

Introduced: 2/23/83
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY LACHER AND SZYMANSKI

2

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 100

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 assaulting a peace officer, fire
7 fighter, or emergency responder."

8

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

9

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

10

(b) Except as provided in AS 11.41.240, assault [ASSAULT] in the

11

first degree is a class A felony.

12

* Sec. 2. AS 11.41.210(b) is amended to read:

13

(b) Except as provided in AS 11.41.240, assault [ASSAULT] in the

14

second degree is a class B felony.

15

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

16

(b) Except as provided in AS 11.41.240, assault [ASSAULT] in the

17

third degree is a class C felony.

18

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

19

(b) Except as provided in AS 11.41.240, assault [ASSAULT] in the

20

fourth degree is a class A misdemeanor.

21

* Sec. 5. AS 11.41 is amended by adding a new section to read:

22

Sec. 11.41.240. CLASSIFICATION OF OFFENSES INVOLVING ASSAULT

23

AGAINST A PEACE OFFICER, FIRE FIGHTER, OR EMERGENCY RESPONDER. If a

24

person commits an assault under AS 11.41.200 - 11.41.230 against a

25

peace officer, fire fighter, emergency technician, paramedic, ambu-

26

lance attendant, or other emergency responder while in the performance

27

of official duties, that person commits

28

(1) an unclassified felony if the assault is punishable

29

under AS 11.41.200;

1 (2) a class A felony if the assault is punishable under
2 AS 11.41.210;

3 (3) a class B felony if the assault is punishable under
4 AS 11.41.220;

5 (4) a class C felony if the assault is punishable under
6 AS 11.41.230.

7 * Sec. 6. AS 11.81.250(a) is amended to read:

8 (a) For purposes of sentencing under AS 12.55, all offenses
9 defined in this title, except murder in the first and second degree,
10 sexual assault in the first degree, [AND] kidnapping, and assault
11 classified under AS 11.41.240(1), are classified on the basis of their
12 seriousness, according to the type of injury characteristically caused
13 or risked by commission of the offense and the culpability of the
14 offender. Except for murder in the first and second degree, sexual
15 assault in the first degree, [AND] kidnapping, and assault classified
16 under AS 11.41.240(1), the offenses in this title are classified into
17 the following categories:

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

21 (2) class B felonies, which characteristically involve
22 conduct resulting in less severe violence against a person than class
23 A felonies, aggravated offenses against property interests, or aggra-
24 vated offenses against public administration or order;

25 (3) class C felonies, which characteristically involve
26 conduct serious enough to deserve felony classification but not seri-
27 ous enough to be classified as A or B felonies;

28 (4) class A misdemeanors, which characteristically involve
29 less severe violence against a person, less serious offenses against

1 property interests, less serious offenses against public administra-
2 tion or order, or less serious offenses against public health and
3 decency than felonies;

4 (5) class B misdemeanors, which characteristically involve
5 a minor risk or physical injury to a person, minor offenses against
6 property interests, minor offenses against public administration or
7 order, or minor offenses against public health and decency;

8 (6) violations, which characteristically involve conduct
9 inappropriate to an orderly society but which do not denote criminal-
10 ity in their commission.

11 * Sec. 7. AS 11.81.250(b) is amended to read:

12 (b) The classification of each felony defined in this title,
13 except murder in the first and second degree, sexual assault in the
14 first degree, [AND] kidnapping, and assault classified under AS 11.-
15 41.240(1), is designated in the section defining it. A felony under
16 Alaska law defined outside this title for which no penalty is specif-
17 ically provided is a class C felony.

18 * Sec. 8. AS 12.55.125(b) is amended to read:

19 (b) A defendant convicted of murder in the second degree, kid-
20 napping, [OR] misconduct involving a controlled substance in the first
21 degree, or assault classified under AS 11.41.240(1), shall be sen-
22 tenced to a definite term of imprisonment of at least five years but
23 not more than 99 years.