mutilating, defacing, alter-
19 ing or falsifying, removing or secreting the whole or a part
20 of the record, map, book, paper, or proceeding, or who permits
21 another person to do so, is punishable by imprisonment in the
22 penitentiary for not less than one year nor more than five
23 years, or by a fine of not more than \$5,000, or by both.

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

25 Sec. 11.30.260. ACT OF PERSON NOT OFFICER. A person
26 not an officer referred to in sec. 250 of this chapter, who
27 is guilty of the acts specified in sec. 250 of this chapter,
28 is punishable by imprisonment in the penitentiary for not
29 less than one year nor more than three years, or by a fine of

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

not more than \$2,000, or by both.

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

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

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

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

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

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

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

Sec. 11.30.320. INFLUENCING WITNESSES, JUDGES OR JURORS OR OBSTRUCTING ADMINISTRATION OF JUSTICE. A person, upon

1 conviction, is punishable by a fine of not more than \$5,000,
2 or by imprisonment for not less than one year nor more than
3 five years, or by both, if he

4 (1) corruptly, or by threats or force, or by a
5 threatening letter or communication, endeavors to influence,
6 intimidate, or impede a witness in a court of this state or
7 before a committing magistrate, or a grand or petit juror,
8 judge, or officer in or of a court of this state, or an
9 officer serving at an examination or other proceeding before
10 a committing magistrate, in the discharge of his duty; or

11 (2) injures the person or property of a party or
12 witness because of his attending or having attended a court
13 or examination before an officer, or committing magistrate,
14 or because of his testifying or having testified to a matter
15 pending before them; or

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

19 (4) injures the person or property of an officer
20 or committing magistrate because of the performance of his
21 official duties; or

22 (5) corruptly or by threats or force, or by threat-
23 ening letter or communication, influences, obstructs, or
24 impedes, or endeavors to influence, obstruct, or impede the
25 due administration of justice.

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

27 Sec. 11.40.040. COHABITING IN STATE OF ADULTERY OR
28 FORNICATION. A person who cohabits with another in a state
29 of adultery or fornication is punishable by a fine of not

1 more than \$500, or by imprisonment in the penitentiary for
2 not less than one year nor more than two years, or by both.

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

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

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

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

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

21 Sec. 11.40.300. EMPLOYMENT IN HOUSE OF PROSTITUTION OR
22 LIVING ON EARNINGS OF PROSTITUTE. A male person who acts as
23 an employee or servant in and about a room, house, or place
24 of prostitution, or who engages or assists in operating or
25 managing a room, house or building for the purpose of carry-
26 ing on prostitution, or a male or female person who knowingly
27 lives on, or is supported in whole or in part by the money or
28 other valuable consideration realized, procured or earned by
29 a female person through the prostitution of any other female

1 person is guilty of a felony, and upon conviction, is punish-
2 able by imprisonment in the penitentiary for not less than
3 one year [TWO YEARS] nor more than five years.

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

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

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

20 Sec. 11.40.340. PLACING FEMALE IN HOUSE OF PROSTITUTION
21 OR COMPELLING FEMALE TO BE PROSTITUTE. A person who (1)
22 places a female in the charge or custody of another for im-
23 moral purposes, or in a house of prostitution or elsewhere
24 with intent that she live a life of prostitution; or (2) com-
25 pels or induces, entices or procures, or attempts to induce,
26 entice, procure or compel a female to reside with him or with
27 another for immoral purposes, or for the purpose of prostitu-
28 tion; or (3) compels a female to reside in a house of prosti-
29 tution or compels or attempts to induce, entice, procure or

1 compel her to live a life of prostitution is guilty of a
2 felony, and upon conviction is punishable by imprisonment in
3 the penitentiary for a period of not less than one year [TWO
4 YEARS] nor more than five years [21 YEARS], or by a fine of
5 not less than \$1,000 nor more than \$5,000, or by both.

