

Original sponsor: Rules/Governor

Offered: 3/17/82
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 535 (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) he recklessly causes [WITH INTENT TO CAUSE] serious physical injury to another person [, HE CAUSES PHYSICAL INJURY 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 AS 11.41.210(a) is repealed and reenacted to read: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

he causes physical injury to another person by means of a dangerous instrument; or

16

17

(2) he recklessly causes serious physical injury to another

18

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 he recklessly

21

22

(1) places another person in fear of imminent serious physical injury by means of a dangerous instrument; or

23

24

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

25

26

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

27

(3) by words or other conduct he recklessly [INTENTIONALLY] places another person in fear of imminent physical injury.

28

29

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

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

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

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

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

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

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

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

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

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

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

27 (49) "serious physical injury" means

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

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

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

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

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

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

15 * Sec. 12. AS 12.55.155(c) is amended by adding a new paragraph to read:

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

19 * Sec. 13. AS 12.45.083 is repealed.
20
21
22
23
24
25
26
27
28
29