

Original sponsors: Rules Committee
by request

Offered: 5/12/82
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 575 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the criminal laws of the state."

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

8 * Section 1. AS 11.41.200(a)(1) is amended to read:

9 (1) that person recklessly causes [WITH INTENT TO CAUSE]
10 serious physical injury to another person [, HE CAUSES PHYSICAL INJURY
11 TO ANY PERSON] by means of a dangerous instrument;

12 * Sec. 2. AS 11.41.210(a) is repealed and reenacted to read:

13 (a) A person commits the crime of assault in the second degree if
14 (1) with intent to cause physical injury to another person,
15 that person causes physical injury to another person by means of a
16 dangerous instrument; or

17 (2) that person recklessly causes serious physical injury to
18 another person.

19 * Sec. 3. AS 11.41.220(a) is amended to read:

20 (a) A person commits the crime of assault in the third degree if
21 that person [HE] recklessly

22 (1) places another person in fear of imminent serious phys-
23 ical injury by means of a dangerous instrument; or

24 (2) causes physical injury to another person by means of a
25 dangerous instrument.

26 * Sec. 4. AS 11.41.230(a)(3) is amended to read:

27 (3) by words or other conduct that person recklessly [HE
28 INTENTIONALLY] places another person in fear of imminent physical
29 injury.

1 * Sec. 5. AS 11.46.200 is amended by adding a new subsection to read:

2 (c) Notwithstanding the provisions of this section, it is lawful
3 for a person to intercept satellite telecommunications if the intercep-
4 tion is not for commercial advantage or is not done with the intent to
5 defraud a commercial provider of a service listed in AS 11.81.900(b)(50).

6 * Sec. 6. AS 11.46.482(a) is amended by adding a new paragraph to read:

7 (5) that person sells, leases, trades, or offers for sale,
8 lease, or trade, any device designed to intercept cable, microwave,
9 subscription, or pay television, or any other telecommunications serv-
10 ice, with intent to defraud another of the lawful charges for the
11 service.

12 * Sec. 7. AS 11.46.482 is amended by adding a new subsection to read:

13 (c) Notwithstanding the provisions of (a) of this section, it is
14 lawful for a person to sell a device for the interception of satellite
15 telecommunications if the interception is not for commercial advantage
16 or is not intended to defraud a commercial provider of a service listed
17 in AS 11.81.900(b)(50).

18 * Sec. 8. AS 11.81 is amended by adding a new section to read:

19 Sec. 11.81.635. MENTAL DISEASE OR DEFECT EXCLUDING RESPONSIBILITY.

20 (a) In a prosecution for a crime, it is an affirmative defense that
21 when the defendant engaged in the criminal conduct, that as a result of
22 a mental disease or defect, the defendant lacked substantial capacity
23 either to appreciate the wrongfulness of the conduct engaged in or to
24 conform the conduct engaged in to the requirements of law.

25 (b) Evidence solely of an abnormality which is manifested only by
26 repeated criminal or otherwise antisocial conduct is not sufficient to
27 establish the affirmative defense specified in (a) of this section.

28 * Sec. 9. AS 11.81.900(b)(49) is repealed and reenacted to read:

29 (49) "serious physical injury" means

1 (A) physical injury caused by an act performed under
2 circumstances which create a substantial risk of death; or

3 (B) physical injury which causes serious and protracted
4 disfigurement, protracted impairment of health, or protracted loss
5 or impairment of the function of a body member or organ, or which
6 unlawfully terminates a pregnancy;

7 * Sec. 10. AS 11.81.900(b)(50) is amended to read:

8 (50) "services" includes labor, professional services, trans-
9 portation, telephone or other communications service, entertainment
10 including cable, microwave, subscription, or pay television or any other
11 telecommunications service, the supplying of food, lodging, or other
12 accommodations in hotels, restaurants, or elsewhere, admissions to
13 exhibitions, and the supplying of equipment for use;

14 * Sec. 11. AS 12.55.155(c)(8) is repealed and reenacted to read:

15 (8) the defendant's prior criminal history includes conduct
16 involving aggravated or repeated instances of assaultive behavior;

17 * Sec. 12. AS 12.55.155(c) is amended by adding new paragraphs to read:

18 (19) the defendant's prior criminal history includes an ad-
19 judication as a delinquent for conduct that would have been a felony if
20 committed by an adult;

21 (20) the defendant knowingly directed the conduct consti-
22 tuting the offense at a victim because of that person's race, sex, color,
23 creed, ancestry, or national origin.

24 * Sec. 13. AS 12.45.083 is repealed.
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