

Sec. 37.15.350. Security for Repayment of Revenue Bonds. Notes issued in anticipation of the sale of revenue bonds and the interest thereon are secured in the same manner as are the revenue bonds in anticipation of which the notes are issued.

Sec. 37.15.360. Limitation on Issuance of Notes. The total amount of such notes issued and outstanding shall at no time exceed the total amount of bonds authorized to be issued.

Sec. 37.15.370. Use of Proceeds from Sale of Notes. The proceeds from the sale of the notes shall be used only for the purposes for which the proceeds from the sale of bonds may be used or to meet payment of outstanding bond anticipation notes.

Sec. 37.15.380. Sale of Notes. Notes

issued pursuant to this chapter shall be sold by the State Bond Committee in such manner and at such price or prices as it shall determine, at either public or private sale; provided that no such note shall be sold for less than par and accrued interest or at an interest rate exceeding five per cent per annum.

Sec. 37.15.390. Execution of Notes. Notes for money borrowed in anticipation of receipts from the sale of bonds shall be signed by the governor and countersigned by the secretary of state. The governor's signature may be a facsimile signature.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 7, 1964

CHAPTER 43

AN ACT

To provide a method of sentencing, probation and parole of persons convicted of felonies; and providing for an effective date.

(S.C.S.C.S.H.B. 336)

Be it enacted by the Legislature of the State of Alaska:

Section 1. AS 06.05.490 is amended to read:

Sec. 06.05.490. Receipt of Deposits while Insolvent. The director, officer, or employee of any bank who fraudulently receives any deposit, knowing that the bank is insolvent, is guilty of a felony and, upon conviction, is punishable by a fine of not more than \$5,000, or by imprisonment for not less than one year nor more than three years, or by both.

Sec. 2. AS 06.05.515 is amended to read:

Sec. 06.05.515. Slander and Libel of Bank. Any person who wilfully and maliciously makes, circulates, or transmits to another any statement, rumor, or suggestion, written, printed, or by word of mouth, which is directly or by

implication derogatory to the financial condition or affects the solvency or financial standing of any bank or trust company doing business in the state, or who counsels, aids, procures, or induces another to start, transmit, or circulate such a statement or rumor is guilty of a felony, and, upon conviction, is punishable by a fine of not more than \$5,000, or by imprisonment for not less than one year nor more than five years, or by both.

Sec. 3. AS 11.05.060 is repealed and re-enacted to read:

Sec. 11.05.060. Indeterminate Sentence. Courts imposing prison sentences for felonies shall sentence the defendant to the minimum and maximum term of imprisonment provided by law.

If a defendant is sentenced for two or more separate felonies, his sentence may equal, but shall not exceed, the

aggregate of the maximum term of imprisonment of all felonies for which he is sentenced.

If through oversight or otherwise, a sentence of imprisonment should be for other than the minimum and maximum term of imprisonment as provided by law, it shall not become void, but the defendant shall be subject to the liabilities provided by law as if he had been sentenced in the manner required by this section.

Sec. 4. AS 11.05.150 is repealed.

Sec. 5. AS 11.15.010 is amended to read:

Sec. 11.15.010. **First Degree Murder.** A person who, being of sound memory and discretion, purposely, and either of deliberate and premeditated malice or by means of poison, or in perpetrating or in attempting to perpetrate, rape, arson, robbery, or burglary kills another, is guilty of murder in the first degree, and shall be sentenced to imprisonment for life. The imposition or execution of sentence shall not be suspended.

Sec. 6. AS 11.15.020 is amended to read:

Sec. 11.15.020. **Obstructing or Injuring Railroad or Aircraft.** A person who maliciously (1) places an obstruction upon a railroad or street railroad, or displaces or injures anything appertaining to a railroad or street railroad, or does any other act with intent to endanger the passage of a locomotive or car, and thereby occasions the death of another; or (2) causes or attempts to cause damage or injury to, or places obstruction or explosive material on, in or about an aircraft, or who commits any other act with intent to endanger the safety of flight, operation, or passage of an aircraft and thereby occasions or implements the death of another, is guilty of murder in the first degree and shall be sentenced to imprisonment for life. The imposition or execution of sentence shall not be suspended.

