

**HB**

**85**

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:  
119 N. Cushman, Suite 211  
Fairbanks, AK 99701  
(907)-456-5081  
Fax# (907)-456-8245



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 102

## REPRESENTATIVE JOHN COGHILL

### HB 85 Assault of School Employees Sponsor Statement

Parents have always sent their children to school feeling their children are in the safest place they could be when away from home. Because of acts of violence in public schools around the country in recent years, the safety of a child or a school employee in the school environment has increasingly been questioned.

On his School Safety Resource Site on the Internet, Senator Robert Byrd states:

"These acts are not limited to specific geographic regions or family backgrounds, nor do they have a single catalyst. Those who have committed such heinous acts have done so for different reasons, at different times, in different schools. But these acts of school violence have at least one thing in common-- they have spurred all of us to take a closer look at what can be done to better protect children at school.

Protecting our children is not simply a matter of public policy. It is a matter of strengthening basic values, of teaching children right from wrong, of instilling in them respect for others. We each have a responsibility to work to end youth violence and to keep schools safe for children and for those who teach them." Part of reassuring safety in the schools is assuring the safety of all school employees who facilitate that safe environment. "

HB 85 amends state statutes to allow for a judge to increase the imprisonment of a person who knowingly assaults a school employee during or because of the exercise of the school employee's duties. I believe an aggravating factor in sentencing will instill in children and their parents respect for others, especially employees of the schools they attend.

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

BILL NO. HB 85

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
 Title Aggravating Factors in Sentencing BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Cogill  
 Requester House Judiciary Component No. 768

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 The Alaska Court System does not anticipate any fiscal impact from the passage of HB 85.

Prepared by: Douglas Wooliver Phone 463-4750  
 Division: Alaska Court System Date/Time 1/30/02 12:20 PM  
 Approved by: Stephanie Cola Date 1/30/02  
 Agency: Alaska Court System

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 85  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
 Title An act relating to conduct directed at a school BRU Administration and Operations  
employee as an aggravating factor for criminal sentencing Component All  
 Sponsor Representative Coghill  
 Requester House Judiciary Committee Component No. 694

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation would make it an aggravator in felony sentencing if the defendant knowingly directed the conduct constituting the offense at a school employee during or because of the exercise of official duties. The Department believes this bill will have minimal fiscal impact. We do not anticipate many cases that would elevate themselves to felony levels.

Prepared by: Candace Brower Phone 465-4652  
 Division Commissioners Office Date/Time 1/17/02 9:55 AM  
 Approved by: Margaret M. Pugh Date 1/17/02  
 Agency Department of Corrections

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 85  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to conduct directed at a BRU Criminal Division  
school employee as an aggravating factor for . . .sentencing . . ." Component 1st-4th Judicial Districts  
 Sponsor Representative Coghill  
 Requester House Judiciary Committee Component No. 2198-99;2201;61;79

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

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Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HB 85 allows a judge to increase the presumptive sentence for certain felonies when the crime included conduct that was directed at a school employee.

This bill will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson  
 Division: Attorney General's Office  
 Approved by: Bob Meiners for Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone (907) 465-5370  
 Date/Time 1/17/02 10:57 AM  
 Date 1/17/2002

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 85  
 (H) Publish Date: 4/12/01

Revision Date/Time(Note if Correction): \_\_\_\_\_ Dept. Affected: Correction  
 Title: An Act relating to conduct directed at a school BRU: Administration & Operations  
employee as an aggravating factor for criminal sentencing... Component: All  
 Sponsor: Representative Coghill  
 Requester: House Special Committee on Education Component Number: 694

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
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Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation would make it an aggravator in felony sentencing if the defendant knowingly directed the conduct constituting the offense at a school employee during or because of the exercise of official duties. The Department believes this bill will have minimal fiscal impact. We do not anticipate many cases that would elevate themselves to felony levels.

Prepared by: Candace Brower Phone 465-4652  
 Division: Commissioner's Office Date/Time 4/05/01 4:30 pm  
 Approved by: Margaret Pugh Date 4/5/01  
 Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: HB 85  
(H) Publish Date: 4/12/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
Title "An Act relating to conduct directed at a BRU Criminal Division  
school employee as an aggravating factor for . . .sentencing . . ." Component 1st-4th Judicial Districts  
Sponsor Representative Coghill  
Requester House HESS Committee Component No. 2198-99;2201;61;79

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
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<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
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1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
HB 85 allows a judge to increase the presumptive sentence for certain felonies when the crime included conduct that was directed at a school employee.

