

HB

74

1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to the assault Alaska State Troopers
of children by adults." Component: Detachments
 Sponsor: Representative Bunde
 Requestor: (H) State Affairs COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ -0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

No significant impact on the Alaska State Troopers is anticipated

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 01/26/95
 Approved by Commissioner: *Ronald L. Otte* Date: 1/30/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 74

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the assault of children by BRU: Prosecution
adults." Component: All
 Sponsor: Representative Bunde
 Requester: Representative Bunde COMPONENT SERIAL NO. 0085-0090

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 11.41.220(a) to provide that a person commits the crime of assault in the third degree if the person, while being 18 years of age or older, causes physical injury to a child under 16 years of age but at least 10 years of age and the injury reasonably requires medical treatment. Assault in the third degree is a class C felony. It would be an affirmative defense that, at the time of the alleged offense, the defendant reasonably believed the victim to be 16 years of age or older, unless the victim was under 13 years of age at the time of the alleged offense. Currently, such behavior would be chargeable as assault in the fourth degree, a class A misdemeanor. Although there will be some impact, it should not be significant because prosecutors would use their discretion sparingly by bringing felony charges in those egregious cases that warrant tougher punishment.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 1/23/95
 Date: 1/23/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 74

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to the assault of children by adults BRU: all
 Component: all
 Sponsor: Rep. Bunde
 Requester: Rep. Bunde COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 11.41.220 (a) by extending it's application to the assult of someone 10 through 15 years old by another, 18 years of age or older. { sub section (3) added} It further provides for an affirmative defense in AS 11.41.220 (d)

The number of individuals sentenced to prison under the changes that would result from this bill is expected to extremely small.

Prepared by: Jerry Shriner
 Division: Comm. Office
 Approved by Commissioner: Margaret M. Pugh
 Agency: Department fo Corrections

Phone: 465-5582
 Date: 1/20/95
 Date: 1-21-95

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Rick Mystrom,
Mayor

ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500



Service since 1921

January 24, 1995

Representative Con Bunde
Alaska State Legislature
Juneau, Alaska 99801-1182

Dear Representative Bunde:

The Anchorage Police Department strongly supports House Bill 74, which relates to the assault of children by adults. This law, if passed, will provide penalties more appropriate to the crime when adults, who must be completely responsible for their acts, injure children who cannot, in most cases, defend themselves.

Sincerely,

Kevin M. O'Leary
Chief of Police

**Testimony for State Affairs Committee
by Julie Jensen Zarr**

My name is Julie Jensen Zarr and I am here today to ask for your support in passing House Bill 74. The current assault law needs to be updated.

On November 11, 1994 at 5:30 am while delivering the Anchorage Daily News my 14 year old nephew, Shaun Jensen was viciously assaulted by 3 adult men in South Anchorage. Shaun lost 2 permanent teeth, suffered neck trauma and was run over by his own snow machine. The law as it reads now only made misdemeanor charges against these men possible, not a message we want to send to thugs that prey on our young.

In 1971 my family moved to Alaska and settled in South Anchorage, it was a great place to grow up. We felt safe and secure out walking or horseback riding anywhere. My parents raised three children in Alaska we are now running our businesses and raising our children here. The Anchorage of the 50's, 60's, 70's and 80's did not have drive by shootings, assaults or random senseless acts of violence, the law at that point in time fit, but in 1995 it does not. AS crimes change so must the laws change must fit the crimes of 1995 and beyond.

This event brought to light for me the need to make a difference and try to turn a negative into a positive, teaching my nephew and 2 children empowerment instead of victimization. A change in this law will show that through hard work and believing in an idea one person can make positive impact on society. The outpouring of support from the people of Anchorage has also had a healing effect on Shaun.

Again, I ask for your support in passing House Bill 74. I want to thank the committee for their attention and support. This bill must be passed as soon as possible, before another young man or woman is victimized as Shaun was in November. Thank you for taking the time to listen to me today.

