

**SENATE BILL NO. 64**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/8/23

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to homicide resulting from conduct involving controlled substances;**  
2 **relating to the computation of good time; and providing for an effective date."**

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

4 **\* Section 1.** AS 11.41.110(a) is amended to read:

5 (a) A person commits the crime of murder in the second degree if

6 (1) with intent to cause serious physical injury to another person or  
7 knowing that the conduct is substantially certain to cause death or serious physical  
8 injury to another person, the person causes the death of any person;

9 (2) the person knowingly engages in conduct that results in the death  
10 of another person under circumstances manifesting an extreme indifference to the  
11 value of human life;

12 (3) under circumstances not amounting to murder in the first degree  
13 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the  
14 person commits or attempts to commit arson in the first degree, kidnapping, sexual

1 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor  
 2 in the first degree, sexual abuse of a minor in the second degree, burglary in the first  
 3 degree, escape in the first or second degree, robbery in any degree, or misconduct  
 4 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)  
 5 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or  
 6 in immediate flight from that crime, any person causes the death of a person other than  
 7 one of the participants;

8 (4) acting with a criminal street gang, the person commits or attempts  
 9 to commit a crime that is a felony and, in the course of or in furtherance of that crime  
 10 or in immediate flight from that crime, any person causes the death of a person other  
 11 than one of the participants; or

12 (5) the person with criminal negligence causes the death of a child  
 13 under the age of 16, and the person has been previously convicted of a crime involving  
 14 a child under the age of 16 that was

15 (A) a felony violation of AS 11.41;

16 (B) in violation of a law or ordinance in another jurisdiction  
 17 with elements similar to a felony under AS 11.41; or

18 (C) an attempt, a solicitation, or a conspiracy to commit a  
 19 crime listed in (A) or (B) of this paragraph;

20 **(6) the person knowingly manufactures or delivers a controlled**  
 21 **substance in violation of AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule**  
 22 **IVA controlled substances, and a person dies as a direct result of ingestion of the**  
 23 **controlled substance; the death is a result that does not require a culpable mental**  
 24 **state; in this paragraph, "ingestion" mean voluntarily or involuntarily taking a**  
 25 **substance into the body in any manner.**

26 \* **Sec. 2.** AS 33.20.010(a) is amended to read:

27 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner  
 28 convicted of an offense against the state or a political subdivision of the state and  
 29 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction  
 30 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner  
 31 follows the rules of the correctional facility in which the prisoner is confined. A

1 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

2 (1) to a mandatory 99-year term of imprisonment under  
3 AS 12.55.125(a) after June 27, 1996;

4 (2) to a definite term under AS 12.55.125(I);

5 (3) for a sexual felony under AS 12.55.125(i)

6 (A) and has one or more prior sexual felony convictions as  
7 determined under AS 12.55.145(a)(4); or

8 (B) that is an unclassified or a class A felony; or

9 (4) for an unclassified felony under AS 11.41.100 or 11.41.110; **or**

10 **(5) for a felony under AS 11.71.010 - 11.71.040 for conduct**  
11 **involving manufacturing or delivering, or possessing with the intent to**  
12 **manufacture or deliver, a controlled substance.**

13 \* **Sec. 3.** AS 11.41.120(a)(3) is repealed.

14 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
15 read:

16 APPLICABILITY. AS 11.41.110(a), as amended by sec. 1 of this Act, and  
17 AS 33.20.010(a), as amended by sec. 2 of this Act, apply to offenses committed on or after  
18 the effective date of this Act.

19 \* **Sec. 5.** This Act takes effect July 1, 2023.