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COMMITTEE REPORT

SENATE

1/18/83

FURTHER: NONE

Date: 2/2/83

Mr. President:

The Committee on JUDICIARY has had SENATE BILL NO. 25

An Act relating to assaulting a peace officer, fire fighter, or emergency responder.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SENATE BILL NO. 25 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

1 IN THE SENATE

BY RODEY

2 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 24 (JUDICIARY)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to penalties for assaulting a peace
7 officer, fire fighter, or other emergency responder."

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

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

10 (2) if the offense is a first felony conviction, other than
11 for manslaughter, and the defendant possessed a firearm, used a
12 dangerous instrument, ^{or} ~~and~~ caused serious physical injury during the
13 commission of the offense, or knowingly directed the conduct
14 constituting the offense at a uniformed or otherwise clearly
15 identified peace officer, fire fighter, emergency medical technician,
16 paramedic, ambulance attendant, or other emergency responder who was
17 engaged in the performance of official duties at the time of the
18 offense, seven years;

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

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 emergency medical technician, paramedic, ambulance attendant, or other
25 emergency responder who was engaged in the performance of official
26 duties at the time of the offense, two years.

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

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

1 defendant knowingly directed the conduct constituting the offense at a
2 uniformed or otherwise clearly identified peace officer, fire fighter,
3 emergency medical technician, paramedic, ambulance attendant, or other
4 emergency responder who was engaged in the performance of official
5 duties at the time of the offense, one year.

6 * Section 4. AS 12.55.135 is amended by adding a new subsection to
7 read:

8 (d) A defendant convicted of assault in the fourth degree upon a
9 uniformed or otherwise clearly identified peace officer, fire fighter,
10 emergency medical technician, paramedic, ambulance attendant, or other
11 emergency responder who was engaged in the performance of official
12 duties at the time of the assault shall be sentenced to a minimum term
13 of imprisonment of 30 days. The execution of sentence may not be
14 suspended and probation or parole may not be granted until the minimum
15 term of imprisonment has been served. Imposition of sentence may not
16 be suspended, except upon condition that the defendant be imprisoned
17 for no less than the minimum term of imprisonment provided in this
18 section, and the minimum sentence provided for in this section may not
19 be otherwise reduced.

20 * Section 5. AS 12.55.155(e) is amended to read:

21 (e) If a factor in aggravation is a necessary element of the
22 present offense, or requires the imposition of a presumptive term
23 under AS 12.55.125(c) (2), (d) (3) or (e) (3), that factor may not be
24 used to aggravate the presumptive term. If a factor in mitigation is
25 raised at trial as a defense reducing the offense charged to a lesser
26 included offense, that factor may not be used to mitigate the
27 presumptive term.
28
29

Introduced: 1/18/83
Referred: Judiciary

BY RODEY, RAY, MOSS,
PETTYJOHN, FERGUSON,
JOSEPHSON, V.FISCHER
AND P.FISCHER

1 IN THE SENATE

2

SENATE BILL NO. 24

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to assaulting a peace officer, fire
7 fighter, or emergency responder."

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

9 * Section 1. AS 11.41.220(a) is amended to read:

10 (a) A person commits the crime of assault in the third degree if
11 that person recklessly

12 (1) places another person in fear of imminent serious
13 physical injury by means of a dangerous instrument; [OR]

14 (2) causes physical injury to another person by means of a
15 dangerous instrument ; or

16 (3) causes physical injury to a peace officer, fire
17 fighter, emergency medical technician, paramedic, ambulance attendant,
18 REGARDLESS OF RANK, FUNCTIONS OR DUTIES,
or other emergency responder/while in the performance of official
19 duties.

Introduced: 1/18/83
Referred: Judiciary

BY RODEY, RAY, MOSS,
PETTYJOHN, FERGUSON,
JOSEPHSON, V. FISCHER
AND P. FISCHER

1 IN THE SENATE

2

SENATE BILL NO. 24

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

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A BILL

6 For an Act entitled: "An Act relating to assaulting a peace officer, fire
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11 that person recklessly

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13 physical injury by means of a dangerous instrument; [OR] *Don't*

14 (2) causes physical injury to another person by means of a
15 dangerous instrument; or

16 (3) causes physical injury to a peace officer, fire
17 fighter, emergency medical technician, paramedic, ambulance attendant,
18 or other emergency responder while in the performance of official
19 duties.

18 or other emergency responder, regardless of rank,

19 functions, or duties being performed.