Municipality
of
Anchorage



ANCHORAGE, ALASKA
Anchorage, Alaska 99519-0650
Telephone: (907) 343-4433

Rick Mystrom, Mayor

OFFICE OF THE MUNICIPAL MANAGER

January 20, 1995

Representative Con Bunde
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Bunde:

There has been an outpouring of indignation over the fact that the three adults who viciously beat up a young paperboy leaving him with permanent physical damage can only be charged with misdemeanor assault.

Correction of this inequity is one of the top priorities in the Mayor's 1995 legislative program. House Bill 74 represents an important step toward making similar crimes subject to felony prosecution. We support your efforts in this area and may offer comments and suggestions as the bill moves through the various committees.

Thank you for taking the initiative on this issue of utmost importance to the citizens of Anchorage.

Sincerely,


Larry D. Crawford
Municipal Manager

METRO

THURSDAY, December 15, 1994

ANCHORAGE DAILY NEWS

SECTION C

No felony charges in carrier assault

By S.J. KOMAROVITZKY
Daily News reporter

Three men accused of beating up a 16-year-old newspaper delivery boy in November have been charged with criminal mischief and fourth-degree assault — both misdemeanors.

Jason Harding, 20, Matthew Rios, 21, and Billy Mazoch Jr., 20, are accused of running over Shaun Jensen with a snowmachine and punching him twice in the face before chasing him away from Har-

ding's South Anchorage home.

Harding and Mazoch also were charged with underage drinking.

Jensen, an eighth-grader at Polar Alternative School, suffered a bruised neck and lost his two front teeth in the attack.

According to court documents, the three men had been drinking and playing pool at Mazoch's house the morning of the attack.

About 8:30 a.m., they decided to drive to a cabin in Hope owned by Rios' father.

They split up and planned to regroup at Harding's house on Norak Place just off Huffman Road.

Jensen delivers papers in the area on his snowmachine, and when he saw a car pull up to Harding's house he figured he would give the person his paper.

Instead, Harding accused Jensen of driving his snowmachine in the yard and then jumped on the boy, knocking him to the ground, according to court documents. Mazoch and Harding then held Jensen

down while Rios ran over his leg and foot with the snowmachine.

Jensen said in an interview after the attack that he could smell alcohol on their breath as they jerked his head back and forth trying to rip off his helmet.

One of them finally undid the helmet and Harding punched the boy twice in the face, knocking one tooth out completely.

Please see Page C-2, ATTACK

ATTACK: Men face charges in assault on carrier

Continued from Page C-1

and leaving the other dangling by a thread, according to court documents.

Assistant District Attorney Kevin Fitzgerald said Wednesday that he wanted to charge the men with a more serious crime of felony assault.

Criminal mischief and fourth degree-assault are both misdemeanors, punishable by up to a year in jail and a \$5,000 fine.

Charging the three men with a felony would have required that a deadly weapon be involved or that Jensen be hurt more seri-

"If he'd had his two front teeth knocked out with a bat, then we could have done it," Fitzgerald said.

As it was, the two teeth aren't on the same scale as a police officer being slashed in the cheek with a knife — another recent case where the person was charged with second-degree assault, he said.

He added that while the snowmachine could be considered a deadly weapon, Jensen wasn't hurt when they ran him over with it.

"This was a cowardly act: Three men ganging up on a young boy to beat him

the level of a felony," he said.

Jeff Jensen, Shaun's father, said he's angry the men won't face more serious charges and wants the law changed so those who attack juveniles are automatically charged with a felony.

"I'm absolutely upset," he said. "I don't feel the punishment or the charge

fits the crime at all."

Jensen said his son has suffered psychological damage from the attack and will need surgery to replace the two front teeth he lost.

"I think these guys are going to get off with a hand slap, and if these kids are allowed to get off easily, it will happen again," he said.

Police question 3 men in attack on paperboy

By S.J. KOMARNITSKY
Daily News reporter

A 14-year-old boy delivering newspapers in a South Anchorage neighborhood was attacked Friday by three men who pushed him to the ground, ran over him with a snowmachine and punched out his two front teeth before fleeing the area.

Shaun Jensen, an eighth-grader at Polar Alternative School, suffered a bruised neck and permanently lost two teeth. The attackers were identified as Jason I. Harding, 20; Billy Mazoch Jr., 21; and Matthew R. Rios, 21.

