

Original sponsors: Hanley, Barnes,
Pettyjohn, et al.

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 371 (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 relating to attempted murder in the first
7 degree."

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

9 * Section 1. AS 11.31.100(d) is amended to read:

10 (d) An attempt is [A]

11 (1) an unclassified felony if the crime attempted is murder
12 in the first degree;

13 (2) a class A felony if the crime attempted is an unclassi-
14 fied felony other than murder in the first degree;

15 (3) a [(2)] class B felony if the crime attempted is a
16 class A felony;

17 (4) a [(3)] class C felony if the crime attempted is a
18 class B felony;

19 (5) a [(4)] class A misdemeanor if the crime attempted is a
20 class C felony;

21 (6) a [(5)] class B misdemeanor if the crime attempted is a
22 class A or class B misdemeanor.

23 * Sec. 2. AS 11.81.250(a) is amended to read:

24 (a) For purposes of sentencing under AS 12.55, all offenses
25 defined in this title, except murder in the first and second degree,
26 attempted murder in the first degree, sexual assault in the first
27 degree, sexual abuse of a minor in the first degree, misconduct in-
28 volving a controlled substance in the first degree, and kidnapping,
29 are classified on the basis of their seriousness, according to the

1 type of injury characteristically caused or risked by commission of
2 the offense and the culpability of the offender. Except for murder in
3 the first and second degree, attempted murder in the first degree,
4 sexual assault in the first degree, sexual abuse of a minor in the
5 first degree, misconduct involving a controlled substance in the first
6 degree, and kidnapping, the offenses in this title are classified into
7 the following categories:

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

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

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

18 (4) class A misdemeanors, which characteristically involve
19 less severe violence against a person, less serious offenses against
20 property interests, less serious offenses against public administra-
21 tion or order, or less serious offenses against public health and
22 decency than felonies;

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

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

1 * Sec. 3. AS 11.81.250(b) is amended to read:

2 (b) The classification of each felony defined in this title,
3 except murder in the first and second degree, attempted murder in the
4 first degree, sexual assault in the first degree, sexual abuse of a
5 minor in the first degree, misconduct involving a controlled substance
6 in the first degree, and kidnapping, is designated in the section
7 defining it. A felony under Alaska law defined outside this title for
8 which no penalty is specifically provided is a class C felony.

9 * Sec. 4. AS 12.55.035(b) is amended to read:

10 (b) Upon conviction of an offense, a defendant who is not an
11 organization may be sentenced to pay, unless otherwise specified in
12 the provision of law defining the offense, a fine of no more than

13 (1) \$75,000 for murder in the first or second degree,
14 attempted murder in the first degree, sexual assault in the first
15 degree, kidnapping, or misconduct involving a controlled substance in
16 the first degree;

17 (2) \$50,000 for a class A, B, or C felony;

18 (3) \$5,000 for a class A misdemeanor;

19 (4) \$1,000 for a class B misdemeanor;

20 (5) \$300 for a violation.

21 * Sec. 5. AS 12.55.125(b) is amended to read:

22 (b) A defendant convicted of murder in the second degree,
23 attempted murder in the first degree, kidnapping, or misconduct in-
24 volving a controlled substance in the first degree shall be sentenced
25 to a definite term of imprisonment of at least five years but not more
26 than 99 years.