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

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

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

17 Sec. 11.40.360. RECEIVING MONEY FOR PLACING FEMALE IN
18 HOUSE OF PROSTITUTION. A person who receives money or other
19 valuable thing for or on account of placing a female in a
20 house of prostitution or elsewhere for the purpose of causing
21 her to cohabit with a male person to whom she is not married
22 is guilty of a felony, and upon conviction is punishable by
23 imprisonment in the penitentiary for a period of not less
24 than one year [TWO YEARS] nor more than five years [20 YEARS]
25 or by a fine of not less than \$1,000 nor more than \$5,000,
26 or by both.

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

28 Sec. 11.40.370. PAYING TO PROCURE FEMALE FOR PROSTITU-
29 TION. A person who pays money or other valuable thing to

1 procure a female for the purpose of placing her for immoral
2 purposes in a house of prostitution or elsewhere, with or
3 without her consent, is guilty of a felony, and upon convic-
4 tion is punishable by imprisonment in the penitentiary for a
5 period of not less than one year [TWO YEARS] nor more than
6 five years [20 YEARS], or by a fine of not less than \$1,000
7 nor more than \$5,000, or by both.

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

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

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

19 Sec. 11.40.390. DETAINING FEMALE TO PAY DEBTS. A person
20 who holds, detains, restrains or attempts to hold, detain or
21 restrain a female in any house of prostitution or other place
22 for the purpose of compelling her directly or indirectly, by
23 her voluntary or involuntary service or labor to pay, liqui-
24 date or cancel a debt, dues, or obligations incurred in the
25 house of prostitution, or other place, is guilty of a felony,
26 and upon conviction is punishable by imprisonment in the
27 penitentiary for a period of not less than one year [TWO
28 YEARS] nor more than five years [20 YEARS], or by a fine of
29 not less than \$1,000 nor more than \$5,000, or by both.

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

2 Sec. 11.40.400. ACCEPTING EARNINGS OF PROSTITUTE. A
3 person who knowingly accepts, receives, levies or appro-
4 priates money or other valuable thing without consideration
5 from the proceeds or earnings of a woman engaged in prostitu-
6 tion is guilty of a felony, and upon conviction is punishable
7 by imprisonment in the penitentiary for a period of not less
8 than one year [TWO YEARS] nor more than five years [20 YEARS]
9 or by a fine of not less than \$1,000 nor more than \$5,000, or
10 by both. The acceptance, receipt, levy, or appropriation of
11 money or valuable thing is, in a proceeding or trial for
12 violation of this section, presumptive evidence of lack of
13 consideration.

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

15 Sec. 11.40.410. MALE LIVING WITH OR ON EARNINGS OF
16 PROSTITUTE. A male person who lives with a common prostitute
17 or woman of bad repute, or in whole or in part upon the earn-
18 ings of, or money supplied by a common prostitute or woman of
19 bad repute, is guilty of a felony, and upon conviction is
20 punishable by imprisonment in the penitentiary for a period
21 of not less than one year [TWO YEARS] nor more than five
22 years [20 YEARS].

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

24 Sec. 11.45.010. PUNISHMENT FOR RIOT. A person guilty
25 of participating in a riot, upon conviction, is punishable as
26 follows

27 (1) If a felony or misdemeanor was committed in
28 the course of the riot, he is punishable as a principal in
29 the crime.

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

7 (3) In all other cases, he is punishable by im-
8 prisonment in a jail for not less than three months nor more
9 than one year, or by a fine of not less than \$50 nor more
10 than \$500.

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

12 Sec. 11.50.020. PROHIBITED ACTS AND PUNISHMENT. A
13 person is guilty of a felony and is punishable by imprison-
14 ment in the penitentiary for not less than one year nor more
15 than 10 years, or by a fine of not more than \$5,000, or by
16 both, who

17 (1) by word of mouth or writing, advocates or
18 teaches the duty, necessity or propriety of crime, sabotage,
19 violence or other unlawful methods of terrorism as a means
20 of accomplishing industrial or political reform;

21 (2) prints, publishes, edits, issues or knowingly
22 circulates, sells, distributes, or publicly displays a book,
23 paper, document or other written matter containing or advo-
24 cating, advising or teaching the doctrine that industrial or
25 political reform should be brought about by crime, sabotage,
26 violence or other unlawful methods of terrorism;

27 (3) openly, wilfully and deliberately justifies,
28 by word of mouth or writing, the commission or the attempt to
29 commit crime, sabotage, violence or other unlawful methods of

1 terrorism with intent to exemplify; spread or advocate the
2 propriety of the doctrine of criminal syndicalism; or

3 (4) knowingly and wilfully organizes or helps to
4 organize, or becomes a member of or voluntarily assembles
5 with a society, group or assemblage of persons formed to
6 reach or advocate the doctrine of criminal syndicalism.

