

**SENATE BILL NO. 339**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY THE SENATE FINANCE COMMITTEE**

**Introduced: 2/20/02**  
**Referred: Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1    **"An Act increasing fines for certain criminal offenses."**

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

3       **\* Section 1.** AS 12.55.035(b) is amended to read:

4               (b) Except as provided in AS 12.55.036, upon conviction of an offense, a  
5       defendant who is not an organization may be sentenced to pay, unless otherwise  
6       specified in the provision of law defining the offense, a fine of no more than

7               (1) **\$500,000** [\$75,000] for murder in the first or second degree,  
8       attempted murder in the first degree, sexual assault in the first degree, sexual abuse of  
9       a minor in the first degree, kidnapping, or misconduct involving a controlled substance  
10      in the first degree;

11              (2) **\$250,000** [\$50,000] for a class A **felony**;

12              (3) **\$100,000 for a class B felony**;

13              (4) **\$50,000 for a class** [, B, OR] C felony;

14              (5) **\$10,000** [(3) \$5,000] for a class A misdemeanor;

15              (6) **\$2,000** [(4) \$1,000] for a class B misdemeanor;

1                    **(7) \$500** [(5) \$300] for a violation.

2        \* **Sec. 2.** AS 12.55.035(c) is amended to read:

3                    (c) Except as provided in AS 12.55.036, upon conviction of an offense, a  
4        defendant that is an organization may be sentenced to pay a fine not exceeding the  
5        greater of

6                    (1) an amount that is

7                                (A) **\$1,000,000** [\$500,000] for a felony offense or for a  
8        misdemeanor offense that results in death;

9                                (B) \$200,000 for a class A misdemeanor offense that does not  
10       result in death;

11                              (C) \$25,000 for a class B misdemeanor offense that does not  
12       result in death;

13                              (D) \$10,000 for a violation;

14                    (2) **three** [TWO] times the pecuniary gain realized by the defendant as  
15       a result of the offense; or

16                    (3) **three** [TWO] times the pecuniary damage or loss caused by the  
17       defendant to another, or to the property of another, as a result of the offense.

18        \* **Sec. 3.** AS 45.75.380(a) is amended to read:

19                    (a) A person commits a violation subject to the penalty specified in  
20       **AS 12.55.035(b)(7)** [AS 12.55.035(b)(5)] if the person does one or more of the  
21       following acts:

22                    (1) uses or has in possession for the purpose of using for a commercial  
23       purpose specified in AS 45.75.080, sells, offers, or exposes for sale, or hire, or has in  
24       possession for the purpose of selling or hiring, an incorrect weight or measure or a  
25       device or instrument used to or calculated to falsify a weight or measure;

26                    (2) uses or has in possession for current use, in buying or selling a  
27       commodity or thing, or for hire or award, or in the computation of a basic charge or  
28       payment for services rendered on the basis of weight or measurement, or in the  
29       determination of weight or measurement when a charge is made for determination, a  
30       weight or measure that has not been tested and sealed by the appropriate authority  
31       within one year, unless

1 (A) the person gives written notice to the appropriate authority  
 2 to the effect that the weight or measure is available for examination, or is due  
 3 for reexamination, as the case may be;

4 (B) the person receives specific written permission to use the  
 5 weight or measure from the appropriate authority; or

6 (C) the weight or measure is exempt from sealing or annual  
 7 testing requirements by AS 45.75.080 or by a regulation adopted under  
 8 AS 45.75.050;

9 (3) disposes of a rejected or condemned weight or measure in a manner  
 10 contrary to law or regulation;

11 (4) removes from a weight or measure, contrary to law or regulation, a  
 12 tag, seal, or mark placed on it by the appropriate authority;

13 (5) sells or offers for sale less than the quantity the person represents  
 14 of a commodity, thing, or service;

15 (6) takes more than the quantity the person represents of a commodity,  
 16 thing, or service when, as buyer, the person furnished the weight or measure that the  
 17 seller used to determine the amount of the commodity, thing, or service;

18 (7) keeps for the purpose of sale, advertises, or offers for sale, or sells  
 19 a commodity, thing, or service in a condition or manner contrary to law or regulation;

20 (8) uses in retail trade, except in the preparation of packages put up in  
 21 advance of sale and of medical prescriptions, a weight or measure that is not so  
 22 positioned that a customer may accurately read, from a position that may reasonably  
 23 be assumed by a customer, its indications and observe the weighing or measuring  
 24 operation;

25 (9) hinders or obstructs the director, an inspector, a sealer, or a deputy  
 26 sealer in the performance of official duties under this chapter;

27 (10) violates a provision of an overweight or oversize vehicle permit  
 28 issued under AS 19.10.060(b);

29 (11) violates a weight, load, or size limitation established under  
 30 AS 19.10.060 or a regulation adopted under AS 19.05.020, AS 19.10.060, or  
 31 AS 45.75.050(b)(5);

(12) violates a provision of this chapter or a regulation adopted under this chapter for which a specific penalty is not prescribed.

\* **Sec. 4.** AS 46.06.050(h) is amended to read:

(h) Except as provided in (i) of this section, a person who violates the provisions of (b) - (g) of this section is guilty of a violation, and, in addition to the punishment imposed by AS 12.55.035(b)(7) [AS 12.55.035(b)(5)], the court may order a person who violates this section to gather and dispose of litter in an area and for a length of time determined by the court.

\* **Sec. 5.** AS 46.06.050(i) is amended to read:

(i) If a municipality of the state adopts an ordinance that prohibits the same conduct prohibited by (b) - (g) of this section, a violation of (b) - (g) of this section that [WHICH] occurs in the municipality is punishable under the provisions of the municipal ordinance if the punishment imposed under the ordinance is equal to or greater than the punishment imposed by AS 12.55.035(b)(7) [AS 12.55.035(b)(5)].

\* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. The amendments made by this Act apply to offenses committed on or after the effective date of this Act.