State troopers said Harding apparently was the one who punched Jensen. All three were being questioned late Friday and could face assault charges, Sgt. Greg Tanner said. The three live near one another with their parents, and Harding lives at the home where the attack occurred.

Resting at his home Friday afternoon, Jensen said he was driving his snowmachine down Norak Place just off Huffman Road when he saw a car pull up to a home he delivers to and a man get out. "I

Please see Back Page, **TEETH**

TEETH: Paperboy loses pair in early morning attack

Continued from Page A-1

ght, 'Oh, maybe some-
home, I'll give them
paper.'"

stead as he strode up
e man, he was attack-

ensen said the man
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e screaming at him
e driving through the
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d trying to pull his
t off, he said. The
a e said he could
lcohol on their
as they jerked his
back and forth trying
move the helmet.

tally, one of them un-
e strap, and another
punched him twice,
ging one of his front
and leaving another
ng by a thread.

Jensen said he took off
running with one of his
teeth in his hand.

Shaun's dad, Jeff Jen-
sen, said that when his son
showed up at the door,
screaming and missing two
teeth, he was so enraged he
picked up his gun and
drove over to the Har-
dings' house.

He said he parked in
front of the driveway,
blocking the two vehicles
in it. While he was there, a
woman he identified as
Harding's mother walked
out with one of her sons.

He said he tried to talk
to the woman, but she
started yelling at him that
she was going to be late for
work, and that he would
have to pay her salary if
she was. The two got in
separate cars and drove
through snowbanks around
his truck, Jensen said.

"It happened right in
her driveway," he said.
"But it seemed more im-

portant to her to get to
work than see if someone
needed help."

He said he later spoke
with Harding's dad, who
seemed more concerned
about the attack. And he
also spoke briefly with Ri-
os' mother, who seemed
shocked her son could be
involved.

Neither man's parents
would talk to a reporter
Friday.

But Billy Mazoch's fa-
ther, also named Billy,
said he had been told his
son was involved.

"At this point, all I
know is Mr. Harding and a
trooper came over and
woke me up this morning,"
he said. "Supposedly there
was a fight and a boy got
his teeth knocked out. I
was also told my son didn't
do the knocking out, and
all three pushed a little
bit."

He said he hadn't been
able to talk to his son, and

wasn't sure if what was
said was true.

Jeff Jensen said he
hoped the men would be
brought to justice. As he
spoke, a constant stream of
relatives, including grand-
parents and younger cous-
ins, filtered into the home
to visit Shaun, who was
sitting on a couch.

Many hugged him, while
others ventured to a near-
by table to look at a plastic
bag containing his missing
teeth. Doctors told the
boy's parents the teeth
were broken at the bone
and can't be reattached.
His father joked about him
not losing the teeth to
hockey, his favorite sport.

"If it was a puck, we
could understand that," his
father said. "But this."

Shaun said he hoped his
attackers would have to
spend a long time in jail.
But first, he said: "I'd like
to ask them why they did
it."

Carrier assault

The search for justice continues

The paperboy lost his two front teeth and took a bruising in the November early-morning encounter. While 14-year-old Shaun Jensen's alleged assailants were rapidly apprehended, justice in the case remains elusive.

The three young men arrested and accused of pounding Shaun and running over him with a snowmachine face only misdemeanors. Prosecutors say that if the perpetrators had used a deadly weapon or the boy had been hurt more seriously, a tougher charge would have followed.

"This was a cowardly act: Three men ganging up on a boy to beat him up," said Assistant District Attorney Kevin Fitzgerald, "But it doesn't rise to the level of a felony."

Public outrage has not subsided since the prosecutors' decision. Alaskans rightly feel that men who make unprovoked war on a boy — and leave the boy facing reconstructive dental work during his teen-age years — deserve the lash of the law.

What can prosecutors do if they're unable to bring felony charges? They can vigorously argue their case and ask for the maximum misdemeanor sentence if the defendants are convicted. That's a year in jail and a \$5,000 fine for each of the two Class A misdemeanors two of the defendants face, a penalty sure to jerk them to attention.

