

1 IN THE SENATE

BY LEWIS

SS

2 SENATE BILL NO. 296

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.

1 (c) In addition to the penalties prescribed in (a) and (b) of
2 this section, the court may at its discretion require restitution by
3 the convicted person to the agency involved for all expenses incurred
4 as a direct result of the false report.
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