

ALASKA STAT. § 11.41.432. DEFENSES

(a) It is a defense to a crime charged under AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.420(a)(3), or 11.41.425 that the offender is

(1) mentally incapable; or

(2) married to the person and neither party has filed with the court for a separation, divorce, or dissolution of the marriage.

(b) Except as provided in (a) of this section, in a prosecution under AS 11.41.410 or 11.41.420, it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant.

Alaska is a partial Public Law 280 state. Except for criminal jurisdiction on the Annette Islands, the Metlakatla Alaskan Native community may exercise jurisdiction over offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which state jurisdiction has not been extended. In all other cases, Public Law 280 confers criminal jurisdiction to the State of Alaska.