Sec. 7. AS 11.15.030 is amended to read:

Sec. 11.15.030. **Second Degree Murder.** Except as provided in secs. 10 and 20 of this chapter, a person who purposely and maliciously kills another is guilty of murder in the second degree, and shall be imprisoned in the penitentiary for a term of not less than 15 years to life. The imposition or execution of sentence shall not be suspended.

Sec. 8. AS 11.15.040 is amended to read:

Sec. 11.15.040. **Manslaughter.** Except as provided in secs. 10 - 30 of this chapter, a person who unlawfully kills another is guilty of manslaughter, and is punishable by imprisonment in the penitentiary for not less than one year nor more than 20 years.

Sec. 9. AS 11.15.280 is amended to read:

Sec. 11.15.280. **Receiving, Possessing, or Disposing of Ransom.** A person who receives, possesses, or disposes of money or other property or a portion of it which at any time has been delivered as ransom or reward in connection with a kidnapping under sec. 260 of this chapter, knowing it to be money or property delivered as ransom or reward, is punishable by a fine of not more than \$10,000, or by imprisonment for not less than one year nor more than 10 years, or by both.

Sec. 10. AS 11.20.080 is amended to read:

Sec. 11.20.080. **Burglary in Dwelling House.** A person who breaks and enters a dwelling house with intent to commit a crime in it or, having entered with that intent, breaks a dwelling house or is armed with a dangerous weapon in it, or assaults a person lawfully in it, is guilty of burglary, and upon conviction is punishable by imprisonment in the penitentiary for not less than one year nor more than 10 years. However, if the burglary is committed at nighttime, it shall be punishable by imprisonment for not less than one year nor more than 15 years. If a human being is within the dwelling at the time of the burglary during the nighttime or daytime, it shall be punishable by imprisonment

for not less than one year more than 20 years.

Sec. 11. AS 11.20.350 is amended to read:

Sec. 11.20.350. Buying, Receiving, or Concealing Stolen Property. A person who buys, receives, or conceals money, goods, bank notes, or other thing which may be the subject of larceny and which has been taken, embezzled, or stolen from another person, knowing it to have been taken, embezzled, or stolen, is punishable by a fine of not more than \$1,000 and by imprisonment for not less than one year nor more than three years.

Sec. 12. AS 11.30.090 is amended to read:

Sec. 11.30.090. Escape from Custody or Confinement. A person who escapes or attempts to escape from the custody of a peace officer under a lawful arrest or from a jail or institution in which he is detained by a peace officer or confined by direction of a court in this state or from custody under process issued by a court in this state is punishable,

(1) if the custody or confinement is by an arrest on a charge of a felony, or conviction of a felony, by a fine of not more than \$5,000, or by imprisonment for not less than one year nor more than three years, or by both; or

(2) if the custody or confinement is for extradition, or by an arrest, or charge of, or conviction of a misdemeanor, by a fine of not more than \$1,000, or imprisonment for not more than one year, or by both.

Sec. 13. AS 11.30.250 is amended to read:

Sec. 11.30.250. Act of Officer Having Custody. An officer having custody of a record, map, or book, or a paper or proceeding of a court, filed or deposited in a public office, or placed in his hands for any purpose, who is guilty of stealing, wilfully destroying, mutilating, defacing, altering or falsifying, removing or secreting the whole or a part of the record, map, book, paper, or proceeding, or who permits another person to do so, is punishable

by imprisonment in the penitentiary for not less than one year nor more than five years, or by a fine of not more than \$5,000, or by both.

Sec. 14. AS 11.30.260 is amended to read:

Sec. 11.30.260. Act of Person Not Officer. A person not an officer referred to in sec. 250 of this chapter, who is guilty of the acts specified in sec. 250 of this chapter, is punishable by imprisonment in the penitentiary for not less than one year nor more than three years, or by a fine of not more than \$2,000, or by both.

