

AMENDMENT

OFFERED IN THE SENATE
TO: SB 186

BY SENATOR COGHILL

1 Page 1, line 1, following "Act":

2 Insert "relating to property crimes;"

3

4 Page 1, following line 6:

5 Insert new bill sections to read:

6 **"* Section 1.** AS 11.46.130(a) is amended to read:

7 (a) A person commits the crime of theft in the second degree if the person
8 commits theft as defined in AS 11.46.100 and

9 (1) the value of the property or services is \$1,500 [\$500] or more but
10 less than \$25,000;

11 (2) the property is a firearm or explosive;

12 (3) the property is taken from the person of another;

13 (4) the property is taken from a vessel and is vessel safety or survival
14 equipment;

15 (5) the property is taken from an aircraft and the property is aircraft
16 safety or survival equipment;

17 (6) the value of the property is \$250 [\$50] or more but less than \$1,500
18 [\$500] and, within the preceding five years, the person has been convicted and
19 sentenced on two or more separate occasions in this or another jurisdiction of

20 (A) an offense under AS 11.46.120, or an offense under
21 another law or ordinance with similar elements;

22 (B) a crime set out in this subsection or an offense under
23 another law or ordinance with similar elements;

(C) an offense under AS 11.46.140(a)(1), or an offense under another law or ordinance with similar elements; or

(D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an offense under another law or ordinance with similar elements; or

(7) the property is an access device.

* Sec. 2. AS 11.46.140(a) is amended to read:

(a) A person commits the crime of theft in the third degree if the person commits theft as defined in AS 11.46.100 and

(1) the value of the property or services is \$250 [\$50] or more but less than \$1,500 [\$500]; or

(2) [REPEALED]

(3)] the value of the property is less than \$250 [\$50] and, within the past five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of theft or concealment of merchandise, or an offense under another law or ordinance with similar elements.

* Sec. 3. AS 11.46.150(a) is amended to read:

(a) A person commits the crime of theft in the fourth degree if the person commits theft as defined in AS 11.46.100 and the value of the property or services is less than **\$250** [**\$50**].

* **Sec. 4.** AS 11.46.220(c) is amended to read:

(c) Concealment of merchandise is

(1) a class C felony if

(A) the merchandise is a firearm;

(B) the value of the merchandise is **\$1,500** [**\$500**] or more; or

(C) the value of the merchandise is **\$250** [**\$50**] or more but less

than \$1,500 [\$500] and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of

(i) the offense of concealment of merchandise under this paragraph or (2)(A) of this subsection, or an offense under another law or ordinance with similar elements; or

(ii) an offense under AS 11.46.120, 11.46.130, or 11.46.140(a)(1), or an offense under another law or ordinance with similar elements;

(2) a class A misdemeanor if

(A) the value of the merchandise is **\$250** [\$50] or more but less than **\$1,500** [\$500]; or

(B) the value of the merchandise is less than \$250 [\$50] and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions of the offense of concealment of merchandise or theft in any degree, or an offense under another law or ordinance with similar elements;

(3) a class B misdemeanor if the value of the merchandise is less than

* **Sec. 5.** AS 11.46.260(b) is amended to read:

(b) Removal of identification marks is

(1) a class C felony if the value of the property on which the serial number or identification mark appeared is **\$1,500** [\$500] or more;

(2) a class A misdemeanor if the value of the property on which the serial number or identification mark appeared is \$250 [\$50] or more but less than **\$1,500** [\$500];

(3) a class B misdemeanor if the value of the property on which the serial number or identification mark appeared is less than **\$250** [**\$50**].

* Sec. 6. AS 11.46.270(b) is amended to read:

(b) Unlawful possession is

(1) a class C felony if the value of the property on which the serial number or identification mark appeared is \$1,500 [\$500] or more;

(2) a class A misdemeanor if the value of the property on which the serial number or identification mark appeared is \$250 [\$50] or more but less than \$1,500 [\$500];

(3) a class B misdemeanor if the value of the property on which the serial number or identification mark appeared is less than \$250 [\$50].

