

**HOUSE BILL NO. 231**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE KOTT**

**Introduced: 3/16/93  
Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to aggravating and mitigating factors at sentencing."**

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

3 **\* Section 1. AS 12.55.155(c)(18) is amended to read:**

4 **(18) the offense was a crime**

5 **(A) specified in AS 11.41 and was committed against a spouse,**  
6 **a former spouse, or a member of the social unit comprised of those living**  
7 **together in the same dwelling as the defendant; or**

8 **(B) specified in AS 11.41.410 - 11.41.460 [AND WAS**  
9 **COMMITTED AGAINST A MINOR,] and the defendant has engaged in**  
10 **conduct prohibited by a provision of AS 11.41.410 - 11.41.460 involving the**  
11 **same or another victim [DEFENDANT HAS ENGAGED IN THE SAME OR**  
12 **SIMILAR CONDUCT INVOLVING THE SAME OR ANOTHER VICTIM**  
13 **WHO WAS A MINOR; OR**

14 **(C) SPECIFIED IN AS 11.41.410 - 11.41.425 OR 11.41.455,**

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AND THE DEFENDANT HAS PREVIOUSLY ENGAGED IN CONDUCT COVERED BY ONE OF THOSE SECTIONS INVOLVING THE SAME OR ANOTHER VICTIM];

\* Sec. 2. AS 12.55.155(d) is amended by adding a new subsection to read:

(18) a prior felony conviction considered for the purpose of invoking the presumptive terms of this chapter was of a less serious class of offenses than the present offense.

\* Sec. 3. AS 12.55.165(b) is amended to read:

(b) In making a determination under (a) of this section, the court may not refer a case to a three-judge panel based on the defendant's potential for rehabilitation if the court finds the presence of [THAT] a factor in aggravation set out in

(1) AS 12.55.155(c)(2), (8), (10), (12), (15), (17), [(18)(B),] (20), (21), or (28); or

(2) AS 12.55.155(c)(18)(B) and the crime was committed against a minor and the defendant has engaged in the same or similar conduct involving the same or another victim who was a minor [IS PRESENT].