Sec. 15. AS 11.30.270 is amended to read:

Sec. 11.30.270. Filing, or Offering for Filing, False or Forged Instruments. A person who knowingly procures or offers a false or forged instrument to be filed, registered, or recorded in a public office, which, if genuine, might be filed, registered, or recorded under a law of this state or the federal government, is guilty of a felony, and upon conviction is punishable by imprisonment in the penitentiary for not less than one year nor more than two years, or by a fine of not more than \$2,000, or by both.

Sec. 16. AS 11.30.280 is amended to read:

Sec. 11.30.280. False Certificate by a Public Officer. A public officer authorized by law to make or give a certificate or other writing, who makes or delivers as true a certificate or writing containing a statement which he knows is false, is guilty of a felony, and upon conviction is punishable by imprisonment in the penitentiary for not less than one year nor more than two years, or by a fine of not more than \$5,000, or by both.

Sec. 17. AS 11.30.310. is amended to read:

Sec. 11.30.310. Punishment for Preparing or Offering False Evidence. A violation of secs. 290 and 300 of this chapter is punishable by imprisonment in the penitentiary for not less than one year nor more than two years, or

by a fine of not more than \$10,000, or by both.

Sec. 18. AS 11.30.320 is amended to read:

Sec. 11.30.320. Influencing Witnesses, Judges or Jurors or Obstructing Administration of Justice. A person, upon conviction, is punishable by a fine of not more than \$5,000, or by imprisonment for not less than one year nor more than five years, or by both, if he

(1) corruptly, or by threats or force, or by a threatening letter or communication, endeavors to influence, intimidate, or impede a witness in a court of this state or before a committing magistrate, or a grand or petit juror, judge, or officer in or of a court of this state, or an officer serving at an examination or other proceeding before a committing magistrate, in the discharge of his duty; or

(2) injures the person or property of a party or witness because of his attending or having attended a court or examination before an officer, or committing magistrate, or because of his testifying or having testified to a matter pending before them; or

(3) injures the person or property of a grand or petit juror because of a verdict or indictment assented to by him, or because of his being or having been a juror; or

(4) injures the person or property of an officer or committing magistrate because of the performance of his official duties; or

(5) corruptly or by threats or force, or by threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede the due administration of justice.

Sec. 19. AS 11.40.040 is amended to read:

Sec. 11.40.040. Cohabiting in State of Adultery or Fornication. A person who cohabits with another in a state of adultery or fornication is punishable by a fine of not more than \$500, or by imprisonment in the penitentiary for

not less than one year nor more than two years, or by both.

Sec. 20. AS 11.50.020 is amended to read:

Sec. 11.50.020. Prohibited Acts and Punishment. A person is guilty of a felony and is punishable by imprisonment in the penitentiary for not less than one year nor more than 10 years, or by a fine of not more than \$5,000, or by both, who

(1) by word of mouth or writing, advocates or teaches the duty, necessity or propriety of crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political reform;

(2) prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays a book, paper, document, or other written matter containing or advocating, advising, or teaching the doctrine that industrial or political reform should be brought about by crime, sabotage, violence, or other unlawful methods of terrorism;

(3) openly, wilfully, and deliberately justifies, by word of mouth or writing, the commission or the attempt to commit crime, sabotage, violence, or other unlawful methods of terrorism with intent to exemplify, spread or advocate the propriety of the doctrine of criminal syndicalism; or

(4) knowingly and wilfully organizes or helps to organize, or becomes a member of or voluntarily assembles with a society, group, or assemblage of persons formed to teach or advocate the doctrine of criminal syndicalism.

Sec. 21. AS 11.50.030 is amended to read:

Sec. 11.50.030. Assembly to Advocate Criminal Syndicalism. An assemblage of two or more persons for the purpose of advocating or teaching the doctrine of criminal syndicalism as defined in secs. 10 and 20 of this chapter is unlawful and a person wilfully, knowingly, and voluntarily participating in the assemblage by his presence, aid, or instigation is guilty of a felony, and is

punishable by imprisonment in the penitentiary for not less than one year nor more than 10 years, or by a fine of not more than \$5,000, or by both.