1 * **Sec. 7.** AS 11.46.280(d) is amended to read:

2 (d) Issuing a bad check is

3 (1) a class B felony if the face amount of the check is \$25,000 or more;

4 (2) a class C felony if the face amount of the check is \$1,500 [\$500] or
5 more but less than \$25,000;

6 (3) a class A misdemeanor if the face amount of the check is \$250
7 [\$50] or more but less than \$1,500 [\$500];

8 (4) a class B misdemeanor if the face amount of the check is less than
9 \$250 [\$50].

10 * **Sec. 8.** AS 11.46.285(b) is amended to read:

11 (b) Fraudulent use of an access device is

12 (1) a class B felony if the value of the property or services obtained is
13 \$25,000 or more;

14 (2) a class C felony if the value of the property or services obtained is
15 \$1,500 [\$50] or more but less than \$25,000;

16 (3) a class A misdemeanor if the value of the property or services
17 obtained is less than \$1,500 [\$50].

18 * **Sec. 9.** AS 11.46.295 is amended to read:

19 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior
20 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or
21 11.46.140(a)(2) [11.46.140(a)(3)], or in prosecuting the crime of concealment of
22 merchandise under AS 11.46.220(c), a conviction for an offense under another law or
23 ordinance with similar elements is a conviction of an offense having elements similar
24 to those of an offense defined as such under Alaska law at the time the offense was
25 committed. The court shall consider the date of a prior conviction as occurring on the
26 date that sentence is imposed for the prior offense.

27 * **Sec. 10.** AS 11.46.360(a) is amended to read:

28 (a) A person commits the crime of vehicle theft in the first degree if, having
29 no right to do so or any reasonable ground to believe the person has such a right, the
30 person drives, tows away, or takes

31 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft

1 of another;

2 (2) the propelled vehicle of another and

3 (A) the vehicle or any other property of another is damaged in a
4 total amount of \$1,500 [\$500] or more;

5 (B) the owner incurs reasonable expenses as a result of the loss
6 of use of the vehicle, in a total amount of \$1,500 [\$500] or more; or

7 (C) the owner is deprived of the use of the vehicle for seven
8 days or more;

9 (3) the propelled vehicle of another and the vehicle is marked as a
10 police or emergency vehicle; or

11 (4) the propelled vehicle of another and, within the preceding seven
12 years, the person was convicted under

13 (A) this section or AS 11.46.365;

14 (B) former AS 11.46.482(a)(4) or (5);

15 (C) former AS 11.46.484(a)(2);

16 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft
17 of a propelled vehicle; or

18 (E) a law or ordinance of this or another jurisdiction with
19 elements substantially similar to those of an offense described in (A) - (D) of
20 this paragraph.

21 * **Sec. 11.** AS 11.46.482(a) is amended to read:

22 (a) A person commits the crime of criminal mischief in the third degree if,
23 having no right to do so or any reasonable ground to believe the person has such a
24 right,

25 (1) with intent to damage property of another, the person damages
26 property of another in an amount of \$1,500 [\$500] or more;

27 (2) the person recklessly creates a risk of damage in an amount
28 exceeding \$100,000 to property of another by the use of widely dangerous means; or

29 (3) the person knowingly

30 (A) defaces, damages, or desecrates a cemetery or the contents
31 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,

1 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
2 memorial appears to be abandoned, lost, or neglected;

3 (B) removes human remains or associated burial artifacts from
4 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,
5 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

6 * **Sec. 12.** AS 11.46.484(a) is amended to read:

7 (a) A person commits the crime of criminal mischief in the fourth degree if,
8 having no right to do so or any reasonable ground to believe the person has such a
9 right

10 (1) with intent to damage property of another, the person damages
11 property of another in an amount of \$250 [\$50] or more but less than \$1,500 [\$500];

12 (2) the person tampers with a fire protection device in a building that is
13 a public place;

14 (3) the person knowingly accesses a computer, computer system,
15 computer program, computer network, or part of a computer system or network;

16 (4) the person uses a device to descramble an electronic signal that has
17 been scrambled to prevent unauthorized receipt or viewing of the signal unless the
18 device is used only to descramble signals received directly from a satellite or unless
19 the person owned the device before September 18, 1984; or

20 (5) the person knowingly removes, relocates, defaces, alters, obscures,
21 shoots at, destroys, or otherwise tampers with an official traffic control device or
22 damages the work upon a highway under construction.

