

CONFERENCE CS FOR HOUSE BILL NO. 9

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE CONFERENCE COMMITTEE

Offered: 5/12/95

Sponsor(s): REPRESENTATIVES THERRIAULT, Porter, Green, Rokeberg, Bunde, Kohring

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to recovery of damages from a parent, legal guardian, or person
2 having legal custody of a minor when property is destroyed by the minor, and
3 to recovery from a minor's permanent fund dividend for injury or damage
4 caused by the minor."

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

6 * Section 1. AS 34.50.020(a) is amended to read:

7 (a) A person, municipal corporation, association, village, school district, or
8 religious or charitable organization, incorporated or unincorporated, may recover
9 damages in a civil action in an amount not to exceed \$10,000 [\$2,000] and court costs
10 [,] from either parent, [OR] both parents, or the legal guardian [OR PERSON
11 HAVING THE LEGAL CUSTODY] of an unemancipated minor under the age of 18
12 years [,] who, as a result of a knowing or intentional act, [MALICIOUSLY OR
13 WILFULLY] destroys real or personal property belonging to the person, municipal
14 corporation, association, village, school district, or religious or charitable organization.

1 However, for purposes of this subsection, recovery in damages shall be
2 apportioned by the court between the parents or between the parents and legal
3 guardian, or both, without regard to legal custody but with due consideration for
4 the actual care and custody of the minor provided by the parents or legal
5 guardian.

6 * **Sec. 2.** AS 34.50.020 is amended by adding a new subsection to read:

7 (c) A parent or, if any, a legal guardian of an unemancipated minor under the
8 age of 18 years who is a runaway or missing minor is not liable under (a) of this
9 section for the acts of the minor that are committed by the minor after a parent or, if
10 any, a legal guardian of the minor has made a report to a law enforcement agency, as
11 authorized by AS 47.10.141(a), that the minor has run away or is missing. In this
12 subsection, "runaway or missing minor" means a minor who a parent or legal guardian
13 of the minor reasonably believes is absent from the minor's residence for the purpose
14 of evading a parent or the legal guardian of the minor, or who is otherwise missing
15 from the minor's usual place of abode without the consent of a parent or the legal
16 guardian of the minor.

17 * **Sec. 3.** AS 43.23.065(b) is amended to read:

18 (b) An exemption is not available under this section for permanent fund
19 dividends taken to satisfy

20 (1) child support obligations required by court order or decision of the
21 child support enforcement agency under AS 25.27.140 - 25.27.220;

22 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,
23 or AS 47.10.080(b)(4);

24 (3) claims on defaulted scholarship loans under AS 43.23.067;

25 (4) court ordered fines;

26 (5) writs of execution under AS 09.35 of a judgment that is entered

27 (A) against a minor in a civil action to recover damages;
28 recovery under this subparagraph is limited to **\$10,000** [\$2,000] and court costs
29 [, AND MAY BE OBTAINED ONLY WHEN THE JUDGMENT IS BASED
30 UPON

31 (i) AN ACT OF THE MINOR THAT IS DEFINED

1 AS A CRIME AGAINST A PERSON UNDER AS 33.30.901, THAT
2 INJURED THE PLAINTIFF, AND FOR WHICH THE MINOR WAS
3 ADJUDICATED A DELINQUENT OR CONVICTED AS AN ADULT;
4 OR

5 (ii) THE MINOR'S INTENTIONAL OR KNOWING
6 INJURY OF REAL OR PERSONAL PROPERTY OF THE
7 PLAINTIFF];

8 (B) under AS 34.50.020 against the parent, parents, or legal
9 guardian [, OR PERSON HAVING THE LEGAL CUSTODY] of an
10 unemancipated minor;

11 (6) a debt owed by an eligible individual to an agency of the state,
12 unless the debt is contested and an appeal is pending, or the time limit for filing an
13 appeal has not expired.