What can Alaskans do? Those familiar with the defendants can appear at sentencing to tell the judge what they know about the men. If the men have endangered others before, the judge should know about it. He's empowered to take such testimony into consideration while weighing sentencing possibilities.

Meanwhile, the Alaska Legislature should take a look at this case and related cases in which it seems impossible to impose felony charges on those who have committed brutal acts.

Perhaps lawmakers will find a new way to address some but not all of the cases that fall through the cracks. Perhaps lawmakers will find they cannot tailor the law to fit every outrageous case. But in the process of exploration, these lawmakers definitely will experience firsthand the pain the justice system delivers to victims when it can't deliver justice to criminals.

Friday Dec 23, 1984 ADN

11-30-94

To Whom it May Concern,

On November 11, 1994 at 5:45 a.m. Shauri Jensen a 14-yr. old paperboy was assaulted in South Anchorage by three men, have any arrests been made, or follow up done to assure us that these men have been punished?!!!! NO. and we are outraged!!! The undersigned want to express their unhappiness, outrage and confusion over the inaction concerning this assault !!! How dare the authorities ignore this case and let these men roam free after committing this brutal attack !! What will it take the loss of a li fe?

Let's change the way we handle and procecute the crimes against our children!!!

Virgil Jensen
12301 Tracy Rd.

ANCHORAGE, AK 99518

BRENDAN C. MCKEE
737 W. 22ND AVE.
ANCHORAGE, AK 99503

Bill Cohen
6423 Lone Tree Circle
Anchorage, Ak 99516

NICK CLINE
24145 Park Dr
SIUGIAK AK 99567

PAUL J. PRICE
2733 W. 66TH
ANCHA, AK, 99502

SHAWN P. SNISARENKO
6 24 CUTTY SARK ST.
ANCHORAGE, AK 99502

ROBERT HANN
1327 W 27TH #217
ANCHORAGE AK 99503

DAVID COOUDGE
P.O. BOX 101035
ANCHORAGE, AK 99510

VIRGIL L. MCCRAW
3306 E. 19TH CT.
ANCHORAGE, AK 99508

Jim Driffell
628 Aniak Rd #2
Anch. AK 99508

JOAN CHOPMAN
PO BOX 165
EABLE RIVER AK
99577

11-30-94

To Whom it May Concern,

On November 11, 1994 at 5:45 a.m. Shaun Jensen a 14-yr. old paperboy was assaulted in South Anchorage by three men, have any arrests been made, or follow up done to assure us that these men have been punished?!!!! NO, and we are outraged!!! The undersigned want to express their unhappiness, outrage and confusion over the inaction concerning this assault !!! How dare the authorities ignore this case and let these men roam free after committing this brutal attack !! What will it take the lose of a li fe?

Let's change the way we handle and procecute the crimes against our children!!!

Beere Airway Employees

Diane Sunderson
America Huff

Tom Veyre Sr

Dorinda [unclear]

Don Woody

Richard [unclear]

Bob [unclear]

Mike Zarr

Stephen A Kovatt

[unclear signature]

Dwight Johnson

Sue [unclear]

Don [unclear]

Mark Phamson

Wolfgang Stenham

Doris B. Cat

Craig Wilkey

Paul [unclear]

Sub [unclear]

Maat Skemith

Bill [unclear]

Allyn S. Wilson

[unclear signature]

Daugh [unclear]

11-30-94

To Whom it May Concern,

On November 11, 1994 at 5:45 a.m. Shaun Jensen a 14-yr. old paperboy was assaulted in South Anchorage by three men, have any arrests been made, or follow up done to assure us that these men have been punished?!!!! NO, and we are outraged!!! The undersigned want to express their unhappiness, outrage and confusion over the inaction concerning this assault !!! How dare the authorities ignore this case and let these men roam free after committing this brutal attack !! What will it take the lose of a li fe?

Let's change the way we handle and procecute the crimes against our children!!!