M E M O R A N D U M

Everyone in category

SUBJECT: CSSB 24(Jud)

TO: Jim Lear
Legislative Counsel

FROM: David R. Dierdorff *Dierdorff*
Revisor of Statutes

When I reviewed your draft of CSSB 24 (Jud) in final, I noticed that section 4 will add a lot of duplicative material to AS 12.55.135. I did not want to slow down the process of the bill by suggesting a change at this time, and it may be that I can accomplish my goal through editing and reorganization after enactment. On the other hand, I will need

to find out from Billy whether my powers include combining duplicative material.

Anyway, here's how I would like to see this type of amendment handled:

*Section 1. AS 12.55.135(c) is amended to read:

(c) A defendant convicted of assault in the fourth degree committed in violation of the provisions of an order issued under AS 09.55.600 or 09.55.610 shall be sentenced to a minimum term of imprisonment of 20 days. <THE EXECUTION OF SENTENCE MAY NOT BE SUSPENDED AND PROBATION OR PAROLE MAY NOT BE GRANTED UNTIL THE MINIMUM TERM OF IMPRISONMENT HAS BEEN SERVED. IMPOSITION OF SENTENCE MAY NOT BE SUSPENDED, EXCEPT UPON CONDITION THAT THE DEFENDANT BE IMPRISONED FOR NO LESS THAN THE MINIMUM TERM OF IMPRISONMENT PROVIDED IN THIS SECTION, AND THE MINIMUM SENTENCE PROVIDED FOR IN THIS SECTION MAY NOT BE OTHERWISE REDUCED.>

*Sec. 2. AS 12.55.135 is amended by adding new subsections to read:

TO: Senator Ray

FROM: John

DATE: March 10, 1983

This is the synopsis you asked me to draft. It has been approved by Gail Horetski of the Department of Law. If you like it, we can send it on up to the Senate Secretary.

SYNOPSIS

CSSB 24 (Jud)

Under existing law, an assault on a police officer, firefighter or other public employee engaged in responding to an emergency is treated like any other assault, without special regard for the greater vulnerability of these emergency responders, or the greater potential of harm in interfering with the performance of their duties during an emergency.

The sponsors and supporters of Senate Bill 24 and members of the Judiciary Committee believe that providing stiffer penalties for assaults on emergency responders in the line of duty will deter such acts and will thus help prevent the serious, often disabling injuries, with their correspondingly high public cost, which were described by the many witnesses who testified before the Committee.

CSSB24 provides stiffer sentences for assaults on emergency responders in the line of duty. It also grades the offenses according to the seriousness of injury suffered by the emergency responder.

The original bill sought to accomplish these basic goals by creating a new offense for assaulting an emergency responder. The bill was rejected by the Committee, at the request of the Department of Law, because it unnecessarily altered the statutory scheme of the newly revised Criminal Code. The Department of Law helped draft and endorses CSSB 24; its provisions have been fully adapted to the existing statutory scheme dealing with sentencing and aggravation of sentence.

MSG 83-00007918 PRTY 1 02/11/83 13:37:02 ORIG: LF02 IN= 0001 OUT= 0003
FROM: LYNDA/FBX TO: ALL
TARGET: LJH6 SUBJ: SEN. JUD 2/11 T/C

FBX MSG #1
FAIRBANKS:

TO TESTIFY:

1. JEANNE OSTNES, EMRG. MED. SVS., P.O. BOX 2120, FBX. 99707 456-3978
2. ROCKY DUNCAN, FBX. FIREFIGHTERS, 656 7TH AVE., FBX. 99701 452-1557

-----EOM

MSG 83-00007910 PRTY 1 02/11/83 13:34:27 ORIG: LA08 IN= 0004 OUT= 0002
FROM: CANDY/ANCHORAGE TO: JNU T/C
TARGET: LJH6 SUBJ: S. JUDICIARY, SB 24

OMNI #1 **** NOTE TIME CONSTRAINT, TESTIFIER #2

TO TESTIFY:

- 1.) KATHLEEN GRAY/ANCHORAGE POLICE DEPT., 625 C ST., ANCHORAGE 264-4155
- 2.) GUY TUTTEROA/APD***** PLEASE NOTE TIME CONSTRAINT, HE IS ONLY ON HIS LUNCH HOUR; WOULD LIKE TO SPEAK ASAP *****
- 3.) RICHARD WILLIAMS/ANCHORAGE EMS PARAMEDIC, 211 WEST 7TH, ANCHORAGE 264-4940
- 4.) HOLLY PLOOG/APDEA, 701 W. 58TH ST., ANCHORAGE 99502, 561-1158
- 5.) PAT CHEESE, ANCHORAGE EMS PARAMEDIC, 1764 EAGLE RIVER RD., EAGLE RIVER 694-3888
- 6.) RON BECKER/APD, P.O. BOX 3-004 ECB., 995-7333-
- 7.) WALT STIEHM/APD, 625 C STREET., ANCHORAGE 345-5799
- 8.) GEORGE NOVAKY/APD, 625 C STREET

