

SB

268



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

To: Representative Pete Kott, Chair of the House Judiciary Committee
Fr: Senator Dave Donley *DD*
Dt: March 22, 2000
Re: Scheduling SB 268 for a hearing in the House Judiciary Committee -- *"An Act relating to mandatory 99-year terms of imprisonment for persons convicted of certain murders."*

I request that you schedule SB 268 *"An Act relating to mandatory 99-year terms of imprisonment for persons convicted of certain murders."* for consideration in the House Judiciary Committee at your earliest possible convenience.

Senate Bill 268 would require those convicted of murder in the first degree to be sentenced to a mandatory term of imprisonment of 99 years when the defendant convicted of the murder personally caused the death of a person, other than a participant, during a robbery.

This measure passed the Senate unanimously.

Thank you for considering this request.

DD/hm

Vice-Chair, Senate Finance Committee • Chair, Capital Budget Subcommittee • Co-Chair, Anchorage Caucus
Member: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council

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SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT

SENATE BILL 268

"AN ACT RELATING TO MANDATORY 99-YEAR TERMS OF IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN MURDERS."

Senate Bill 268 would require those convicted of murder in the first degree to be sentenced to a mandatory term of imprisonment of 99 years when the defendant convicted of the murder personally caused the death of a person, other than a participant, during a robbery.

SB 268 is in direct response to the recent increase in murders of late night restaurant workers and taxi drivers and was introduced at the request of the Alaska Hospitality Association. A clear message needs to be sent to would be robbers who believe it necessary to take another life during a robbery. **Any such action is not going to be tolerated by the people of Alaska.** The lives of our mothers, daughters, sons and fathers who work these late shifts are too precious for us to stand idly by and watch as this trend continues.

Senate Bill 268 would add this new standard to three existing provisions of law authored by Senator Donley in 1990 that also require the mandatory 99 year sentence when:

- The defendant is convicted of the murder of a uniformed or otherwise clearly identified peace officer, fire fighter or correctional employee who was performing professional duties at the time of the murder;
- The defendant has been previously convicted of a murder in the first degree; or
- The court finds clear and convincing evidence that the defendant subjected the victim to substantial physical torture.

By brutally taking lives during robberies, these offenders have demonstrated their wanton disregard for life. Such people need to know such evil actions will have serious consequences. SB 268 sends a clear message to potential future robbers not to kill.

DD/hrn

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SENATE BILL NO. 268

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATORS DONLEY, Taylor, Halford, Leman

REPRESENTATIVE Masek

Introduced: 2/11/00

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to mandatory 99-year terms of imprisonment for persons
2 convicted of certain murders."

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

4 * Section 1. AS 12.55.125(a) is amended to read:

5 (a) A defendant convicted of murder in the first degree shall be sentenced to
6 a definite term of imprisonment of at least 20 years but not more than 99 years. A
7 defendant convicted of murder in the first degree shall be sentenced to a mandatory
8 term of imprisonment of 99 years when

9 (1) the defendant is convicted of the murder of a uniformed or
10 otherwise clearly identified peace officer, fire fighter, or correctional employee who
11 was engaged in the performance of official duties at the time of the murder;

12 (2) the defendant has been previously convicted of

13 (A) murder in the first degree under AS 11.41.100 or former
14 AS 11.15.010 or 11.15.020;

1 (B) murder in the second degree under AS 11.41.110 or former
2 AS 11.15.030; or

3 (C) homicide under the laws of another jurisdiction when the
4 offense of which the defendant was convicted contains elements similar to first
5 degree murder under AS 11.41.100 or second degree murder under
6 AS 11.41.110; [OR]

7 (3) the court finds by clear and convincing evidence that the defendant
8 subjected the murder victim to substantial physical torture; or

9 (4) the defendant is convicted of the murder of and personally
10 caused the death of a person, other than a participant, during a robbery.

amend #1

11 * Sec. 2. The uncoded law of the State of Alaska is amended by adding a new section
12 to read:

which the A was convicted

13 APPLICABILITY. This Act applies to offenses committed or or after the effective
14 date of this Act.

amend #2 through an act that occurred during the robbery

Conceptual amendment encompassing 2 concepts

*a) need to clarify that A was convicted of robbery
b) clarifies act during robbery so that if person takes A's property while A is in prison, it will count.*