

34-LS1266\O
Gunther
5/7/26

CS FOR SENATE BILL NO. 207(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS BJORKMAN, Rauscher, Cronk, Myers

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the removal of unlawful occupants from residential real property;**
2 **and relating to the crimes of forgery and deceptive business practices."**

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

4 * **Section 1.** AS 09.45 is amended by adding a new section to article 12 to read:

5 **Sec. 09.45.950. Removal of unauthorized occupant from residential real**
6 **property.** (a) Notwithstanding AS 09.45.060 - 09.45.160, a person who is the owner
7 of residential real property or an agent of the owner of the property may file a request
8 with a peace officer to remove a person who is unlawfully occupying a dwelling unit
9 located on the property if

10 (1) the occupant entered the dwelling unit when the dwelling unit was
11 not open to the public or when the occupant was not otherwise privileged to do so;

12 (2) the occupant continues to occupy the dwelling unit;

13 (3) the owner or an agent of the owner of the property has directed the
14 occupant to leave the dwelling unit and informed the occupant that a peace officer will

1 immediately remove the occupant from the dwelling unit if the occupant does not
2 leave;

3 (4) the occupant does not have, and has not had, a rental agreement
4 entitling the occupant to occupy a dwelling unit located on the property;

5 (5) the occupant is not an immediate family member of the property
6 owner; and

7 (6) no litigation related to the property is pending between the property
8 owner and the occupant.

9 (b) A request submitted under (a) of this section must be made under oath and
10 be in substantially the following form:

11 REQUEST TO REMOVE AN UNLAWFUL
12 OCCUPANT OF RESIDENTIAL REAL PROPERTY.

13 I, _____, am the (check one) owner,
14 or agent of _____, who is the owner, of the
15 residential real property located at _____,
16 and I declare under the penalty of perjury that (initial each box):

17 1. I am the owner or an agent of the owner of the property.

18 2. The owner purchased the property on _____.

19 3. The property is residential real property and has a
20 dwelling unit located on the property.

21 4. A person entered the dwelling unit when the dwelling
22 unit was not open to the public or when the person was not otherwise
23 privileged to do so.

24 5. The occupant continues to occupy the dwelling unit.

25 6. _____, who is the owner or an
26 agent of the owner of the property, has directed the occupant to leave
27 the dwelling unit and informed the occupant that a peace officer will
28 immediately remove the occupant from the dwelling unit if the
29 occupant does not leave.

1 7. [] The occupant does not have, and has not had, a rental
2 agreement entitling the occupant to occupy a dwelling unit located on
3 the property.

4 8. [] The occupant is not an owner of the property.

5 9. [] The occupant is not an immediate family member of the
6 property owner.

7 10. [] No litigation related to the property is pending between
8 the property owner and the occupant.

9 11. [] I understand that an occupant removed from the
10 property under AS 09.45.950 may file an action against me for any
11 false statements made in this request or for wrongfully using this
12 procedure and that I may be held liable for actual damages, penalties,
13 costs, and attorney fees as allowed by law.

14 12. [] I am requesting that a peace officer immediately
15 remove the occupant from the property.

16 13. [] A copy of my valid government-issued identification is
17 attached, or I am an agent of the property owner and have attached
18 evidence of my authority to act on the owner's behalf.

19 I HAVE READ EVERY STATEMENT MADE IN THIS REQUEST
20 AND EACH STATEMENT IS TRUE AND CORRECT. I
21 UNDERSTAND THAT A PERSON WHO MAKES A FALSE
22 SWORN STATEMENT IN CONNECTION WITH A REQUEST
23 MADE UNDER AS 09.45.950 IS SUBJECT TO CRIMINAL
24 PROSECUTION FOR PERJURY AS PROVIDED IN AS 11.56.200.

25 Signature: _____

26 Date of Signature: _____

27 (c) A person filing a request under this section shall file the request with a
28 peace officer of the municipality or unincorporated community in which the property
29 is located. If the property is located outside of a municipality or unincorporated
30 community, the person shall file the request with the nearest available peace officer.

