

HB 13 – Bad public policy

I recently learned of HB 13 which proposes increasing the dollar amounts assigned to degrees of Theft and Concealment of Merchandise offenses three to five times more than current law – raising the A Misdemeanor threshold from \$50 to \$250; and the Felony threshold from \$500 to \$1500.

Initially, I questioned what is to be accomplished by passage of the bill. I wondered if it was thought that changing current law would reduce the workload of police officers, prosecutors, or the courts. I wondered if it was proposed in order to make enforcement of law more efficient; somehow providing more effective protection for our communities; or, insuring greater vindication of citizens victimized by these crimes. Admittedly, I could find no positive conclusions to these questions. In effect, the only persons benefitted by HB 13 are criminals.

As an 18-year Alaska State Trooper I have charged numerous individuals with theft crimes. My experience has taught me that, although our Courts and District Attorneys are genuinely concerned that all cases are fully prosecuted, reality is that they cannot address their case loads without some dismissals and plea agreements. Consequently, a large number of B Misdemeanor cases are dismissed and many felony charges are reduced to misdemeanors. HB 13 does nothing to alleviate this problem and, in fact, will likely exacerbate it over time. By raising the A/B Misdemeanor threshold to \$250 (five times current law), “petty” thefts or incidents of shoplifting will transform into financially crippling losses without legal recognition of their significance. Additionally, the Misdemeanor/Felony threshold increase significantly eases the consequences of theft due to plea agreements. This then, has high potential of increasing the number of these crimes because of the ease of obtaining large amounts of property with decreased consequence.

Criminal laws are, and should be, created to set parameters on socially unacceptable behavior by discouraging tendencies toward criminal thought and shielding from victimization. Often, property crimes are given low priority and little consideration is given to the emotions these victims experience. Feelings of anger, violence, vulnerability, retaliation, and being violated are among some of the strongest. When victims fail to see tangible results of an investigation or prosecution further frustration, distrust, and isolation can follow. Increasing the thresholds for these crimes will likely amplify this problem and leave potential victims at greater risk of larger losses.

Some may argue that raising the thresholds will prevent misguided youthful offenders from unnecessarily being labeled as felons. We must remember that it is not a felony charge, but rather a felony conviction, that carries the label. Additionally, those who offend under the age of 18 will realize a fresh start at that age. And, raising the thresholds may actually inhibit early intervention by dismissing serious misbehavior as an insignificant misdemeanor.

Others may argue that the thresholds addressed in HB13 should be reconsidered because of their age, I believe it is more important to remember the significance that \$250 or \$500 is to each of us. I dare say that all of us carefully budget before spending these amounts and when these amounts go missing due to loss, theft, or damage, there is significant impact upon us – particularly in today's economy. In short, HB13 simply attempts to inflation-proof these crimes. This should never be the motivator for altering and passing law.

Thank you for your consideration of these reasons to oppose HB 13.

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