



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Fred Dyson
Current Version: CSSB 135 (JUD)
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Fact Sheet for: Senate Bill 135

Short Title: ASSAULT & CUSTODIAL INTERFERENCE

Summary:

- Amends the crimes of assault on children and custodial interference.
- Alters the definition of assault in the third degree as it pertains to an adult causing physical injury to a child under 10 years of age, from an injury that “reasonably requires medical treatment” to an injury that “would cause a reasonable caregiver to seek medical attention from a health care professional in the form of diagnosis or treatment.”
- Places limits on the circumstances under which a non-custodial parent can claim a “necessity” defense for parental kidnapping by specifying that the non-custodial parent can hold the child only for 24 hours or the time necessary to contact authorities, whichever is shorter. A “necessity” defense is a claim that custodial interference is warranted because of the conduct of the custodial parent.

Benefits:

- Allows prosecution of caregivers who cause injury that is sufficiently threatening to require medical examination, even if that examination ultimately discloses no need for treatment.
- Provides more protection for a child by limiting the time a non-custodial parent can hold the child.

Background:

- Alaska is committed to protecting its most valuable resource, its children. SB 135 was drafted by the Criminal Division of the Alaska Department of Law to strengthen the prosecutorial powers for two crimes involving children. The proposed changes in SB 135 are based on the results of criminal cases that could have benefited from the changes.