This bill will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370  
Division Attorney General's Office Date/Time 3/8/01 3:52 PM  
Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 3/8/01  
Agency Department of Law

For distribution information, call the Governor's Legislative Office

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:  
119 N. Cushman, Suite 211  
Fairbanks, AK 99701  
(907)-456-5081  
Fax# (907)-456-8245



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 102

## REPRESENTATIVE JOHN COGHILL

Date: April 11, 2001  
To: Representative John Coghill  
From: Rynnieva Moss, Legislative Aide *Rynnieva Moss*  
Re: HB 85 Assaulting a school employee

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Sec. 12.55.125. Sentences of imprisonment for felonies.

(k) A first felony offender convicted of an offense for which a presumptive term of imprisonment is not specified under this section

(2) except as provided in (1) of this subsection, may not be sentenced to a term of unsuspended imprisonment that exceeds the presumptive term for a second felony offender convicted of the same crime unless the court finds by clear and convincing evidence that an aggravating factor under AS 12.55.155 (c) is present, or that circumstances exist that would warrant a referral to the three-judge panel under AS 12.55.165 .

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Sec. 12.55.155. Factors in aggravation and mitigation.

(a) If a defendant is convicted of an offense and is subject to sentencing under AS 12.55.125 (c), (d)(1), (d)(2), (e)(1), (e)(2), (e)(4), or (i) and

(1) the presumptive term is four years or less, the court may decrease the presumptive term by an amount as great as the presumptive term for factors in mitigation or may increase the presumptive term up to the maximum term of imprisonment for factors in aggravation;

(2) the presumptive term of imprisonment is more than four years, the court may decrease the presumptive term by an amount as great as 50 percent of the presumptive term for factors in mitigation or may increase the presumptive term up to the maximum term of imprisonment for factors in aggravation.

(b) Sentence increments and decrements under this section shall be based on the totality of the aggravating and mitigating factors set out in (c) and (d) of this section.

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Sec. 12.55.165. Extraordinary circumstances.

(a) If the defendant is subject to sentencing under AS 12.55.125 (c), (d)(1), (d)(2), (e)(1), (e)(2), (e)(4), or (i) and the court finds by clear and convincing evidence that manifest injustice would result from failure to consider relevant aggravating or mitigating factors not specifically included in AS 12.55.155 or from imposition of the presumptive term, whether or not adjusted for aggravating or mitigating factors, the court shall enter findings and conclusions and cause a record of the proceedings to be transmitted to a three-judge panel for sentencing under AS 12.55.175

(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 that a factor in aggravation set out in AS 12.55.155 (c)(2), (8), (10), (12), (15), (17), (18)(B), (20), (21), or (28) is present.



# NEA-ALASKA

*Affiliated with the National Education Association*

## **NEA-Alaska Position Paper April 21, 2001**

### **HB 85 – School Employee Aggravating Factor Representative John Coghill**

NEA-Alaska commends Representative John Coghill for introducing HB 85 that makes directing violent conduct to a school employee an aggravating factor for criminal sentencing. The aggravating factor applies to a school employee who is performing school-related teaching and work.

In 1996, the Delegate Assembly of NEA-Alaska went on record requesting legislation be passed making the consequences of an assault of an educational employee the same consequences as though the assault were to occur on a police officer.

Safe schools and classrooms are absolutely essential for student success. During the past few years schools have worked hard to maintain a positive school environment. Despite that, threats and instances of violent behavior toward teachers and school employees have increased. We commend the legislature for taking steps to make schools safer. For example in 2000, passage of HB 253 by Representative Fred Dyson requiring school disciplinary and safety programs provided a means for some communities to focus attention on student discipline and safety.

We now call on the legislature to take an additional step to make our schools and classrooms as free of violence as possible by passing this bill. HB 85 may deter persons from assaulting a school employee while the employee is engaged in school related responsibilities.

This aggravating factor is not automatic but may be considered by the court in adjusting a sentence. By enacting HB 85, the legislature serves notice to anyone disturbing the peace in schools that the people of Alaska take safety in our schools and the safety of Alaska's school employees as a serious matter.

NEA-Alaska has committed greater levels of its budget and staff time to make our schools safer. Passage of HB 85 is a step in the direction to make our schools safer. We request that the House Special Committee on Education pass HB 85.

THE  
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DOCUMENT(S)  
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ORIGINAL  
COPIES

## Logan after game

Friday in the trial of Jerome Logan, accused of killing a man after a game, one witness said he did not tell Logan about the game. The witness said in Anchorage Superior Court that Logan's team of three white players defeated Logan's team of three black players. Logan and others testified that Logan "had a bright future."