Kristen T. Thornton
Dici Sabrowski
The Jensen Family
Michael J. Tuttle

Della J. Burns
~~Ilse Jensen~~
Cresca J. Jensen
Jenny Lapinski
Elizabeth Smith
Mary E. Murphy
Ann Jensen
Barbara Prody
Michael J. Hill
Sally Weller
Bonnie Fanner
Tori A. Jensen
Cary Stewart Kaskowitz
Josh Warner

TO WHOM IT DOES CONCERN

The undersigned want to express to you their unhappiness, outrage and confusion over the recent brutal attack and inaction concerning an assault on a paper boy in south Anchorage on November 9, 1994 at 5:45am.

We are concerned that there is a lack of action in this matter and can not understand how these three men are allowed to roam free after committing this obvious crime.

How dare the authorities ignore this matter! What will it take? A lost life?

What has happened to justice for all?

David Connor
Karen Stary
Michael Fay
Janette Hall
Gaelyn Berry
Michelle W. Shin Sung
B. Leigh Beckman

Keith W. ...
Lance Vaughn
Eddie Vaughn
J. Samuelson
Charles Lever
P. H.

November 18, 1994

11-30-94

To Whom it May Concern,

On November 11, 1994 at 5:45 a.m. Shaun Jensen a 14-yr. old paperboy was assaulted in South Anchorage by three men, have any arrests been made, or follow up done to assure us that these men have been punished?!!!! NO, and we are outraged!!! The undersigned want to express their unhappiness, outrage and confusion over the inaction concerning this assault !!! How dare the authorities ignore this case and let these men roam free after committing this brutal attack !! What will it take the lose of a li fe?

Let's change the way we handle and procecute the crimes against our children!!!

Bonnie J. Hamblin	4019 Brentwood Cir.	Anch. Ak
Tom Hamblin	4019 BRENTWOOD CIR	99502
Nora J. Sims	10520 Spruells Dr	99515
Jewell K. Hansen	1013 Potlatch Cir	99513
Jackie Jensen	1105 Potlatch Cir	99513
Beverly A. Burtce	7001 Elm Ave Anch	99504
Paula J. Munkoh	1849 Bellevue Cr. Anch. AK.	99515
Wanda Beltz	2109 Cornell Ct	99508
Robert L. Kutz	3205 CARROLL Ln ANCH AK.	99517
Julie Leis	550 S. W. St Anch	99504
Rosemary Elledge	3905 Hampton Dr	99504
Brothy Daverny	2414 Larkina Dr.	99517
J. Ann Jensen	12301 Stacy Rd.	99517

Put end to abuse, violence

This is the first time I have ever sent you an opinion.

I have just read the article that appeared on the front page of the Metro section entitled "No felony charges in carrier assault." The incident described in this article angers me very much.

I found the article interesting because of the age of the criminals. I am a

22-year-old male and a member of their generation. I did not attend college. I am a musician and play in several local bands. I also vote, pay taxes, and hold a full-time job (which I have had for four consecutive years). Maybe I'm an exception; my generation has been stereotyped as slacker, lazy, and "grunge." Well, I want that stereotype to change.

These males are a disgrace and have

shamed my generation. (I refrain from using the word men, because men do not gang up three-to-one on 14-year-old boys.) I hope their actions are not ignored, condoned, or coddled. For those who have the authority and the obligation to do so, it is time to establish a moral boundary and say, "This is not acceptable; you are not allowed to behave this way; this kind of behavior will not be tolerated."

Attack on carrier shameful

I was disturbed after I read the Daily News' article "Police question 3 men in attack on paperboy (Nov. 12)." I was a papergirl for four years when I was young and learned valuable lessons, including money management, responsibility (and self-discipline (getting out of bed in the mornings). My earnings financed the boarding of my horse and I always had my own spending money.

I can't even imagine the effect it would have had on me to be physically beat up while out on my route. My heart goes out to Shaun Jensen. How many kids will now miss out on the benefits of having a paper route because of parents afraid for their safety (and rightly so). Look at our society. Who is gaining and who is losing here? Who in the end will be punished more? Shaun Jensen or his attackers? I believe the three attackers should be punished severely! Their parents also should be punished. What shame that should feel for raising children that have like this! They have failed their most important task in life.

