

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 715

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 mandatory sentencing for sexual
7 assault crimes."

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

9 * Section 1. AS 12.55.125(f) is amended to read:

10 (f) If a defendant is sentenced under (a), [OR] (b), (i), (j),
11 (k), (l), or (m) of this section,

12 (1) imprisonment for the prescribed minimum term may not be
13 suspended under AS 12.55.080;

14 (2) imposition of sentence may not be suspended under AS 12.-
15 55.085;

16 (3) imprisonment for the prescribed minimum term may not be
17 otherwise reduced.

18 * Sec. 2. AS 12.55.125 is amended by adding new subsections to read:

19 (i) A defendant convicted of sexual assault in the first degree
20 shall be sentenced to a definite term of imprisonment of not less than
21 20 years and not more than 99 years.

22 (j) A defendant convicted of sexual assault in the second degree
23 shall be sentenced to a definite term of imprisonment of not less than
24 10 years and not more than 99 years.

25 (k) A defendant convicted of sexual assault in the third degree
26 shall be sentenced to a definite term of imprisonment of not less than
27 five years and not more than 99 years.

28 (l) A defendant convicted of sexual abuse of a minor shall be
29 sentenced to a definite term of imprisonment of not less than three

1 years and not more than 99 years.

2 (m) A defendant convicted of sexual assault in the first, second,
3 or third degree shall be sentenced to prison for life if in conjunction
4 with his sexual assault conviction he is convicted of, or in accordance
5 with AS 12.55.145 he has a prior conviction of, or within seven years
6 immediately preceding his present sexual assault conviction he was
7 released on parole or otherwise from prison or other commitment imposed
8 as a result of a conviction of,

- 9 (1) murder in the first degree (AS 11.41.100);
- 10 (2) murder in the second degree (AS 11.41.110);
- 11 (3) assault in the first degree (AS 11.41.200);
- 12 (4) assault in the second degree (AS 11.41.210);
- 13 (5) kidnapping (AS 11.41.300);
- 14 (6) sexual assault in the first degree (AS 11.41.410);
- 15 (7) sexual assault in the second degree (AS 11.41.420);
- 16 (8) robbery in the first degree (AS 11.41.500);
- 17 (9) robbery in the second degree (AS 11.41.510); or
- 18 (10) burglary in the first degree (AS 11.46.400).

19 * Sec. 3. AS 11.81.250(a) is amended to read:

20 (a) For purposes of sentencing under AS 12.55, all offenses defined
21 in this title, except murder in the first and second degree, [AND]
22 kidnapping, sexual assault in the first, second, or third degree, and
23 sexual abuse of a minor are classified on the basis of their seriousness,
24 according to the type of injury characteristically caused or risked by
25 commission of the offense and the culpability of the offender. Except
26 for murder in the first and second degree, [AND] kidnapping, sexual
27 assault in the first, second, or third degree, and sexual abuse of a
28 minor the offenses in this title are classified into the following cate-
29 gories:

1 (1) class A felonies, which characteristically involve conduct
2 resulting in serious physical injury or a substantial risk of serious
3 physical injury to a person;

4 (2) class B felonies, which characteristically involve conduct
5 resulting in less severe violence against a person than class A felonies,
6 aggravated offenses against property interests, or aggravated offenses
7 against public administration or order;

8 (3) class C felonies, which characteristically involve conduct
9 serious enough to deserve felony classification but not serious enough
10 to be classified as A or B felonies;

11 (4) class A misdemeanors, which characteristically involve
12 less severe violence against a person, less serious offenses against
13 property interests, less serious offenses against public administration
14 or order, or less serious offenses against public health and decency
15 than felonies;

16 (5) class B misdemeanors, which characteristically involve a
17 minor risk of physical injury to a person, minor offenses against
18 property interests, minor offenses against public administration or
19 order, or minor offenses against public health and decency;

20 (6) violations, which characteristically involve conduct
21 inappropriate to an orderly society but which do not denote criminality
22 in their commission.

23 * Sec. 4. AS 11.81.250(b) is amended to read:

24 (b) The classification of each felony defined in this title,
25 except murder in the first and second degree, [AND] kidnapping, sexual
26 assault in the first, second, or third degree, and sexual abuse of a
27 minor is designated in the section defining it. A felony under Alaska
28 law defined outside this title for which no penalty is specifically
29 provided is a class C felony.

1 * Sec. 5. The following laws are repealed: AS 11.41.410(b), 11.41.-
2 420(b), 11.41.430(b), and 11.41.440(b).

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