

Introduced: 1/23/74  
Referred: Judiciary

1 IN THE HOUSE

BY HACKNEY AND HUBER

2 HOUSE BILL NO. 452

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to use of firearms during commission  
7 of a felony."

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

9 \* Section 1. AS 11.55 is amended by adding a new section to read:

10 Sec. 11.55.090. USE OF FIREARMS DURING COMMISSION OF A FELONY.

11 (a) A person who has in his possession, under his control, or uses or  
12 discharges a firearm while committing a felony is punishable by imprison-  
13 ment for not less than twice the minimum period of imprisonment set  
14 out in the statute governing the crime for which he was convicted, or  
15 for a period of five years, whichever is greater.

16 (b) Notwithstanding the provisions of AS 12.55.080 - 12.55.090,  
17 no court may suspend any portion of a sentence of a person convicted  
18 under (a) of this section, and no paroling authority may parole a  
19 person so sentenced until that person has served the minimum term  
20 prescribed in (a) of this section.

21 \* Sec. 2. AS 11.05.150 is amended to read:

22 Sec. 11.05.150. IMPOSING LESS THAN PRESCRIBED PENALTY. Except  
23 in a case of murder or rape, or possession, control, use or discharge  
24 of a firearm while committing a felony, the court may, upon conviction,  
25 when in its opinion the facts and circumstances make the minimum  
26 penalty provided in this title manifestly too severe, impose a lesser  
27 penalty, either of a fine or imprisonment or both. When less than the  
28 minimum penalty is imposed, the court shall set out the reasons for  
29 its action on the record in the case.