— Catherine Blaine
Homer

What if these bullies do not receive the justice due them? It will send a negative message to the innocent victim, as well as to his family, friends, classmates, and the sane of our generation. It will prove that safety, justice, and freedom no longer exist in America.

These males were also charged with underage drinking. The article says their intention was to travel to Hope. Who knows what disaster or death awaited them on the Seward Highway? I am disgusted, saddened, and tired of seeing friends and peers crushed by alcohol abuse and violence, whether by death, injury, or trashed lives. My plea to those in authority is this: Please do all that is in your power to put an end to this senselessness.

I believe that Jason Harding, Billy Mazoch Jr., and Matthew Rios deserve the maximum allowable sentence. I am overly willing to do anything I can to help change the way people look at my generation and its future.

— Kristian Rosentrater

Why does it take numbers to assault a defenseless person? In regard to the three-man attack on young Shaun Jensen, anymore, one can look upon society as anarchistic. There are gangs which besiege one person, while there is the gun-toter who shoots an individual who has no weapon. Or there's the knife-wielder who stabs an innocent victim.

Savage is what the natives called the murderous foreigners. As history was written, it erred when it said the wild Indians were called savages. The descendants of the true savages have decided to prove history was recorded in error. Those descendants of foreign lands are jumping out of vehicles to attack the loner, the homeless drunk, the elderly poor on the streets, and the innocent pedestrian. The helpless are beaten up, shot at, robbed and sometimes murdered by several hands.

In villages and on other Native American homelands, the headlines cry the same violations: assault, murder, rape, robbery, bootlegging, and overwhelming chemical addictions.

My husband and I reared our children, the sons as men; the girls as ladies, their ages range from 37 to 21 years old. We will take the credit for the good they do and we will take the blame for their failures. A nation is only as strong as its families, and as it was quoted, "As the twig is bent, so shall the tree grow." All children have leaders, they are called parents or guardians. We agree with those who say parents are to blame when children become criminals.

Shaun Jensen, you are a far better man than the three savages. May you walk without fear, and walk always in peace.

— Elizabeth A. Wells, director
Oree Drumrite Walking Heritage

Carrier attack an outrage

11/17/94

Talk about overgrown bullies that are more than 20 years old and still don't know the proper way to settle problems. The 14-year-old is just that: 14 years old! Only now he has no teeth and has been beaten up. The assailants should do jail time. A parent of one assailant claims, "Supposedly there was a fight. . . ." Three adults against a 14-year-old kid. Wrong! These grown-ups viciously attacked a youngster. It is an outrage! These kind of creeps need to be taken off the streets for the safety of our children.

— Teresa Werner
Kenai

Punish assault of paperboy

The three punks that attacked Shaun Jensen, the 14-year-old paperboy, must be held accountable for their actions. They must be punished. They should be made an example of. They should be required to work his paper route for one year in addition to paying all his medical bills and something for his pain and suffering. I hope young Jensen gets a good attorney.

This violent, unmitigated behavior must not and will not be tolerated in our community. We must stop this kind of action now before it gets totally out of hand.

Please do your part in the media and follow up on this. Pay more attention to the things going on here in Alaska. I find it hard to believe there have been but a few letters published in regard to this assault.

— Robert Bowling

Attackers deserve worse

I'm confused and outraged about our criminal justice system and how unjust it truly is. I'm referring to the 14-year-old Shaun Jensen case. The quote in the paper states that it wasn't a felony because a deadly weapon wasn't used.

Shaun's neck was badly bruised by one

of these animals tearing at his head while another man held him so yet another man could run over his legs with a snowmachine. Let me ask you Mr. District Attorney, if this isn't assault with deadly force, what the hell is?

These adult men could have broken his neck or severed his spine. If that would have happened, would we be adding a charge about equal to, let's say, jaywalking, to the list of ruthless crimes these felons committed and maybe add another day of community service to what these guys will probably get?

By knocking out his teeth, it's evident they meant business. By tearing at his head, it's evident these men need a hell of a lot more than they will get with these petty charges. What's the deal here?

