

Original sponsor: Saylor

Offered: 2/28/74

Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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 11.15 is amended by adding a new section to read:

10 Sec. 11.15.015. PUNISHMENT FOR CERTAIN MURDER CONVICTIONS. (a)

11 A 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 valu-  
17 able consideration for the act of murder from any person other than the  
18 victim;

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

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

23 (A) robbery under sec. 240 of this chapter; or

24 (B) kidnapping under sec. 260 of this chapter; however,  
25 brief movements of a victim which are merely incidental to the  
26 commission of another offense and which do not substantially  
27 increase the victim's risk of harm over that necessarily inherent  
28 in the other offense do not constitute kidnapping within the meaning  
29 of this paragraph;

1 (C) forcible rape of a female person against her will;

2 (D) burglary under AS 11.20.080 - 11.20.130;

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

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

9 (b) The punishment provided for under this section is mandatory  
10 and not subject to the reduction provided for in AS 11.05.150 or sus-  
11 pension provided for under AS 12.55.080 - 12.55.085.

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

16 \* Sec. 2. AS 11.15.015(b) in sec. 1 of this Act has the effect of changing  
17 Rule 35, Rules of Criminal Procedure, by eliminating the power of the court  
18 to reduce sentences in the case of certain specific murder convictions.