Sec. 22. AS 11.55.040 is amended to read:

Sec. 11.55.040. Punishment for Possession by Convict. A person who violates sec. 30 of this chapter is punishable by imprisonment for not less than one year nor more than five years, or by a fine not exceeding \$500, or by both.

Sec. 23. AS 12.55.050 is amended to read:

Sec. 12.55.050. Increased Punishment for Persons Convicted of More than One Felony. A person convicted of a felony in this state who has been previously convicted of a felony in this state or elsewhere, if the same crime elsewhere would constitute a felony under Alaska law, is punishable as follows:

(1) If the person is convicted of a felony which would be punishable by imprisonment for a term less than his natural life, and has previously been convicted of one felony, then he is punishable by imprisonment for not less than the minimum nor more than twice the longest term prescribed for the felony of which that person is convicted.

(2) If the person has previously been convicted of two felonies, then he is punishable by imprisonment for not less than the minimum nor more than twice the longest term prescribed herein for a second conviction of felony.

(3) If the person has previously been convicted of three or more felonies, then on the fourth conviction he shall be adjudged an habitual criminal, and is punishable by imprisonment for not less than 20 years nor more than the remainder of his natural life. The imposition or execution of sentence shall not be suspended.

Sec. 24. AS 12.55.080 is repealed and re-enacted to read:

Sec. 12.55.080. Suspension of Sentence and Probation. Upon entering

a judgment of conviction of a crime, any court having jurisdiction to try the offender, when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served, may suspend the imposition or execution of the sentence and place the defendant on probation for a period and upon terms and conditions the court considers best; provided that when a person has been convicted of murder in the first degree, or obstructing or injuring a railroad or aircraft, or murder in the second degree, or as an habitual criminal under sec. 50(3) of this chapter, the court shall not suspend imposition or execution of the sentence.

Sec. 25. AS 12.55.090 is amended by adding new subsections to read:

(d) Probation may not be granted by the sentencing court when the conviction is for murder in the first degree, or obstructing or injuring a railroad, or aircraft, or murder in the second degree, or as an habitual criminal, under sec. 50(3) of this chapter.

(e) If the court does not suspend the execution or imposition of sentence, either at the original imposition or within 60 days thereafter, or if the court revokes a suspension as provided in sec. 110 of this chapter, the parole board shall acquire exclusive jurisdiction over the prisoner.

Sec. 26. AS 15.55.220 is amended to read:

Sec. 15.55.220. General Penalty for Felony. A person found guilty of a felony under the provisions of the Alaska Election Code (AS 15.05 - 15.60) is punishable, unless specifically provided otherwise, by a fine of not more than \$3,000, or by imprisonment for not less than one year nor more than five years, or by both.

Sec. 27. AS 15.65.040 is amended to read:

Sec. 15.65.040. Offenses against Election Laws. A person who hinders, delays, prevents, or obstructs a person from qualifying himself to vote or from lawfully voting at a local election, or who knowingly personates and votes or

attempts to vote in the name of another person, or who votes more than once at the same election, or votes at a place where or at a time when he is not lawfully entitled to vote, or does any unlawful act to secure an opportunity to vote, for himself or for any other person, or who, by or through force, threat, intimidation, bribery, reward, or offer, unlawfully votes himself or procures another to vote, or prevents or induces another to refrain from exercising his right of suffrage, or induces an officer of an election to do any unlawful act or omit to do his duty in any manner, or who, directly or indirectly, in any manner fraudulently changes or has changed the returns or the true and lawful result of an election or attempts to do the same, or who delays, has delayed, or connives at the delay of election returns in any manner or attempts to do so, upon conviction, is punishable by a fine of not more than \$500 nor less than \$100, or imprisoned for not less than one year nor more than three years, or by both, and shall pay the costs of the prosecution. Every officer of an election who neglects to perform or violates any duty imposed upon him, or knowingly does any unauthorized act with the intent to affect the election or its result, or who permits, makes, or connives at any false count or certificate of election, or who conceals, withholds, destroys, or wilfully delays the returns of election, or connives at the same being done, or who aids, counsels, or procures any person to do or attempt to do any act made a crime in this section, upon conviction, is punishable by a fine of not less than \$200 nor more than \$1,000, or by imprisonment for not less than one year nor more than five years, or by both and shall pay all costs of the prosecution.