Is it that the criminal lawyers are tougher and better and you're afraid to charge these guys with a crime with some teeth in it? I'd say no guts . . . no glory. Take a chance on shoving the rights of the innocent down their throats. If we don't start punishing our society's criminals like they punished Shaun, the day will come when we fear going to our newspaper box.

— Tim Stuart

QUOTABLE

"There are bullets raining all over D.C."

— White House spokesman Carl Meyer, saying that shots fired at the White House may have been "just a stray couple of rounds."

"We are living at a time when these incidents of violence take place not just in cities and communities around this country, they take place here in Washington in front of the White House."

— Leon Panetta, White House chief of staff.

"I think these guys are going to get off with a hand slap, and if these kids are allowed to get off easily, it will happen again."

— Jeff Jensen, father of 14-year-old Shaun, who was assaulted by three men in their 20s who have been charged with misdemeanors in the attack.

fraud charges against a president of a bank and three women in the Valley — arrests made and suspects in custody. An Anchorage Daily News carrier was beaten by three men who have been identified, yet are they in custody?

The scales of justice need work.

Are people that run that money scam more of a danger to society than cowards that prey on children? The adults who participated in the pyramid did so of their own volition, forgetting the golden rule, nothing in life is free.

Their egos are hurting and their wallets are a bit lighter, but they have lost nothing that cannot be replaced. The paperboy and his family have lost far greater things: His teeth and their sense of safety in the neighborhood.

The laws say to defraud people of money is a felony. The same legal system says physical assault on a child by three adult men is a misdemeanor. Where is the justice in our legal system for our children?

— Mike Zarr

■ MORE LETTERS: Readers write, B-8

11-30-94

To Editor-Daily News,

SHAME ON THE ANCHORAGE DAILY NEWS! The lack of coverage by your paper on the story of the assault on your own carrier and the inaction on the authorities to arrest or even charge these men is outrageous!!

How dare they not take this case seriously and you not keeping the story active until action is taken is an insult to this young boy. This 14 yr. old is walking around without front teeth, a lack of trust in the people sworn to protect him and the knowlage that these men are running free.

In the original story on November 12 it stated these 3 men "could" face assault charges!! We must question why after 3 weeks there are no arrests. These men have been identified yet they are free, does this sound right to you? What is this inaction saying to our young people, where is the justice for Shaun.

The story also quoted Mr Mazock as saying that his son Billy did not Knock the boy's teeth out but " that all 3 had pushed the boy around"! Get real Mr. Mazoch **ASSAULT** is **ASSAULT!!** Would he be so quick to think that the case had it been his child, I think not. As a parent he should be outraged that his child could commit this act instead of looking for a justification. **SHAME ON YOU SIR!**

As citizens of Anchorage lets make our outrage known.

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 1, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: 2-8-95

The JUDICIARY Committee considered:

HB 74

HOUSE BILL NO. 74

ASSAULT BY ADULTS ON CHILDREN

"An Act relating to the assault of children by adults."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) Pub-Saf. Law, Corrections zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>				X
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>				
<i>[Signature]</i>				X
<i>[Signature]</i>	X			
<i>[Signature]</i>	✓			

12 - 101

**Testimony for State Affairs Committee
by Julie Jensen Zarr**

My name is Julie Jensen Zarr and I am here today to ask for your support in passing House Bill 74. The current assault law needs to be updated.

On November 11, 1994 at 5:30 am while delivering the Anchorage Daily News my 14 year old nephew, Shaun Jensen was viciously assaulted by 3 adult men in South Anchorage. Shaun lost 2 permanent teeth, suffered neck trauma and was run over by his own snow machine. The law as it reads now only made misdemeanor charges against these men possible, not a message we want to send to thugs that prey on our young.

In 1971 my family moved to Alaska and settled in South Anchorage, it was a great place to grow up. We felt safe and secure out walking or horseback riding anywhere. My parents raised three children in Alaska we are now running our businesses and raising our children here. The Anchorage of the 50's, 60's, 70's and 80's did not have drive by shootings, assaults or random senseless acts of violence, the law at that point in time fit, but in 1995 it does not. AS crimes change so must the laws change must fit the crimes of 1995 and beyond.

