

Offered: 3/2/83
Referred: Rules

Original sponsors: Rodey, Ray,
Moss et al

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 24 (Judiciary) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to penalties for assaulting a peace

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officer, fire fighter, correctional officer, or other

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emergency responder."

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

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* Section 1. AS 12.55.125(c)(2) is amended to read:

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(2) if the offense is a first felony conviction, other than

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for manslaughter, and the defendant possessed a firearm, used a dan-

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gerous instrument, or caused serious physical injury during the com-

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mission of the offense, or knowingly directed the conduct constituting

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the offense at a uniformed or otherwise clearly identified peace

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officer, fire fighter, correctional officer, emergency medical techni-

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cian, paramedic, ambulance attendant, or other emergency responder who

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was engaged in the performance of official duties at the time of the

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offense, seven years;

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* Sec. 2. AS 12.55.125(d) is amended by adding a new paragraph to read:

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(3) if the offense is a first felony conviction, and the

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defendant knowingly directed the conduct constituting the offense at a

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uniformed or otherwise clearly identified peace officer, fire fighter,

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correctional officer, emergency medical technician, paramedic, ambu-

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lance attendant, or other emergency responder who was engaged in the

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performance of official duties at the time of the offense, two years.

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* Sec. 3. AS 12.55.125(e) is amended by adding a new paragraph to read:

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(3) if the offense is a first felony conviction, and the

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defendant knowingly directed the conduct constituting the offense at a

1 uniformed or otherwise clearly identified peace officer, fire fighter,
2 correctional officer, emergency medical technician, paramedic, ambu-
3 lance attendant, or other emergency responder who was engaged in the
4 performance of official duties at the time of the offense, one year.

5 * Sec. 4. AS 12.55.135(c) is amended to read:

6 (c) A defendant convicted of assault in the fourth degree com-
7 mitted in violation of the provisions of an order issued under AS 09.-
8 55.600 or 09.55.610 shall be sentenced to a minimum term of imprison-
9 ment of 20 days. [THE EXECUTION OF SENTENCE MAY NOT BE SUSPENDED AND
10 PROBATION OR PAROLE MAY NOT BE GRANTED UNTIL THE MINIMUM TERM OF
11 IMPRISONMENT HAS BEEN SERVED. IMPOSITION OF SENTENCE MAY NOT BE
12 SUSPENDED, EXCEPT UPON CONDITION THAT THE DEFENDANT BE IMPRISONED FOR
13 NO LESS THAN THE MINIMUM TERM OF IMPRISONMENT PROVIDED IN THIS SEC-
14 TION, AND THE MINIMUM SENTENCE PROVIDED FOR IN THIS SECTION MAY NOT BE
15 OTHERWISE REDUCED.]

16 * Sec. 5. AS 12.55.135 is amended by adding new subsections to read:

17 (d) A defendant convicted of assault in the fourth degree upon a
18 uniformed or otherwise clearly identified peace officer, fire fighter,
19 correctional officer, emergency medical technician, paramedic, ambu-
20 lance attendant, or other emergency responder who was engaged in the
21 performance of official duties at the time of the assault shall be
22 sentenced to a minimum term of imprisonment of 30 days.

23 (e) The execution of a sentence under (c) or (d) of this section
24 may not be suspended and probation or parole may not be granted until
25 the minimum term of imprisonment has been served. Imposition of a
26 sentence under (c) or (d) of this section may not be suspended, except
27 upon condition that the defendant be imprisoned for no less than the
28 minimum term of imprisonment provided in (c) or (d) of this section,
29 and the minimum sentence provided for in (c) or (d) of this section

1 may not be otherwise reduced.

2 * Sec. 6. AS 12.55.155(c)(13) is amended to read:

3 (13) the defendant knowingly directed the conduct constitut-
4 ing the offense at an active officer of the court or at an active or
5 former judicial officer, prosecuting attorney, law enforcement offi-
6 cer, correctional employee, fire fighter, emergency medical techni-
7 cian, paramedic, ambulance attendant, or other emergency responder [OR
8 FIREMAN] during or because of the exercise of [HIS] official duties;

9 * Sec. 7. AS 12.55.155(e) is amended to read:

10 (e) If a factor in aggravation is a necessary element of the
11 present offense, or requires the imposition of a presumptive term
12 under AS 12.55.125(c)(2), (d)(3) or (e)(3), that factor may not be
13 used to aggravate the presumptive term. If a factor in mitigation is
14 raised at trial as a defense reducing the offense charged to a lesser
15 included offense, that factor may not be used to mitigate the presump-
16 tive term.