



# LAWS OF ALASKA

1983

**Source**

CSSB 24(Jud) am

**Chapter No.**

92

## AN ACT

Relating to penalties for assaulting a peace officer, fire fighter, correctional officer, or other emergency responder.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: July 25, 1983  
Actual Effective Date: October 23, 1983

AN ACT

Relating to penalties for assaulting a peace officer,  
fire fighter, correctional officer, or other emergency  
responder.

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

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

\* Sec. 2. AS 12.55.125(d) is amended by adding a new paragraph to read:

(3) if the offense is a first felony conviction, and the defendant knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, fire fighter, correctional officer, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the offense, two years.

\* Sec. 3. AS 12.55.125(e) is amended by adding a new paragraph to read:

(3) if the offense is a first felony conviction, and the defendant knowingly directed the conduct constituting the offense at a

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1 uniformed or otherwise clearly identified peace officer, fire fighter,  
2 correctional officer, emergency medical technician, paramedic, ambu-  
3 lance attendant, or other emergency responder who was engaged in the  
4 performance of official duties at the time of the offense, one year.

5 \* Sec. 4. AS 12.55.135(c) is amended to read:

6 (c) A defendant convicted of assault in the fourth degree com-  
7 mitted in violation of the provisions of an order issued under AS 09.-  
8 55.600 or 09.55.610 shall be sentenced to a minimum term of imprison-  
9 ment of 20 days. [THE EXECUTION OF SENTENCE MAY NOT BE SUSPENDED AND  
10 PROBATION OR PAROLE MAY NOT BE GRANTED UNTIL THE MINIMUM TERM OF  
11 IMPRISONMENT HAS BEEN SERVED. IMPOSITION OF SENTENCE MAY NOT BE  
12 SUSPENDED, EXCEPT UPON CONDITION THAT THE DEFENDANT BE IMPRISONED FOR  
13 NO LESS THAN THE MINIMUM TERM OF IMPRISONMENT PROVIDED IN THIS SEC-  
14 TION, AND THE MINIMUM SENTENCE PROVIDED FOR IN THIS SECTION MAY NOT BE  
15 OTHERWISE REDUCED.]

16 \* Sec. 5. AS 12.55.135 is amended by adding new subsections to read:

17 (d) A defendant convicted of assault in the fourth degree upon a  
18 uniformed or otherwise clearly identified peace officer, fire fighter,  
19 correctional officer, emergency medical technician, paramedic, ambu-  
20 lance attendant, or other emergency responder who was engaged in the  
21 performance of official duties at the time of the assault shall be  
22 sentenced to a minimum term of imprisonment of 30 days.

23 (e) The execution of a sentence under (c) or (d) of this section  
24 may not be suspended and probation or parole may not be granted until  
25 the minimum term of imprisonment has been served. Imposition of a  
26 sentence under (c) or (d) of this section may not be suspended, except  
27 upon condition that the defendant be imprisoned for no less than the  
28 minimum term of imprisonment provided in (c) or (d) of this section,  
29 and the minimum sentence provided for in (c) or (d) of this section

1 may not be otherwise reduced.

2 \* Sec. 6. AS 12.55.155(c)(13) is amended to read:

3 (13) the defendant knowingly directed the conduct constitut-  
4 ing the offense at an active officer of the court or at an active or  
5 former judicial officer, prosecuting attorney, law enforcement offi-  
6 cer, correctional employee, fire fighter, emergency medical techni-  
7 cian, paramedic, ambulance attendant, or other emergency responder [OR  
8 FIREMAN] during or because of the exercise of [HIS] official duties;

9 \* Sec. 7. AS 12.55.155(e) is amended to read:

10 (e) If a factor in aggravation is a necessary element of the  
11 present offense, or requires the imposition of a presumptive term  
12 under AS 12.55.125(c)(2), (d)(3) or (e)(3), that factor may not be  
13 used to aggravate the presumptive term. If a factor in mitigation is  
14 raised at trial as a defense reducing the offense charged to a lesser  
15 included offense, that factor may not be used to mitigate the presump-  
16 tive term.