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

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

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

18 Sec. 11.55.040. PUNISHMENT FOR POSSESSION BY CONVICT.
19 A person who violates sec. 30 of this chapter is punishable
20 by imprisonment for not less than one year nor more than five
21 years, [NOT EXCEEDING FIVE YEARS] or by a fine not exceeding
22 \$500, or by both.

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

24 Sec. 12.55.050. INCREASED PUNISHMENT FOR PERSONS CON-
25 VICTED OF MORE THAN ONE FELONY. A person convicted of a
26 felony in this state who has been previously convicted of
27 a felony in this state or elsewhere, if the same crime else-
28 where would constitute a felony under Alaska law, is punish-
29 able as follows:

1 (1) If the person is convicted of a felony which
2 would be punishable by imprisonment for a term less than his
3 natural life, and had previously been convicted of one felony,
4 then he is punishable by imprisonment for not less than the
5 minimum nor more than twice the longest term prescribed for
6 the felony of which that person is convicted.

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

11 (3) If the person has previously been convicted
12 of three or more felonies, then on the fourth conviction he
13 shall be adjudged an habitual criminal, and is punishable by
14 imprisonment for not less than 15 [20] years nor more than
15 the remainder of his natural life. The imposition or execu-
16 tion of sentence shall not be suspended.

17 * Sec. 47. AS 12.55.080 is repealed and re-enacted to read:

18 Sec. 12.55.080. SUSPENSION OF SENTENCE AND PROBATION.
19 Upon entering a judgment of conviction of a crime, any court
20 having jurisdiction to try the offender when satisfied that
21 the ends of justice and the best interest of the public as well
22 as the defendant will be served, may suspend the imposition
23 or execution of the sentence and place the defendant on pro-
24 bation for a period and upon terms and conditions the court
25 considers best; provided that when a person has been convicted
26 of murder in the first degree, or obstructing or injuring a
27 railroad or aircraft, or murder in the second degree, or as
28 an habitual criminal under sec. 50(3) of this chapter, the
29 court shall not suspend imposition or execution of the

1 sentence.

2 * Sec. 48. AS 12.55.090 is amended by adding new subsections
3 to read:

4 (d) Probation may not be granted by the sentencing
5 court when the conviction is for murder in the first degree,
6 or obstructing or injuring a railroad, or aircraft, or murder
7 in the second degree, or as an habitual criminal, under sec.
8 50(3) of this chapter.

9 (e) If the court does not suspend the execution or im-
10 position of sentence, either at the original imposition or
11 within 60 days thereafter, or if the court revokes a suspen-
12 sion as provided in sec. 110 of this chapter, the parole
13 board shall acquire exclusive jurisdiction over the prisoner.

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

15 Sec. 15.55.220. GENERAL PENALTY FOR FELONY. A person
16 found guilty of a felony under the provisions of the Alaska
17 Election Code (AS 15.05 - 15.60) is punishable, unless speci-
18 fically provided otherwise, by a fine of not more than
19 \$3,000 or by imprisonment for not less than one year nor
20 more than five years, or by both.

