CS FOR HOUSE BILL NO. 98(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/5/19
Referred: Judiciary

Sponsor(s): REPRESENTATIVES CLAMAN, Kopp

A BILL

FOR AN ACT ENTITLED

"An Act relating to aggregation of crimes under theft in the second degree; relating to fraudulent use of an access device; and relating to the crime of possession of motor vehicle theft tools."

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

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

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

(1) the value of the property or services, adjusted for inflation as provided in AS 11.46.982, is $750 or more but less than $25,000;

(2) the property is a firearm or explosive;

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

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

(5) the property is taken from an aircraft and the property is aircraft

safety or survival equipment;

(6) the value of the property, adjusted for inflation as provided in AS 11.46.982, is $250 or more but less than $750 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

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

(B) a crime set out in this subsection or an offense under 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 **or identification document; or**

(8) the combined value of the property or services taken from one or more persons or commercial establishments within a period of 180 days, adjusted for inflation as provided in AS 11.46.982, is $750 or more but less than $25,000.

*** Sec. 2.** AS 11.46.285 is amended to read:

Sec. 11.46.285. Fraudulent use of an access device or identification document. (a) A person commits the crime of fraudulent use of an access device **or identification document** if, with intent to defraud, the person uses an access device **or identification document** to obtain property or services with knowledge that

(1) the access device **or identification document** is stolen or forged;

(2) the access device **or identification document** is expired or has been revoked or cancelled; or

(3) for any other reason, that person's use of the access device **or identification document** is unauthorized by either the issuer or the person to whom the access device **or identification document** is issued.

(b) Fraudulent use of an access device **or identification document** 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, adjusted for inflation as provided in AS 11.46.982, is $750 or more but less than $25,000;

(3) a class A misdemeanor if the value of the property or services obtained, adjusted for inflation as provided in AS 11.46.982, is less than $750.

*** Sec. 3.** AS 11.46 is amended by adding a new section to article 3 to read:

Sec. 11.46.370. Possession of motor vehicle theft tools. (a) A person commits the crime of possession of motor vehicle theft tools if the person possesses a motor vehicle theft tool with intent to use or permit use of the tool in the commission of vehicle theft.

(b) In this section,

(1) "altered or shaved key" means a key altered by cutting, filing, or other means to fit multiple vehicles or vehicles other than vehicles for which the key was originally manufactured;

(2) "motor vehicle theft tool" includes a slim jim, master key, altered or shaved key, trial or jiggler key, lock puller, or similar device adapted or designed for use in committing vehicle theft;

(3) "trial or jiggler key" means a key designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

(c) Possession of motor vehicle theft tools is a class A misdemeanor.

*** Sec. 4.** 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 11.46.285, as amended by sec. 2 of this Act, and AS 11.46.370, enacted by sec. 3 of this Act, apply to offenses committed on or after the effective date of this Act.