TO OBSERVE:

- 1.) DAVID SKITT/ANCHORAGE EMS PARAMEDIC, 211 W. 7TH, ANCHORAGE

MSG 83-00007921 PRTY 1 02/11/83 13:38:32 ORIG: LM00 IN= 0006 OUT= 0004
FROM: MARTIE (MATSU) TO: TELECONFERENCE MODERATOR
TARGET: LJH6 SUBJ: SEN JUDICIARY T/C, SB24

MSG #1

TO TESTIFY

1. JAKE WRIGHT, WASILLA FIRE DEPARTMENT, WASILLA, ALASKA

MSG 83-00007922 PRTY 1 02/11/83 13:38:53 ORIG: LA08 IN= 0005 OUT= 0005
FROM: CANDY/ANCHORAGE TO: LINDA/JNU
TARGET: LJH6 SUBJ: S. JUDICIARY T/C ONGOING

OMNI #2

Time Constraint: Witness in Anchorage. (George Novaky)
← Guy Tutter

GEORGE NOVAKY OF APD, TESTIFIER #8, HAS JUST INDICATED A TIME CONSTRAINT. HE WOULD LIKE ALSO TO GO ASAP. HE EXPLAINS THAT MOST PEOPLE HERE HAVE SPECIFIC INCIDENTS TO DISCUSS, WHILE HE HAS SOME GENERAL COMMENTS. I TOLD HIM I WOULD PASS HIS REQUEST ON.

POSITION PAPER

Senate Bill No. 24

"An Act relating to assaulting a peace officer, fire fighter, or emergency responder."

This bill would make a person who recklessly causes physical injury to a peace officer, fire fighter, emergency medical technician, paramedic, ambulance attendant, or other emergency responder, while in the performance of official duties, liable for assault in the third degree.

The Emergency Medical Services Section of the Division of Public Health, Department of Health and Social Services, supports this bill in the hope that it may deter someone from causing injury to an emergency responder.

Recommended by: E.S. Rabeau M.D.
E.S. Rabeau, M.D., Director
Division of Public Health

Date: Feb. 10, 1983

Approved by: Robert Lordon Smith, M.D.
Robert Lordon Smith
Commissioner

Date: 2/14/83

Sen. JD

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill No. 24 Date on Bill: 1/18/83
 Title: "An Act relating to assaulting peace officer, fire fighter or emergency responder"
 Sponsor: Sen. Rodey et al
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			0	0	0	0		
Operating			0	0	0	0		
Total			0	0	0	0		

b. Revenues:

Revenue								
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Mark S. Johnson *M. S. Johnson* Phone: 465-3027
 Division: Public Health, Emergency Medical Services Section Date: 2/10/83

Approved by Commissioner: Robert Gordon Smith, M.D. Date: 2/14/83
 Department: Health and Social Services

- Distribution:
- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

SENATE JUDICIARY COMMITTEE

Meeting Minutes
February 2, 1983

The meeting was called to order at 1:35 p.m. by Senator Ray, Chairman.

Members present were Senators Ray, Josephson, Pettyjohn, Eliason and Ziegler.

Senator Ray introduced a former colleague, Senator Cliff Groh.

The first order of business was Senate Bill 24. Senator Rodey, the prime sponsor, testified briefly, stating that the bill is self explanatory in that it merely raises the penalty for assaulting a peace officer, firefighter or emergency responder from a misdemeanor to a felony. He further explained that the present statute offers no deterrent to protect law enforcement officers and others who respond to an emergency situation, and he stated that Senate Bill 24 is supported by the law enforcement community in Alaska.

Senator Ray raised questions about the physical injury requirement of the existing statute.

Mr. Robert Haag, lobbyist for the Alaska State Firefighters Association and the Alaska Fire Chiefs Association, testified in favor of the bill

and introduced an amendment to change the language on lines 18 and 19. He also submitted a memo to that effect (copy of which is attached hereto).

Senator Ray raised a questions about appropriateness of the word "rank" in the proposed amended language. It was generally agreed that a different word might be better.

Senator Josephson raised a question about the purpose of the proposed amendment.

Senator Josephson also raised a question about the application of the existing statute, to which Senator Rodey responded. Discussion was held on the question, focusing on the type of conduct (recklessness/intent) required for a conviction. Discussion was also held on limiting the offense to the use of dangerous weapons.