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

22 Sec. 15.65.040. OFFENSES AGAINST ELECTION LAWS. A
23 person who hinders, delays, prevents or obstructs a person
24 from qualifying himself to vote or from lawfully voting at a
25 local election or who knowingly personates and votes or
26 attempts to vote in the name of another person, or who votes
27 more than once at the same election, or votes at a place
28 where or at a time when he is not lawfully entitled to vote,
29 or does any unlawful act to secure an opportunity to vote,

1 for himself or for any other person, or who, by or through
2 force, threat, intimidation, bribery, reward or offer, unlaw-
3 fully votes himself or procures another to vote, or prevents
4 or induces another to refrain from exercising his right of
5 suffrage, or induces an officer of an election to any unlawful
6 act or omit to do his duty in any manner, or who, directly or
7 indirectly, in any manner fraudulently changes or has changed
8 the returns or the true and lawful result of an election or
9 attempts to do the same, or who delays, has delayed, or con-
10 nives at the delay of election returns in any manner or at-
11 tempts to do so, upon conviction is punishable by a fine of
12 not more than \$500 nor less than \$100, or imprisonment for
13 not less than one year nor more than three years, or by both,
14 and shall pay the costs of the prosecution. Every officer of
15 an election who neglects to perform or violates any duty im-
16 posed upon him, or knowingly does any unauthorized act with
17 the intent to affect the election or its result, or who per-
18 mits, makes, or connives at any false count or certificate of
19 election, or who conceals, withholds, destroys, or wilfully
20 delays the returns of election, or connives at the same being
21 done, or who aids, counsels, or procures any person to do or
22 attempt to do any act made a crime in this section, upon con-
23 viction, is punishable by a fine of not less than \$200 nor
24 more than \$1,000, or by imprisonment for not less than one
25 year nor more than five years, or by both and shall pay all
26 costs of the prosecution.

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

28 (b) A person who violates any provision of this chapter
29 relating to the keeping of records by persons authorized to

1 administer or professionally use narcotic drugs, upon convic-
2 tion, is punishable by a fine of not less than \$500 nor more
3 than \$5,000, or by imprisonment for not less than one year nor
4 more than five years, or by both.

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

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

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

12 Sec. 28.10.600. FRAUDULENT APPLICATIONS. A person who
13 fraudulently uses a false or fictitious name in application
14 for the registration of a vehicle or a certificate of title,
15 or knowingly makes a false statement or knowingly conceals a
16 material fact or otherwise commits a fraud in an application
17 for registration is guilty of a felony, and upon conviction
18 is punishable by imprisonment for not less than one year nor
19 more than two years, or by a fine of not more than \$2,000, or
20 by both.

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

22 Sec. 28.10.610. FALSE EVIDENCE OF TITLE AND REGISTRA-
23 TION. A person who (1) alters with fraudulent intent a cer-
24 tificate of title, registration card, registration plate or
25 permit issued by the department, (2) forges or counterfeits
26 a certificate of title, registration card, registration plate
27 or permit, (3) alters or falsifies with fraudulent intent or
28 forges an assignment upon a certificate of title, or (4) holds
29 or uses a certificate of title, registration card, registra-

1 tion plate or permit knowing it is altered, forged, or falsi-
2 fied, is guilty of a felony, and upon conviction is punishable
3 by imprisonment for not less than one year nor more than two
4 years, or by a fine of not more than \$2,000, or by both.

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

6 Sec. 28.10.620. REMOVAL OF VEHICLES FROM STATE. An own-
7 er who removes or has removed from the state an encumbered
8 vehicle, which is subject to this chapter, without the written
9 consent of the mortgagee or conditional vendor is guilty of a
10 felony, and upon conviction is punishable by imprisonment for
11 not less than one year nor more than two years, or by a fine
12 of not more than \$2,000, or by both.

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

14 Sec. 28.10.630. REPRESENTATION BY DEALERS AS TO VEHICLE
15 OF ANOTHER STATE. A dealer or person who represents a vehicle
16 of another state to be new, except new vehicles brought into
17 the state in the ordinary course of business by or through a
18 manufacturer or dealer, and sells or procures the sale of the
19 foreign vehicle as a new vehicle, is guilty of a felony, and
20 upon conviction is punishable by imprisonment for not less than
21 one year nor more than two years, or by a fine of not more
22 than \$2,000, or by both.