Logan did not use racial slurs. The witness charged Logan with assault on Billy Watterson in July 2000 and with Twete at an East Anchorage bar.

Logan was drinking that night and the witness said he might have taunted Logan. "I was in panic, I was scared, I didn't know if I said it. Now I regret it," the witness said. Rex Butler also asked the witness to tell the police, in court, that Logan as having "shiny teeth" and that Logan "had a bright future."

— Anchorage Daily News

## State to be broadcast on TV, the Internet

The annual State of the Alaska Legislature at 7 p.m. will be broadcast live on several television stations.

The broadcast can be seen on Alaska Public Television (KATV-TV Juneau, KUAC-TV Kodiak, KTUU-TV Bethel), the Alaska System (ARCS TV) and on cable in Anchorage, and Chantrelle in Anchorage.

Chantrelle, the cable-TV service in Anchorage, will also televise the event. For more information on the Gavel to Gavel broadcast at www.ktoo.org/

The broadcast on Alaska Public Television stations and live-streamed at www.state.ak.us. — Anchorage Daily News

# Airman got in the middle of shootout

■ **FATALITY:** Gunfire erupted at trailer court during confrontation.

By LUCAS WALL  
Anchorage Daily News

The 19-year-old man shot to death Sunday in a Fairbanks trailer park was an Air Force airman who got in the middle of a shootout involving more than 20 people, including several other airmen and Army soldiers, Alaska State Troopers said Tuesday.

Troopers and three local police departments responded to the Lake View Trailer Court about 12:25 a.m. Terry Hachtel died while en route to Fairbanks Memorial Hospital in a private vehicle.

Seven trooper investigators are

working the case with help from State Crime Lab technicians, the Air Force Office of Special Investigations and the Army Criminal Investigation Division.

Troopers spokesman Greg Wilkinson said events began Friday night at a party in a Fairbanks residence. There was a fight there involving military personnel and civilians, but Wilkinson said he didn't know what it was about.

The night after, a group of 20 or so people including Hachtel went to the trailer, which the Lake View manager said is owned by David Causey. Troopers said the owner was home at the time but wouldn't say how many others were with him.

The group wanted revenge for what happened the previous night, Wilkinson said, and several people

tried to enter the trailer. Gunfire erupted between those inside and outside the trailer, and Hachtel was struck in the chest.

Wilkinson said he didn't know how many people fired shots or if Hachtel was among the shooters. One firearm was recovered from inside the trailer and one from outside, he said. He didn't know the types, but said neither was a military weapon.

About 10 strings of green and orange yarn were strung up outside the trailer Monday as investigators apparently tried to plot bullet trajectory.

"We're trying to establish who fired first," Wilkinson said.

Troopers hope to conclude their investigation within the next two weeks and forward findings to the Fairbanks district attorney's office.

Lt. Esmeralda Silvestre, an Eielson spokeswoman, said Air Force investigators won't comment on the matter. Hachtel's hometown was listed as Fort Ord, Calif., an Army base 5 miles north of Monterey. He is a native of Roy, Utah.

Hachtel joined the Air Force in May 2000 and had been stationed at Eielson since November 2000, Silvestre said. He worked in the 354th Munitions Flight, responsible for taking trailers of bombs and bullets from storage to the flight line for loading onto aircraft.

The Air Force held a memorial service for Hachtel Tuesday afternoon at the base chapel.

■ The Associated Press contributed to this story. Reporter Lucas Wall can be reached at lwall@adn.com or 257-4321.

# Mom pleads not guilty to assaulting girl's teacher

■ **CHARGES:** Woman pulled Taku teacher's hair, tore phone off wall, police say.

By NICOLE TSONG  
Anchorage Daily News

A mother who police say attacked her daughter's Taku Elementary teacher pleaded not guilty on Tuesday in Anchorage District Court to charges of assault.

Angel S. Carter, 36, of Anchorage faces two counts of fourth-degree misdemeanor assault and one count of malicious destruction of property.

The maximum penalty for one assault charge is one year in jail and a \$5,000 fine, while destroying

property carries a maximum penalty of six months in jail and a \$1,000 fine. Her trial was set for March 11.

Carter is free on her own recognition. Judge Stephanie Rhoades also ordered her to stay away from the teacher and Anchorage School District property.

Anchorage police say Carter walked into the fifth-grade classroom on Dec. 13 and asked teacher Bonnie Lucca for documented daily reports on her daughter's behavior. At the time, the teacher was



Carter

working on an assignment with students. When Lucca told Carter she couldn't speak with her until class ended and asked her to leave, Carter became furious and attacked, pushing Lucca and pulling her hair, police said.