Senator Ray explained that the main purpose of Senate Bill 24 appears to deter intentional interference with police and

other emergency responders. Senator Rodey concurred and further explains about the bill's purpose.

Senator Ray utilized "weighted ballet slippers" example to additionally explain the apparent purposes and application of the bill.

Senator Pettyjohn explained that the existing statutes appears to do away with the requirement of intent and utilizes a common law definition of recklessness.

Senator Rodey also noted a difference of opinion about the requirement of intent and expressed his opinion that intent required and that the Dept of Law shares this view.

Senator Rodey also suggested that the apparent problem could be solved by adding the word "intentionally" on line 11 of the bill, in place of the word "recklessly". Discussion was had on this point.

Senator Ray remarked that the committee seemed to be trying to marry an apple with an orange and getting a banana. Therefore, he suggested that it may be necessary to enact a separate statute to cover the specific conduct in question.

Senator Ziegler suggested an additional amendment leaving the existing statutory language intact and just adding a new section specifically defining "another person" to include police and fire service personnel, etc. Discussion was had on this point and objections thereto were expressed.

Captain Joseph Turner, of the Alaska State Troopers, testified on behalf of the Department of Public Safety. Basically, his department is in favor of any additional protection that can be afforded to police and fire service personnel. The Captain cited statistics as to the large number of injuries suffered by officers as a result of assaults while responding to emergencies. The Captain explained that classifying the crime as a Class C felony will deter some of the misconduct and help prevent such injuries.

Senator Ray introduced a letter from the Juneau Police Department in support of the bill. (A copy thereof is attached hereto).

Senator Josephson asked Captain Turner what the most significant danger is that they are trying to prevent, in relation to the statistics quoted by the Captain.

Senator Ray again suggested that a separate statute should be enacted because it really covers a separate problem, and seeks to define a special type of felonious act. Senator Pettyjohn and Josephson concurred with Senator Rodey.

Senator Ray requested that Senators Rodey and Pettyjohn get together with committee counsel to draft a committee substitute along the lines previously discussed.

Senator Pettyjohn raised a question about the definition of "physical pain", as distinguished from the term "physical injury" in the existing statute and Senate Bill 24.

Senator Ray suggested that for the purpose of the proposed new committee substitute, a special definition of physical injury may necessary.

Senator Ray raised a question about the intent requirement and suggested that such a requirement be included, in the committee substitute. Discussion was had on this point and it was tentatively agreed that intent would be required.

The following bill has been assigned for subcommittee work:

SB 95 - An Act requiring that certain
legislative officers file
statements of financial interest
and an effective date

Ray

There being no further business the meeting adjourned at
3:10 p.m.

MSG 83-00003298 PRTY 1 01/24/83 12:50:11 ORIG: LA02 IN= 0006 OUT=
FROM: SHIRLEE, ANC LIO TO: PDMS, JUREAU INFO
TARGET: LJHL SUBJ: FOM

1/24/83, SHIRLEE, ANC LIO, MSG 3298 (REPLACES #2 OF 3282)

TO: PRESIDENT KERTTULA, ALASKA SENATE
SENATORY RAY, CHAIRMAN S-JUD
SENATORS JOSEPHSON, ELIASON, PETTYJOHN, ZIEGLER

FROM: HOLLY FLOOG, REPRESENTING THE ANCH. POLICE DEPT. EMP. ASSOC.
701 W. 58TH, ANCHORAGE, AK 99502 (H) 276-3644

RE: SENATE BILL 24

APDEA URGES THE PASSAGE OF SB 24 WHICH WOULD INCREASE PENALTIES FOR ASSAULT AND BATTERY AGAINST POLICEMEN, FIREMEN AND PARAMEDICS IN THE COURSE OF PERFORMING THEIR DUTIES. AT THIS TIME, UNLESS A WEAPON IS USED OR SERIOUS PHYSICAL INJURY RESULTS, ASSAULT & BATTERY IS A MISDEMEANOR. SEVERAL OF OUR OFFICERS HAVE RECEIVED DISABILITIES WHICH HAVE KEPT THEM OFF THE STREETS FOR WEEKS AND MONTHS, YET NO FELONY CAN BE CHARGED. WE NEED GREATER PROTECTION.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill No. 24 Date on Bill: 1/18/83
 Title: "An Act relating to assaulting peace officer, fire fighter or emergency responder"
 Sponsor: Sen. Rodey et al
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
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Total			0	0	0	0		

b. Revenues:

Revenue								
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Mark S. Johnson *1/18/83 M.S.J.* Phone: 465-3027
 Division: Public Health, Emergency Medical Services Section Date: 2/10/83
 Approved by Commissioner: *Robert Gordon Smith, M.D.* Date: 2/14/83
 Department: Health and Social Services

5. Distribution:

- Original to Legislative Finance
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2/8/83

POSITION PAPER

Senate Bill No. 24

"An Act relating to assaulting a peace officer, fire fighter, or emergency responder."

