

Introduced: 3/18/74
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS
COMMITTEE BY REQUEST

2 HOUSE BILL NO. 796 *am*

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 a sentence of
7 life imprisonment; and changing Rule 35, Rules of
8 Criminal Procedure."

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

10 * Section 1. AS 11.15 is amended by adding a new section to read:

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

12 A person convicted of first degree murder under sec. 10 of this chapter
13 shall be punished by life imprisonment if the murder was made under any
14 of the following specific circumstances:

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

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

22 (3) the murder was committed during the commission or
23 attempted commission of the following crimes:

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

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

1 meaning of this paragraph;

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

3 (D) burglary under AS 11.20.080 - 11.20.130;

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

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

10 (b) The punishment provided for under this section is mandatory
11 and not subject to the reduction provided for in AS 11.05.150, the
12 suspension provided for under AS 12.55.080 - 12.55.085, nor is the per-
13 son convicted eligible for probation or parole under AS 33.15.

14 (c) The Department of Health and Social Services, in conjunction
15 with the Department of Public Safety, shall promulgate regulations
16 providing for the administration of this section.

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