Lucca tried to call for help, but Carter grabbed the classroom telephone and tore it off the wall, police said. Other teachers separated the two.

Lucca suffered minor injuries, including a scratch on her face and bruises on her arm and leg. She could not be reached for comment.

In an interview five days after the incident, Carter said she lost her temper that day because of ongoing issues with Lucca. She said

her daughter was having behavioral and academic problems, so she asked Lucca to try daily progress reports for two weeks.

"I was asking for something daily, just for a short period of time, and she would always tell me, 'I don't have time, I'm not going to give this to you.'"

Carter, who also could not be reached for comment Tuesday, said at the time she was sorry the incident happened in front of children.

But "you don't deny a parent from wanting their child to excel," she said.

■ Nicole Tsong can be reached at ntsong@adn.com or 257-4450.

crime committed in  
States v. Farwell, 11  
Alaska 1948).

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ry observation by per-  
h the person carrying  
ry and usual associa-  
188 P.2d 1039 (Alaska

hidden from ordinary  
absolutely invisible to  
488 P.2d 1039 (Alaska

not required under  
State, 499 P.2d 1025  
10 U.S. 925, 93 S. Ct.  
ev'd on other grounds,  
1 L. Ed. 2d 347 (1974);  
Alaska 1975).

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2d 1025 (Alaska 1972),  
S. Ct. 1392, 35 L. Ed.  
unds, 415 U.S. 308, 94  
1974).

er the gun is loaded  
— See Davis v. State,  
ert. granted, 410 U.S.  
d 586 (1973), rev'd on  
S. Ct. 1105, 39 L. Ed.

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Robson, 576 P.2d 771

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445 P.2d 229 (Alaska  
5, 90 S. Ct. 117, 24 L.

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on in possession" may  
vidence of possession.  
(Alaska 1972), cert.  
1392, 35 L. Ed. 2d 586  
115 U.S. 308, 94 S. Ct.

give an instruction  
l." McKee v. State, 488

P.2d 255 (Alaska Ct.

(3) discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person under circumstances other than those described in AS 11.61.195(a)(3)(A);

(4) manufactures, possesses, transports, sells, or transfers metal knuckles;

(5) manufactures, sells, or transfers a switchblade or a gravity knife;

(6) knowingly sells a firearm or a defensive weapon to a person under 18 years of age;

(7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a person 21 years of age or older may possess

(A) a deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;

(B) a defensive weapon;

(C) an unloaded firearm if the person is traversing school premises in a rural area for the purpose of entering public or private land that is open to hunting and the school board with jurisdiction over the school premises has elected to have this exemption apply to the school premises; in this subparagraph, "rural" means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks; or

(8) being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.

(b) [Repealed, § 4 ch 63 SLA 1990.]

(c) The provisions of (a)(7) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) Misconduct involving weapons in the fourth degree is a class A misdemeanor. (§ 7 ch 166 SLA 1978; am §§ 21, 22 ch 102 SLA 1980; am §§ 2, 4 ch 63 SLA 1990; am § 7 ch 59 SLA 1991; am §§ 15, 16 ch 79 SLA 1992; am §§ 1, 2 ch 33 SLA 1995; am § 2 ch 89 SLA 1997; am § 3 ch 1 SLA 1998)

**Revisor's notes.** — Subsection (c) was enacted as (d). Relettered in 1995. Subsection (d) was formerly (b); relettered as (c) in 1980 and relettered again in 1995.

**Effect of amendments.** — The 1990 amendment added "in circumstances other than described in AS 11.61.200 (a)(7)" at the end of paragraph (a)(1) and repealed subsection (b).

The 1991 amendment, effective September 15, 1991, in subsection (a), rewrote paragraph (1) and added paragraphs (4) and (5).

The 1992 amendment, effective September 14, 1992, substituted "fourth degree" for "second degree" near the beginning of subsection (a) and in subsection (d); and added paragraph (a)(6) and made related stylistic changes.

The 1995 amendment, effective August 17, 1995, added paragraph (a)(7), made a related stylistic change, and added subsection (c).

The 1997 amendment, effective September 14, 1997, in paragraph (a)(3), added "under circumstances other than those described in AS 11.61.195(a)(3)(A)" at the end.

The 1998 amendment, effective April 14, 1998, in subsection (a), inserted ", on a school bus while being transported to or from a school or a school-sponsored event," in paragraphs (7) and (8).

**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.

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