23 * **Sec. 13.** AS 11.46.486(a) is amended to read:

24 (a) A person commits the crime of criminal mischief in the fifth degree if,
25 having no right to do so or any reasonable ground to believe the person has such a
26 right,

27 (1) with reckless disregard for the risk of harm to or loss of the
28 property or with intent to cause substantial inconvenience to another, the person
29 tampers with property of another;

30 (2) with intent to damage property of another, the person damages
31 property of another in an amount less than \$250 [\$50]; or

(3) the person rides in a propelled vehicle knowing it has been stolen or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

* Sec. 14. AS 11.46.530(b) is amended to read:

(b) Criminal simulation is

(1) a class C felony if the value of what the object purports to represent is **\$1,500** [\$500] or more;

(2) a class A misdemeanor if the value of what the object purports to represent is \$250 [\$50] or more but less than \$1,500 [\$500];

(3) a class B misdemeanor if the value of what the object purports to represent is less than \$250 [\$50].

* Sec. 15. AS 11.46.620(d) is amended to read:

(d) Misapplication of property is

(1) a class C felony if the value of the property misappropriated is \$1,500 [\$500] or more;

(2) a class A misdemeanor if the value of the property misappropriated is less than **\$1,500** [\$500].

* Sec. 16. AS 11.46.730(c) is amended to read:

(c) Defrauding creditors is a class A misdemeanor unless that secured party, judgment creditor, or creditor incurs a pecuniary loss of \$1,500 [\$500] or more as a result to the defendant's conduct, in which case defrauding secured creditors is

(1) a class B felony if the loss is \$25,000 or more;

(2) a class C felony if the loss is \$1,500 [\$500] or more but less than

Page 1, line 7:

Delete "Section 1"

Insert "Sec. 17"

Renumber the following bill sections accordingly.

30

31 Page 5, line 23:

1 Delete "sec. 8"

2 Insert "sec. 24"

3

4 Page 5, line 24:

5 Delete "sec. 9"

6 Insert "sec. 25"

7

8 Page 5, line 29:

9 Delete "sec. 1"

10 Insert "sec. 17"

11

12 Page 5, line 30:

13 Delete "sec. 2"

14 Insert "sec. 18"

15 Delete "sec. 3"

16 Insert "sec. 19"

17

18 Page 5, line 31:

19 Delete "sec. 4"

20 Insert "sec. 20"

21

22 Page 6, line 1:

23 Delete "sec. 7"

24 Insert "sec. 23"

25

26 Page 6, line 3, following "(b)":

27 Insert "AS 11.46.130(a), as amended by sec. 1 of this Act, AS 11.46.140(a), as
28 amended by sec. 2 of this Act, AS 11.46.150(a), as amended by sec. 3 of this Act,
29 AS 11.46.220(c), as amended by sec. 4 of this Act, AS 11.46.260(b), as amended by sec. 5 of
30 this Act, AS 11.46.270(b), as amended by sec. 6 of this Act, AS 11.46.280(d), as amended by
31 sec. 7 of this Act, AS 11.46.285(b), as amended by sec. 8 of this Act, AS 11.46.295, as

1 amended by sec. 9 of this Act, AS 11.46.360(a), as amended by sec. 10 of this Act,
2 AS 11.46.482(a), as amended by sec. 11 of this Act, AS 11.46.484(a), as amended by sec. 12
3 of this Act, AS 11.46.486(a), as amended by sec. 13 of this Act, AS 11.46.530(b), as amended
4 by sec. 14 of this Act, AS 11.46.620(d), as amended by sec. 15 of this Act, AS 11.46.730(c),
5 as amended by sec. 16 of this Act, and"

6

7 Page 6, line 3:

8 Delete "sec. 6"

9 Insert "sec. 22"

10 Delete "applies"

11 Insert "apply"

12

13 Page 6, line 5:

14 Delete "sec. 8"

15 Insert "sec. 24"

16

17 Page 6, line 10:

18 Delete "Sections 8 and 9"

19 Insert "Sections 24 and 25"

20 Delete "sec. 12"

21 Insert "sec. 28"