Sec. 28. AS 17.10.200(b) is amended to read:

(b) A person who violates any provision of this chapter relating to the keeping of records by persons authorized to administer or professionally use narcotic drugs, upon conviction, is punishable by a fine of not less than \$500 nor more than \$5,000, or by imprisonment for not less than one year

nor more than five years, or by both.

Sec. 29. AS 27.05.130 is amended to read:

Sec. 27.05.130. **Penalties.** Any person convicted of violating a provision of secs. 100 - 120 of this chapter is punishable by a fine of not more than \$1,000, or by imprisonment for a term of not less than one year nor more than two years, or by both.

Sec. 30. AS 28.10.600 is amended to read:

Sec. 28.10.600. **Fraudulent Applications.** A person who fraudulently uses a false or fictitious name in an application for the registration of a vehicle or a certificate of title, or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in an application for registration is guilty of a felony, and upon conviction is punishable by imprisonment for not less than one year nor more than two years, or by a fine of not more than \$2,000, or by both.

Sec. 31. AS 28.10.610 is amended to read:

Sec. 28.10.610. **False Evidence of Title and Registration.** A person who (1) alters with fraudulent intent a certificate of title, registration card, registration plate or permit issued by the department, (2) forges or counterfeits a certificate of title, registration card, registration plate or permit, (3) alters or falsifies with fraudulent intent or forges an assignment upon a certificate of title, or (4) holds or uses a certificate of title, registration card, registration plate or permit knowing it is altered, forged, or falsified, is guilty of a felony, and upon conviction is punishable by imprisonment for not less than one year nor more than two years, or by a fine of not more than \$2,000, or by both.

Sec. 32. AS 28.10.620 is amended to read:

Sec. 28.10.620. **Removal of Vehicles from State.** An owner who removes or has removed from the state an encumbered vehicle, which is subject to this chapter, without the written consent of the mortgagee or conditional

vendor is guilty of a felony, and upon conviction is punishable by imprisonment for not less than one year nor more than two years, or by a fine of not more than \$2,000, or by both.

Sec. 33. AS 28.10.630 is amended to read:

Sec. 28.10.630. Representation by Dealers as to Vehicle of Another State. A dealer or person who represents a vehicle of another state to be new, except new vehicles brought into the state in the ordinary course of business by or through a manufacturer or dealer, and sells or procures the sale of the foreign vehicle as a new vehicle is guilty of a felony, and upon conviction is punishable by imprisonment for not less than one year nor more than two years, or by fine of not more than \$2,000, or by both.

Sec. 34. AS 33.15.180 is amended to read:

Sec. 33.15.180. Persons Eligible for Parole. A state prisoner, other than a juvenile delinquent, wherever confined and serving a term the minimum of which is at least 181 days, whose record shows that he has observed the rules of the institution in which he is confined, may, in the discretion of the board, be released on parole, except a person convicted of murder in the first degree or of obstructing a railroad or aircraft shall not be eligible for parole until he has served 15 years, and a person convicted of murder in the second degree or sentenced as an habitual criminal under AS 12.55.050(3) shall not be eligible for parole until he has served five years.

Sec. 35. AS 33.15.230 is repealed.

