

Offered: 5/6/88
Referred: Rules

5-0977L

Original sponsors: Hudson, Ulmer,
Larson, et al.

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 229 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act amending the definition of murder in the
7 first degree to include homicide by a pattern or
8 practice of assault or torture of a child under the
9 age of 16."

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

11 * Section 1. AS 11.41.100(a) is amended to read:

12 (a) A person commits the crime of murder in the first degree if
13 (1) [,] with intent to cause the death of another person,
14 the person

15 (A) [(1)] causes the death of any person; or

16 (B) [(2)] compels or induces any person to commit
17 suicide through duress or deception; or

18 (2) the person knowingly engages, under circumstances
19 manifesting extreme indifference to the value of human life, in a
20 pattern or practice of assault or torture of a child under the age of
21 16, and one of the acts of assault or torture results in the death of
22 the child; for purposes of this paragraph, a person "engages in a
23 pattern or practice of assault or torture" if the person inflicts
24 serious physical injury to the child by at least two separate acts,
25 and one of the acts results in the death of the child.

26 * Sec. 2. AS 11.41.115(a) is amended to read:

27 (a) In a prosecution under AS 11.41.100(a)(1)(A) [AS 11.41.-
28 100(a)(1)] or 11.41.110(a)(1), it is a defense that the defendant
29 acted in a heat of passion, before there had been a reasonable

- 1 opportunity for the passion to cool, when the heat of passion resulted
- 2 from a serious provocation by the intended victim.