

HOUSE BILL NO. 105

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE THOMPSON

Introduced: 2/6/13

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to theft and property offenses; and providing for an effective date."**

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

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

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

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

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

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

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

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

14 (6) the value of the property is **\$250** [\$50] or more but less than **\$1,500**
15 [\$500] and, within the preceding five years, the person has been convicted and

1 sentenced on two or more separate occasions in this or another jurisdiction of

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

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

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

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

10 (7) the property is an access device.

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

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

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

16 (2) [REPEALED]

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

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

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

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

26 (c) Concealment of merchandise is

27 (1) a class C felony if

28 (A) the merchandise is a firearm;

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

30 (C) the value of the merchandise is \$250 [\$50] or more but less
31 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 \$250 [\$50].

* **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].

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

(d) Issuing a bad check is

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

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

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

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

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

(b) Fraudulent use of an access device is

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

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

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

* **Sec. 9.** AS 11.46.360(a) is amended to read:

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

(1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft of another;

(2) the propelled vehicle of another and

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

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

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

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

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

(A) this section or AS 11.46.365;

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

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

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

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

* **Sec. 10.** AS 11.46.482(a) is amended to read:

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

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

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

(3) the person knowingly

(A) defaces, damages, or desecrates a cemetery or the contents of a cemetery or a tomb, grave, or memorial regardless of whether the tomb, grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected;

(B) removes human remains or associated burial artifacts from a cemetery, tomb, grave, or memorial regardless of whether the cemetery,

tomb, grave, or memorial appears to be abandoned, lost, or neglected.

* **Sec. 11.** AS 11.46.484(a) is amended to read:

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

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

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

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

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

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

* **Sec. 12.** AS 11.46.486(a) is amended to read:

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

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

(2) with intent to damage property of another, the person damages 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. 13.** 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. 14.** 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 misapplied is \$1,500 [\$500] or more;

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

* **Sec. 15.** 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 \$25,000.

* **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 11.46.130(a), as amended by sec. 1 of this Act, AS 11.46.140(a), as amended by sec. 2 of this Act, AS 11.46.150(a), as amended by sec. 3 of this Act, AS 11.46.220(c), as amended by sec. 4 of this Act, AS 11.46.260(b), as amended by sec. 5 of this Act, AS 11.46.270(b), as amended by sec. 6 of this Act, AS 11.46.280(d), as amended by sec. 7 of this Act, AS 11.46.285(b), as amended by sec. 8 of this Act, AS 11.46.360(a), as amended by sec. 9 of this Act, AS 11.46.482(a), as amended by sec. 10 of this Act, AS 11.46.484(a), as amended by sec. 11 of this Act, AS 11.46.486(a), as amended by sec. 12 of this Act, AS 11.46.530(b), as amended by sec. 13 of this Act, AS 11.46.620(d), as amended by sec. 14 of this Act, and AS 11.46.730(c), as amended by sec. 15 of this Act, apply to offenses committed on or after the effective date of this Act.

1 * **Sec. 17.** This Act takes effect July 1, 2013.