This bill would make a person who recklessly causes physical injury to a peace officer, fire fighter, emergency medical technician, paramedic, ambulance attendant, or other emergency responder, while in the performance of official duties, liable for assault in the third degree.

The Emergency Medical Services Section of the Division of Public Health, Department of Health and Social Services, supports this bill in the hope that it may deter someone from causing injury to an emergency responder.

Recommended by:

E. S. Rabeau, M.D.
E.S. Rabeau, M.D., Director
Division of Public Health

Date:

Feb 10, 1983

Approved by:

Robert London Smith, Ph.D.
Robert London Smith
Commissioner

Date:

2/14/83

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ALASKA STATE FIREFIGHTERS ASSOCIATION

SENATE JUDICIARY COMMITTEE

Hearing on Senate Bill No. 24 Relating to Assaulting
a Peace Officer, Fire Fighter, or Emergency Responder

February 2, 1983

Mr. Chairman:

My name is E. Robert Haag representing the Alaska State Firefighters Association and the Alaska Fire Chiefs Association.

We wish to speak in favor of Senate Bill No. 24 now before your Committee.

Our Associations, at their annual meetings, did not make any specific resolutions for such additional wordage to AS 11.41.220 (a) as proposed in SB-24. However, we do believe that the suggested additional sub paragraph (3) is important in that it defines responders.

We would suggest consideration of some wordage change in lines 18 and 19. The suggested changes are similar to those made in SB-13 recently before your Committee.

Lines 18 and 19 revised to read "or other emergency responder, regardless of rank, functions, or duties being performed".

Mr. Chairman this change in words was discussed informally with your Committees Counsel.

Sec. 11.41.210. Assault in the second degree. (a) A person commits the crime of assault in the second degree if

(1) with intent to cause physical injury to another person, that person causes physical injury to another person by means of a dangerous instrument; or

(2) that person recklessly causes serious physical injury to another person.

(b) Assault in the second degree is a class B felony. (§ 3 ch 166 SLA 1978; am § 4 ch 102 SLA 1980; am § 3 ch 143 SLA 1982)

Effect of amendments. — The 1980 amendment, in subsection (a), redesignated former paragraph (1) as paragraph (2), added "or" to the end of that paragraph, added present paragraph (1), and deleted the previous paragraph (2), which read: "he intentionally places another person in fear of imminent serious physical injury by means of a dangerous instrument; or."

The 1982 amendment, in subsection (a), substituted "that person" for "he" preceding "causes" and "another person" for "any person" preceding "by means of" in paragraph (1), added "or" to the end of

paragraph (1), repealed former paragraph (2), which read: "with intent to cause physical injury to another person, he causes serious physical injury to any person; or," redesignated former paragraph (3) as paragraph (2), and substituted "that person" for "he" and deleted "by means of a dangerous instrument" from the end, both in present paragraph (2).

Legislative history reports. — For a report on Chapter 102, SLA 1980 (HCS CSSB 511), see 1980 Senate Journal Supplement, No. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 29, 1980.

NOTES TO DECISIONS

Applied in *State v. Silas*, Sup. Ct. Op. No. 1851 (File No. 4237), 595 P.2d 651 (1979); *Kimbrell v. State*, Ct. App. Op. No. 101 (File No. 5944), P.2d (1982).
Stated in *Coleman v. State*, Sup. Ct. Op.

No. 2190 (File No. 4416), 621 P.2d 869 (1980).

Cited in *State v. Ahwinona*, Ct. App. Op. No. 037 (File No. 5373), 635 P.2d 488 (1981).

Sec. 11.41.220. Assault in the third degree. (a) A person commits the crime of assault in the third degree if that person recklessly

(1) places another person in fear of imminent serious physical injury by means of a dangerous instrument; or

(2) causes physical injury to another person by means of a dangerous instrument.

(b) Assault in the third degree is a class C felony. (§ 5 ch 102 SLA 1980; am § 4 ch 143 SLA 1982)

Effect of amendments. — The 1982 amendment, in subsection (a), added the paragraph (1) designation, substituted "that person" for "he" in the introductory language, added "or" to the end of paragraph (1), and added paragraph (2).

Legislative history reports. — For a report on Chapter 102, SLA 1980 (HCS CSSB 511) see 1980 Senate Journal Supplement, No. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 29, 1980.