

LDIR#021

CRIMINAL CODE

REVISION

1967

ALASKA
STATE LEGISLATURE

LEGISLATIVE COUNCIL

BOX 2199-JUNEAU

LEGISLATIVE AFFAIRS AGENCY

An Outline
of Preliminary Suggestions for Revision
of the
CRIMINAL CODE

Submitted to the Members of the Alaska Bar Association to elicit discussion by and comment from the state bar, local bar associations, committees and individual members in order to eventually develop a report and accompanying legislation to be referred to the Legislative Council and then to the Legislature.

May

1966

DRAFT REVISION OF TITLE XI - CRIMINAL LAW

The draft proposal which has been prepared for the legislature's consideration represents a total departure from Alaska's current substantive law in the criminal field. The current code represents a body of law which has been the subject of patchwork amendments without a substantive revision since it was first applied to Alaska by the Federal government over 60 years ago. In many areas the present law is at odds with, or out of step with, constitutional and social developments of recent times. The draft proposal is an attempt to make our substantive law more compatible with present day norms and mores and in language that can be more easily understood by attorneys and laymen alike. Some statutes that were considered obsolete have been omitted from the proposal, some sections have been reduced and incorporated into considerably less imposing number of statutes, and where it was thought necessary or wise to do so, some of our present statutes have been retained as is.

Many states have either revised their substantive criminal law in recent years, attempted to do so, or are currently working on draft proposals. Of necessity, great reliance was placed on the work of other jurisdictions, along with the work done by the drafters of the Model Penal Code.

Some of the other proposals that were examined are those of California, Colorado, Pennsylvania, New York, Wisconsin, and Illinois. After due consideration, it was felt that the work accomplished by Illinois in their eight year long revision represented a simple, realistic and adequate approach to the field of criminal law. Their proposal, which was enacted in 1961, was in turn based upon a study of the Model Penal Code and of other draft proposals. Much of the major revision in our draft proposal is taken from the Illinois law. There are extensive comments prepared by the Illinois and Chicago Bar Association available to aid in any analysis of specific sections that might be needed should the proposal receive attention from the legislature or in the event it was directed that public hearings be held concerning the proposal.

Some major areas of revision are as follows:

1. several statutes have been written regarding the justifiable use of force. These statutes are included to describe the general situations in which a person may use force upon another without being criminally liable for his conduct; the defense of person, dwelling, or property against unlawful injury, invasion, damage,