

1 IN THE SENATE

BY LEWIS

2 SPONSOR SUBSTITUTE FOR 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 11.15.295 is amended to read:

10 Sec. 11.15.295. USE OF FIREARMS DURING THE COMMISSION OF [CERTAIN]
11 CRIMES. (a) A person who has in his possession, under his control,
12 or uses or discharges [CARRIES] a firearm during the commission of an
13 offense punishable as a felony [A ROBBERY, ASSAULT, MURDER, RAPE,
14 BURGLARY, OR KIDNAPPING] is guilty of a felony and upon conviction
15 [FOR A FIRST OFFENSE] is punishable by imprisonment for not less than
16 twice the minimum period of imprisonment set out in the statute govern-
17 ing the crime for which he was convicted, or a period of five years,
18 whichever is greater [10 YEARS. UPON CONVICTION FOR A SECOND OR
19 SUBSEQUENT OFFENSE IN VIOLATION OF THIS SECTION, THE OFFENDER SHALL BE
20 IMPRISONED FOR NOT LESS THAN 25 YEARS].

21 * Sec. 2. AS 11.15.295 is amended by adding a new subsection to read:

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

27 * Sec. 3. AS 11.05.150 is amended to read:

28 Sec. 11.05.150. IMPOSING LESS THAN PRESCRIBED PENALTY. Except
29 in a case of murder or rape, or possession, control, use or discharge

1 of a firearm during the commission of an offense punishable as a
2 felony, the court may, upon conviction, when in its opinion the facts
3 and circumstances make the minimum penalty provided in this title
4 manifestly too severe, impose a lesser penalty, either of a fine or
5 imprisonment or both. When less than the minimum penalty is imposed,
6 the court shall set out the reasons for its action on the record in
7 the case.

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