

CS FOR SENATE BILL NO. 14(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/6/95

Referred: Finance

Sponsor(s): SENATORS LEMAN, Halford, Miller, Pearce, Taylor, Kelly, Green

REPRESENTATIVES Finkelstein, Toohey, Bunde

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to criminal mischief."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**3 * **Section 1.** AS 11.46.484(c) is amended to read:4 (c) A person convicted under (a)(2) of this section is guilty of a class C felony
5 if the person is 18 years of age or older and, within the preceding seven years, the
6 person was previously convicted under

7 (1) the provisions of (a)(2) of this section;

8 (2) former AS 28.35.010;

9 (3) the provisions of AS 11.46.482(a)(4);

10 (4) an offense involving the theft of a propelled vehicle under
11 AS 11.46.120 - 11.46.140; or12 (5) a law or ordinance of this or another jurisdiction with elements
13 substantially similar to those of the offenses described in (1) - (4) of this subsection.14 * **Sec. 2.** AS 11.46.486(a) is amended to read:

15 (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 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 \$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 11.46.482(a)(4) or (5) or 11.46.484(a)(2).

* **Sec. 3.** AS 12.55.135(f) is amended to read:

(f) A defendant, 18 years of age or older at the time of the offense, who is convicted of criminal mischief in the third degree in violation of AS 11.46.484(a)(2), whose conviction is not a felony under AS 11.46.484(c), shall be sentenced to a definite term of imprisonment of at least 72 hours but not more than one year.

* **Sec. 4.** AS 28.15.181(a) is amended to read:

(a) Conviction of any of the following offenses is grounds for the immediate revocation of a driver's license, privilege to drive, or privilege to obtain a license:

(1) manslaughter or negligent homicide resulting from driving a motor vehicle;

(2) a felony in the commission of which a motor vehicle is used;

(3) failure to stop and give aid as required by law when a motor vehicle accident results in the death or personal injury of another;

(4) perjury or making a false affidavit or statement under oath to the department under a law relating to motor vehicles;

(5) operating a motor vehicle or aircraft while intoxicated;

(6) reckless driving;

(7) using a motor vehicle in unlawful flight to avoid arrest by a peace officer;

(8) refusal to submit to a chemical test authorized under AS 28.33.031(a) or AS 28.35.031(a) while under arrest for operating a motor vehicle, commercial motor vehicle, or aircraft while intoxicated, or authorized under AS 28.35.031(g);

(9) driving while license, privilege to drive, or privilege to obtain a license, canceled, suspended, or revoked, or in violation of a limitation;

(10) criminal mischief in the second degree in violation of AS 11.46.482(a)(4) - (5) or criminal mischief in the third degree in violation of AS 11.46.484(a)(2).

* **Sec. 5.** AS 28.15.181(b) is amended to read:

(b) A court convicting a person of an offense described in (a)(1) - (4), (6), [OR] (7), or (10) of this section shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license for not less than 30 days for the first conviction, unless the court determines that the person's ability to earn a livelihood would be severely impaired and a limitation under AS 28.15.201 can be placed on the license that will enable the person to earn a livelihood without excessive danger to the public. If a court limits a person's license under this subsection, it shall do so for not less than 60 days. Upon a subsequent conviction of a person for any offense described in (a)(1) - (4), (6), [OR] (7), or (10) of this section occurring within 10 years after a prior conviction, the court shall revoke the person's license, privilege to drive, or privilege to obtain a license and may not grant the person limited license privileges for the following periods:

- (1) not less than one year for the second conviction; and
- (2) not less than three years for a third or subsequent conviction.

* **Sec. 6.** AS 47.10.010(b) is amended to read:

(b) When a minor is accused of violating a traffic statute or regulation, a traffic ordinance or regulation of an incorporated municipality, AS 11.46.484(a)(2), 11.46.486(a)(3), AS 11.76.105 relating to the possession of tobacco by a minor, a fish and game statute or regulation under AS 16, or a parks and recreational facilities statute or regulation under AS 41.21, excepting a statute the violation of which is a felony, the procedure prescribed in AS 47.10.020 - 47.10.090 may not be followed, except that a parent, guardian, or legal custodian shall be present at all proceedings. The minor accused of an offense specified in this subsection shall be charged, prosecuted, and sentenced in the district court in the same manner as an adult.