Sec. 36. AS 44.21.050 is amended to read:

Sec. 44.21.050. Penalty for Allowance of False, Unjust, or Illegal Claims. If the commissioner of administration or a person acting in his behalf allows a claim against the state which he knows is false or fraudulent or for which there is not an existing appropriation against which a warrant may be drawn, except where otherwise provided by law, or knows is not a just,

true, or legal charge against the state, he is guilty of a felony, and upon conviction is punishable by a fine of not more than \$10,000, or by imprisonment for not less than one year nor more than two years, or by both.

Sec. 37. AS 47.30.330 is amended to read:

Sec. 47.30.330. Criminal Penalties. A person who intentionally causes, or attempts to cause, or conspires with another person to cause an individual to be committed to a hospital under secs. 10 - 340 of this chapter, knowing or having reasonable grounds for believing that the individual is not mentally ill and in need of hospitalization, is punishable by a fine of not more than \$10,000, or by imprisonment for not less than one year nor more than 10 years, or by both. The court may order all or part of the fine paid to the injured individual.

Sec. 38. AS 12.55.040 is amended to read:

Sec. 12.55.040. Increased Punishment for Habitual Criminal after Conviction of Petty Larceny or Misdemeanor Involving Fraud. A person convicted of petty larceny or a misdemeanor in which fraud or intent to defraud is an element who, subsequent to March 9, 1939, has been three times convicted in this state or elsewhere of a crime which would constitute burglary, larceny except changing brands, embezzlement, or obtaining money or property by false pretenses under Alaska law shall be adjudged an habitual criminal, and is punishable by imprisonment for not less than one year nor more than 10 years.

Sec. 39. AS 42.30.090 is amended to read:

Sec. 42.30.090. Penalty for Violation Causing Death or Injury. When death or bodily injury is caused by the explosion of an article referred to in secs. 60 - 100 of this chapter while it is being placed on a vessel or vehicle for transportation in violation of secs. 60 - 100 of this chapter, or while it is being transported or removed from a vessel or vehicle, the person knowingly placing, or aiding, or permitting the

placing of the article upon the vessel or vehicle, upon conviction, is punishable by imprisonment for not less than one year nor more than 10 years.

Sec. 40. AS 45.55.210(a) is amended to read:

(a) A person who wilfully violates a provision of this chapter except sec. 160 of this chapter, or who wilfully violates a rule or order under this chapter, or who wilfully violates sec. 160 of this chapter knowing the statement made to be false or misleading in a material respect, upon conviction, is punishable by a fine of not more than \$5,000, or by imprisonment for not less than one year nor more than three years, or by both. However, no person

may be imprisoned for the violation of a rule or order if he proves that he had no knowledge of the rule or order. No indictment or information may be returned under this chapter more than five years after the alleged violation.

Sec. 41. AS 11.05 is amended by adding a new section to read:

Sec. 11.05.145. **Punishment for Felonies.** Whenever an act is a felony, and no minimum term of imprisonment is prescribed, the minimum term is one year, except for crimes committed under AS 11.15.010 - 11.15.020.

Sec. 42. This Act takes effect on October 1, 1964.

Law without signature April 10, 1964.

CHAPTER 44

AN ACT

Relating to the periodic adjustment of rentals on state lands; and providing for an effective date.

(S.B. 253)

Be it enacted by the Legislature of the State of Alaska:

Section 1. AS 38.05.105 is amended to read:

Sec. 38.05.105. **Periodic Rental Adjustments.** Each lease shall stipulate that the annual rental payment is subject to adjustment at five-year intervals and charges or adjustments shall be based primarily on a reappraised

annual rental value. However, when development of the land is not otherwise possible due to special conditions, the reappraisal period may be lengthened or waived under regulations adopted by the commissioner.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 11, 1964

CHAPTER 45

AN ACT

Relating to the transfer of the assets and liabilities of the Dillingham Public Utility District to the City of Dillingham; and providing for an effective date.

(S.B. 322)

Be it enacted by the Legislature of the State of Alaska:

Section 1. The assets and liabilities of the Dillingham Public Utility District existing on the 30th of June, 1964, are hereby transferred to the City of Dilling-

ham.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 11, 1964