

Introduced: 5/11/85  
Referred: Judiciary and  
Finance

1 IN THE HOUSE

BY MARROU

2 HOUSE BILL NO. 442

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mandatory sentencing."

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

8 \* Section 1. AS 12.55.125(a) is amended to read:

9 (a) A defendant convicted of murder in the first degree shall be  
10 sentenced to a definite term of imprisonment of

11 (1) at least 20 years but not more than 99 years; or

12 (2) if the defendant used a firearm during the commission  
13 of the offense, at least 30 years but not more than 99 years.

14 \* Sec. 2. AS 12.55.125(b) is amended to read:

15 (b) A defendant convicted of murder in the second degree, kid-  
16 napping, or misconduct involving a controlled substance in the first  
17 degree shall be sentenced to a definite term of imprisonment of

18 (1) at least five years but not more than 99 years; or

19 (2) if the defendant used a firearm during the commission  
20 of the offense, at least seven and one-half years but not more than 99  
21 years.

22 \* Sec. 3. AS 12.55.125(c) is amended to read:

23 (c) A defendant convicted of a class A felony may be sentenced  
24 to a definite term of imprisonment of not more than 20 years, and  
25 shall be sentenced to the following presumptive terms, subject to  
26 adjustment as provided in AS 12.55.155 - 12.55.175:

27 (1) if the offense is a first felony conviction and does  
28 not involve circumstances described in (2) of this subsection, five  
29 years;

1           (2) if the offense is a first felony conviction, other than  
2 for manslaughter, and the defendant possessed a firearm, used a dan-  
3 gerous instrument other than a firearm, or caused serious physical  
4 injury during the commission of the offense, or knowingly directed the  
5 conduct constituting the offense at a uniformed or otherwise clearly  
6 identified peace officer, fire fighter, correctional officer, emer-  
7 gency medical technician, paramedic, ambulance attendant, or other  
8 emergency responder who was engaged in the performance of official  
9 duties at the time of the offense, seven years;

10           (3) if the offense is a first felony conviction, other than  
11 for manslaughter, and the defendant used a firearm during the commis-  
12 sion of the offense, seven and one-half years;

13           (4) if the offense is a second felony conviction, 10 years;  
14 or if the defendant used a firearm during the commission of the  
15 offense, 15 years;

16           (5) [(4)] if the offense is a third felony conviction, 15  
17 years; or if the defendant used a firearm during the commission of the  
18 offense, 22 and one-half years.

19 \* Sec. 4. AS 12.55.125(d) is amended to read:

20           (d) A defendant convicted of a class B felony may be sentenced  
21 to a definite term of imprisonment of not more than 10 years, and  
22 shall be sentenced to the following presumptive terms, subject to  
23 adjustment as provided in AS 12.55.155 - 12.55.175:

24           (1) if the offense is a second felony conviction, four  
25 years; or if the defendant used a firearm during the commission of the  
26 offense, six years;

27           (2) if the offense is a third felony conviction, six years;  
28 or if the defendant used a firearm during the commission of the  
29 offense, nine years;

1 (3) if the offense is a first felony conviction, and the  
2 defendant knowingly directed the conduct constituting the offense at a  
3 uniformed or otherwise clearly identified peace officer, fire fighter,  
4 correctional officer, emergency medical technician, paramedic, ambu-  
5 lance attendant, or other emergency responder who was engaged in the  
6 performance of official duties at the time of the offense, two years;

7 (4) if the offense is a first felony conviction and the  
8 defendant used a firearm during the commission of the offense, three  
9 years.

10 \* Sec. 5. AS 12.55.125(e) is amended to read:

11 (e) A defendant convicted of a class C felony may be sentenced  
12 to a definite term of imprisonment of not more than five years, and  
13 shall be sentenced to the following presumptive terms, subject to  
14 adjustment as provided in AS 12.55.155 - 12.55.175:

15 (1) if the offense is a second felony conviction, two  
16 years; or if the defendant used a firearm during the commission of the  
17 offense, three years;

18 (2) if the offense is a third felony conviction, three  
19 years; or if the defendant used a firearm during the commission of the  
20 offense, four and one-half years;

21 (3) if the offense is a first felony conviction, and the  
22 defendant knowingly directed the conduct constituting the offense at a  
23 uniformed or otherwise clearly identified peace officer, fire fighter,  
24 correctional officer, emergency medical technician, paramedic, ambu-  
25 lance attendant, or other emergency responder who was engaged in the  
26 performance of official duties at the time of the offense, one year;

27 (4) if the offense is a first felony conviction and the  
28 defendant used a firearm during the commission of the offense, one and  
29 one-half years.

1 \* Sec. 6. AS 12.55.125(i) is amended to read:

2 (i) A defendant convicted of sexual assault in the first degree  
3 or sexual abuse of a minor in the first degree may be sentenced to a  
4 definite term of imprisonment of not more than 30 years, and shall be  
5 sentenced to the following presumptive terms, subject to adjustment as  
6 provided in AS 12.55.155 - 12.55.175:

7 (1) if the offense is a first felony conviction and does  
8 not involve circumstances described in (2) of this subsection, eight  
9 years;

10 (2) if the offense is a first felony conviction, and the  
11 defendant possessed a firearm, used a dangerous instrument other than  
12 a firearm, or caused serious physical injury during the commission of  
13 the offense, 10 years;

14 (3) if the offense is a first felony conviction and the  
15 defendant used a firearm during the commission of the offense, 12  
16 years;

17 (4) if the offense is a second felony conviction, 15 years;  
18 or if the defendant used a firearm during the commission of the  
19 offense, 22 and one-half years;

20 (5) [(4)] if the offense is a third felony conviction, 25  
21 years; or if the defendant used a firearm during the commission of the  
22 offense, 29 years.

23 \* Sec. 7. AS 12.55.125 is amended by adding a new subsection to read:

24 (j) In this section, a person "used" a firearm or other danger-  
25 ous instrument if the person inflicted, attempted to inflict, or  
26 threatened to inflict injury or death upon another through the use of  
27 the firearm or other dangerous instrument.