This event brought to light for me the need to make a difference and try to turn a negative into a positive, teaching my nephew and 2 children empowerment instead of victimization. A change in this law will show that through hard work and believing in an idea one person can make positive impact on society. The outpouring of support from the people of Anchorage has also had a healing effect on Shaun.

Again, I ask for your support in passing House Bill 74. I want to thank the committee for their attention and support. This bill must be passed as soon as possible, before another young man or woman is victimized as Shaun was in November. Thank you for taking the time to listen to me today.

HOUSE BILL NO. 74

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BUNDE

Introduced: 1/16/95

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the assault of children by adults."

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

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

4 (a) A person commits the crime of assault in the third degree if that person

5 (1) recklessly

6 (A) places another person in fear of imminent serious physical
7 injury by means of a dangerous instrument;

8 (B) causes physical injury to another person by means of a
9 dangerous instrument; or

10 (C) while being 18 years of age or older

11 (i) causes physical injury to a child under 10 years of age
12 and the injury reasonably requires medical treatment;

13 (ii) causes physical injury to a child under 10 years of
14 age on more than one occasion; [OR]

15 (2) with intent to place another person in fear of death or serious

1 physical injury to the person or the person's family member makes repeated threats to
2 cause death or serious physical injury to another person; ^{intentionally} or

3 (3) while being 18 years of age or older, causes physical injury to
4 a child under 16 years of age but at least 10 years of age and the injury
5 reasonably requires medical treatment.

6 * Sec. 2. AS 11.41.220 is amended by adding a new subsection to read:

7 (d) In a prosecution under (a)(3) of this section, it is an affirmative defense
8 that, at the time of the alleged offense, the defendant reasonably believed the victim
9 to be 16 years of age or older, unless the victim was under 13 years of age at the time
10 of the alleged offense.



House of Representatives

**SPONSOR STATEMENT
HB 74**

November of 1994 was a turning point for one 14 year old Anchorage boy. While delivering newspapers, via his snow machine, early one morning Sean Jensen was viciously attacked by 3 adults over the age of twenty. These "adults" held Sean while they punched out his two front teeth and ran over him with his own snow machine before they chased him home.

Sean's three attackers are charged with a misdemeanor. The public is outraged. If Sean was 10 years old or less his attackers would be charged with a felony for this vicious attack.

HB 74 will give prosecutors the ability to charge people over the age of 18 with a felony if they cause a physical injury that reasonably requires medical treatment to a child between the ages of 10 and 16.

In order to avoid unnecessary felony charges, HB 74 provides the prosecutor with the flexibility to charge a defendant with a misdemeanor (as they are charged under current statute) if the defendant reasonably believes the victim was 16 years of age or older. This provision protects those who should not have a felony charge as well as, minimizing the fiscal impact to the state.

Thank you for your positive consideration of HB 74.

DIVISION OF LEGAL SERVICE
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 20, 1995

SUBJECT: Sectional Summary of HB 74. (Work Order No. 9-LS0368\A)

TO: Representative Con Bunde
Attn: Pattie Swenson

FROM: Gerald P. Luckhaupt *GPL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.41.220(a) by providing that a person commits assault in the third degree¹ if the person is 18 years of age or older and causes physical injury that reasonably requires medical treatment to a child between the ages of 10 and 16.²

Section 1 of the bill amends AS 11.41.220 by providing a new subsection that provides an affirmative defense³ to a prosecution under section 1 of the bill to a defendant that reasonably believes the victim was 16 years of age or older unless the victim was under 13 years of age at the time of the offense.

GPL:glc
95-077.glc

¹ Assault in the third degree is a class "C" felony punishable as provided in AS 12.55.125.

² Recklessly causing physical injury reasonably requiring medical treatment to a child under 10 years of age is punishable as assault in the third degree under AS 11.41.220(a)(1)(C)(i).

³ AS 11.81.900(b)(1) provides "affirmative defense" means that
(A) some evidence must be admitted which places in issue the defense, and
(B) the defendant has the burden of establishing the defense by a preponderance of the evidence".

SECTIONAL SUMMARY