

Introduced: 1/17/83  
Referred: Judiciary

BY HAYES, FLOOD  
AND LINDAUER

1 IN THE HOUSE

2 HOUSE BILL NO. 2

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to penalties for the use of restric-  
7 ted ammunition in the commission of a crime."

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

9 \* Section 1. AS 12.55.125 is amended by adding a new subsection to  
10 read:

11 (j) Notwithstanding any provision that limits or reduces the  
12 term of imprisonment imposed under this section, if a defendant is  
13 sentenced under this section for committing a crime of violence and at  
14 the time of committing the crime the defendant used or carried a  
15 handgun loaded with armor-piercing ammunition, the defendant, in  
16 addition to the punishment provided for the commission of the crime,  
17 shall be sentenced to a term of imprisonment for not less than five  
18 years and the following sentencing guidelines apply:

19 (1) the term of imprisonment imposed under this subsection  
20 is in addition to that imposed under (c)(2) of this section;

21 (2) the term of imprisonment imposed under this subsection  
22 may not be suspended under AS 12.55.080;

23 (3) imposition of sentence may not be suspended under  
24 AS 12.55.085;

25 (4) imprisonment for the prescribed minimum term may not be  
26 otherwise reduced;

27 (5) the term of imprisonment imposed under this subsection  
28 may not be served concurrently with any other term of imprisonment  
29 including that imposed for the felony in which the handgun loaded with

1 armor-piercing ammunition was used or carried;

2 (6) no person sentenced under this subsection may be eligi-  
3 ble for parole.

4 \* Sec. 2. AS 12.55.185 is amended by adding new paragraphs to read:

5 (11) "armor-piercing ammunition" means ammunition that, if  
6 fired from a handgun used or carried in committing a crime of violence  
7 under the test procedure of the National Institute of Law Enforcement  
8 and Criminal Justice Standard for the Ballistics Resistance of Police  
9 Body Armor (December, 1978), is determined to be capable of penetrat-  
10 ing bullet-resistant apparel or body armor meeting the requirements of  
11 Type IIA of Standard NILECJ-STD-0101.01 as formulated by the United  
12 States Department of Justice and published in December, 1978;

13 (12) "crime of violence" means an offense that has as an  
14 element of the offense the use, attempted use, or threatened use of  
15 physical force against the person or property of another or that, by  
16 its nature, involves a substantial risk that physical force against  
17 the person or property of another may be used in the course of commit-  
18 ting the offense;

19 (13) "handgun" means a firearm, including a pistol or re-  
20 volver, originally designed to be fired by the use of a single hand.