

1 IN THE HOUSE

BY SAYLORS

CS

2 HOUSE BILL NO. 675

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 the imposition of the death penalty  
7 and changing Rule 35, Rules of Criminal Procedure."

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

9 \* Section 1. AS 11.05 is amended by adding a new section to read:

10 Sec. 11.05.015. PUNISHMENT FOR CERTAIN MURDER CONVICTIONS. (a) A  
11 person convicted of first degree murder under sec. 10 of this chapter  
12 shall be punished by death if the murder was made under any of the  
13 following specific circumstances:

14 (1) the murder was intentional and carried out under an  
15 agreement with the accused; for purposes of this paragraph, agreement  
16 means a bargain by the person who committed the murder to accept valuable  
17 consideration for the act of murder from any person other than the  
18 victim;

19 (2) the victim was a peace officer killed in the course of  
20 performing his official duties;

21 (3) the murder was committed during the commission or attempt-  
22 ed commission of the following crimes:

23 (A) robbery under AS 11.15.240; or

24 (B) kidnapping under AS 11.15.260; however, brief move-  
25 ments of a victim which are merely incidental to the commission of  
26 another offense and which do not substantially increase the victim's  
27 risk of harm over that necessarily inherent in the other offense  
28 do not constitute kidnapping within the meaning of this paragraph;

29 (C) rape under AS 11.15.120;

1 (D) burglary under AS 11.20.080 - 11.20.130;

2 (4) at the time of the murder the convicted person was  
3 confined in a prison or had escaped from confinement in a prison while  
4 serving his term; or

5 (5) the victim murdered was a witness to a crime who was  
6 intentionally murdered for the purpose of preventing his testimony in a  
7 criminal proceeding.

8 (b) The punishment provided for under this section is mandatory  
9 and not subject to the reduction provided for in sec. 150 of this chapter  
10 or suspension provided for under AS 12.55.080 - 12.55.085.

11 (c) The Department of Health and Social Services, in conjunction  
12 with the Department of Public Safety, shall promulgate regulations pro-  
13 viding for the administration of the death penalty required by this  
14 section.

15 \* Sec. 2. AS 11.05.015(b) in sec. 1 of this Act has the effect of  
16 changing Rule 35, Rules of Criminal Procedure, by eliminating the power of  
17 the court to reduce sentences in the case of certain specific murder convic-  
18 tions.