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Senate Bill 5

SECTIONAL ANALYSIS

Version "H"

Section 1 amends AS 12.55.045(a)(1) *Restitution and compensation*, clarifying that our public policy favors requiring criminals to compensate their victims not only for damages and injury, but loss of income as well.

Section 2 amends 12.55.045(n) to define "loss of income" as *the total loss of income a business or person suffers as a result of not having stolen property available during the time it takes to obtain a replacement*.

Section 3 amends AS 12.55.045 adding new subsection (o) which directs the courts, in making determinations of loss or damage for restitution, to value property as the market value of the property at the time and place of the crime or, if this cannot reasonably be established, the cost of replacement within a reasonable time after the crime.

This section adopts language currently used by the courts in AS 11.46.980 to make determinations of property value in criminal offenses against property (i.e. theft, burglary, criminal trespass, vehicle theft, arson, criminal mischief, forgery, business and commercial offenses).

Section 4 amends AS 12.55.100(a) *Conditions of probation*, clarifying how the court shall value property when determining the amount of actual damages or loss under this paragraph, establishing the same standard as in Section 3.

Section 5 establishes that amendments in Sections 1-4 of the Act apply to an order of restitution for an offense committed on or after the effective date of the Act.