



LAWS OF ALASKA

1996

Source

SCS CSHB 127(JUD)

Chapter No.

6

AN ACT

Relating to penalties for certain offenses committed against a peace officer, fire fighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responders.

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

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Approved by the Governor: March 29, 1996

Actual Effective Date: June 27, 1996

AN ACT

1 Relating to penalties for certain offenses committed against a peace officer, fire fighter,
2 correctional employee, emergency medical technician, paramedic, ambulance attendant, or
3 other emergency responders.

4

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

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

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

14 (2) the defendant has been previously convicted of

15 (A) murder in the first degree under AS 11.41.100 or former

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1 AS 11.15.010 or 11.15.020;

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

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

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

10 * Sec. 2. AS 12.55.125(c) is amended to read:

11 (c) A defendant convicted of a class A felony may be sentenced to a definite
12 term of imprisonment of not more than 20 years, and shall be sentenced to the
13 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -
14 12.55.175:

15 (1) if the offense is a first felony conviction and does not involve
16 circumstances described in (2) of this subsection, five years;

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

25 (3) if the offense is a second felony conviction, 10 years;

26 (4) if the offense is a third felony conviction, 15 years.

27 * Sec. 3. AS 12.55.135(d) is amended to read:

28 (d) A defendant convicted of assault in the fourth degree **who knowingly**
29 **directed the conduct constituting the offense at** [UPON] a uniformed or otherwise
30 clearly identified peace officer, fire fighter, correctional **employee** [OFFICER],
31 emergency medical technician, paramedic, ambulance attendant, or other emergency

1 responder who was engaged in the performance of official duties at the time of the
2 assault shall be sentenced to a minimum term of imprisonment of

3 (1) 60 [30] days if the defendant violated AS 11.41.230(a)(1) or (2);

4 (2) 30 days if the defendant violated AS 11.41.230(a)(3).

5 * Sec. 4. AS 12.55.155(e) is amended to read:

6 (e) If a factor in aggravation is a necessary element of the present offense, or
7 requires the imposition of a presumptive term under AS 12.55.125(c)(2) [, (d)(3) OR
8 (e)(3)], that factor may not be used to aggravate the presumptive term. If a factor in
9 mitigation is raised at trial as a defense reducing the offense charged to a lesser
10 included offense, that factor may not be used to mitigate the presumptive term.

11 * Sec. 5. AS 12.55.185 is amended by adding a new paragraph to read:

12 (14) "peace officer" has the meaning given in AS 11.81.900.

13 * Sec. 6. AS 12.55.125(d)(3) and 12.55.125(e)(3) are repealed.

14 * Sec. 7. This Act applies to all offenses committed on or after the effective date of this
15 Act.