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

24 Sec. 33.15.180. PERSONS ELIGIBLE FOR PAROLE. A state
25 prisoner, other than a juvenile delinquent, wherever confined
26 and serving a term the minimum of which is at least 181 days,
27 [DEFINITE TERM OF OVER 180 DAYS] whose record shows that he
28 has observed the rules of the institution in which he is con-
29 fined may, in the discretion of the board, be released on

1 parole, except a person convicted of murder in the first de-
2 gree, or of obstructing a railroad or aircraft, shall not be
3 eligible for parole until he has served 15 years and a person
4 convicted of murder in the second degree or sentenced as a
5 habitual criminal under AS 12.55.050(3) shall not be eligible
6 for parole until he has served five years.

7 * Sec. 58. AS 33.15.230 is repealed.

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

9 Sec. 44.21.050. PENALTY FOR ALLOWANCE OF FALSE, UNJUST
10 OR ILLEGAL CLAIMS. If the commissioner of administration or
11 a person acting in his behalf allows a claim against the state
12 which he knows is false or fraudulent or for which there is
13 not an existing appropriation against which a warrant may be
14 drawn, except where otherwise provided by law, or knows is not
15 a just, true or legal charge against the state, he is guilty
16 of a felony, and upon conviction is punishable by a fine of
17 not more than \$10,000, or by imprisonment for not less than
18 one year nor more than two years, or by both.

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

20 Sec. 47.30.330. CRIMINAL PENALTIES. A person who in-
21 tentiously causes, or attempts to cause, or conspires with
22 another person to cause an individual to be committed to a
23 hospital under secs. 10--340 of this chapter, knowing or hav-
24 ing reasonable grounds for believing that the individual is
25 not mentally ill, and in need of hospitalization, is punish-
26 able by a fine of not more than \$10,000, or by imprisonment
27 for not less than one year nor more than 10 years, or by both.
28 The court may order all or part of the fine paid to the
29 injured individual.

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

2 Sec. 11.25.060. JOINING PARTS OF GENUINE INSTRUMENTS.

3 A person who connects together different parts of several bank
4 notes or other genuine instruments to produce an additional
5 or different note or instrument, with intent to utter or pass
6 all of them as true and genuine, commits a forgery in the
7 same manner and with the same effect as if each of them had
8 been falsely made or forged, and is punishable by imprison-
9 ment in the penitentiary for not less than one year [TWO
10 YEARS] or more than 20 years.

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

12 Sec. 12.55.040. INCREASED PUNISHMENT FOR HABITUAL CRIM-
13 INAL AFTER CONVICTION OF PETTY LARCENY OR MISDEMEANOR IN-
14 VOLVING FRAUD. A person convicted of petty larceny or a
15 misdemeanor in which fraud or intent to defraud is an element
16 who, subsequent to March 9, 1939, has been three times con-
17 victed in this state or elsewhere of a crime which would
18 constitute burglary, larceny except changing brands, em-
19 bezzlement, or obtaining money or property by false pre-
20 tenses under Alaska law shall be adjudged an habitual
21 criminal, and is punishable by imprisonment for not less
22 than one year nor more than 10 years.

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

24 Sec. 42.30.090. PENALTY FOR VIOLATION CAUSING DEATH
25 OR INJURY. When death or bodily injury is caused by the
26 explosion of an article referred to in secs. 60--100 of
27 this chapter while it is being placed on a vessel or
28 vehicle for transportation in violation of secs. 60--100
29 of this chapter, or while it is being transported or re-

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

moved from a vessel or vehicle, the person knowingly placing, or aiding, or permitting the placing of the article upon the vessel or vehicle upon conviction is punishable by imprisonment for not less than one year nor more than 10 years.

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

(a) A person who wilfully violates a provision of this chapter except sec. 160 of this chapter, or who wilfully violates a rule or order under this chapter, or who wilfully violates sec. 160 of this chapter knowing the statement made to be false or misleading in a material respect, upon conviction, is punishable by a fine of not more than \$5,000, or by imprisonment for not less than one year nor more than three years, or by both. However, no 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 a felony, and no minimum term of imprisonment is prescribed, the minimum term is one year, except for crimes committed under AS 11.15.010 - 11.15.020.

* Sec. 66. This Act takes effect on October 1, 1964.