31 (d) A peace officer receiving a request under this section shall verify that the

1 requester is the record owner of the residential real property or an agent of the record
2 owner of the property and appears entitled to relief under this section. If the request is
3 verified, the peace officer shall timely serve the occupant with notice to immediately
4 vacate and deliver possession of the dwelling unit to the owner and notice of the right
5 of the occupant to bring an action under (k) of this section if wrongfully removed from
6 the dwelling unit.

7 (e) A peace officer serving notice as required under (d) of this section shall
8 attempt to hand deliver notice to the occupant at the dwelling unit. If the peace officer
9 is able to speak with the occupant when service is attempted, the peace officer shall
10 attempt to verify the following information before hand delivering the notice:

11 (1) the occupant entered the dwelling unit when the dwelling unit was
12 not open to the public or when the occupant was not otherwise privileged to do so;

13 (2) the occupant does not have, and has not had, a rental agreement
14 entitling the occupant to occupy a dwelling unit located on the property;

15 (3) the occupant is not an immediate family member of the property
16 owner; and

17 (4) no litigation related to the property is pending between the property
18 owner and the occupant.

19 (f) If hand-delivered service of the notice is accomplished, the peace officer
20 shall attempt to verify the identity of the occupant and note the identity on the return
21 of service.

22 (g) If the peace officer is unable to hand deliver notice under (e) of this
23 section, the peace officer may serve notice by posting the notice on the front door or
24 entrance of the dwelling unit.

25 (h) After notice is served, the owner or an agent of the owner of the property
26 may request that the peace officer remain on the property to keep the peace while the
27 owner or agent changes the locks and removes the personal property of the occupant
28 from the dwelling unit to or near the property line.

29 (i) A peace officer shall attempt to assist an occupant in finding another place
30 to stay or provide information to the occupant on available shelters.

31 (j) Except when an occupant is removed from the property wrongfully under

1 this section, the owner or an agent of the owner of the property is not liable to an
2 occupant or another person for the loss, destruction, or damage of personal property
3 resulting from the removal of the occupant and the occupant's property from a
4 dwelling unit under this section.

5 (k) Notwithstanding AS 34.03.210, an occupant who has been wrongfully
6 removed from a dwelling unit under this section may bring an action against the
7 person who requested the removal of the occupant to restore possession of the
8 property under AS 09.45.060 - 09.45.160 and may recover

9 (1) actual damages; and

10 (2) an amount not to exceed three times the value of one month of fair
11 market rent for the dwelling unit.

12 (l) This section does not limit the rights of property owners or prohibit a peace
13 officer from arresting an occupant for criminal trespass or another legal cause.

14 (m) In this section,

15 (1) "dwelling unit" has the meaning given in AS 34.03.360;

16 (2) "immediate family member" means a spouse, domestic partner,
17 child, sibling, parent, grandparent, grandchild, aunt, uncle, niece, nephew, stepparent,
18 stepchild, or stepsibling;

19 (3) "rental agreement" has the meaning given in AS 34.03.360.

20 * **Sec. 2.** AS 11.46.505(a) is amended to read:

21 (a) A person commits the crime of forgery in the second degree if the person
22 violates AS 11.46.510 and the instrument is or purports to be

23 (1) a deed, will, codicil, contract, assignment, negotiable or other
24 commercial instrument, rental agreement, or other document which does or may
25 evidence, create, transfer, alter, terminate, or otherwise affect a legal right, interest,
26 obligation, or status; or

27 (2) a public record.

28 * **Sec. 3.** AS 11.46.710(a) is amended to read:

29 (a) A person commits the crime of deceptive business practices if, in the
30 course of engaging in a business, occupation, or profession, the person

31 (1) makes a false statement in an advertisement or communication

1 addressed to the public or to a substantial number of persons in connection with the
2 promotion of the sale of property or services or to increase the consumption of
3 property or services;

4 (2) uses or possesses for use a false weight or measure or any other
5 device for falsely determining or recording any quality or quantity;

6 (3) sells, offers for sale, exposes for sale, or delivers less than the
7 represented quantity of a commodity or service;

8 (4) sells, offers for sale, or exposes for sale adulterated commodities;

9 [OR]

10 (5) sells, offers for sale, or exposes for sale mislabeled commodities;

11 **or**

12 **(6) sells, leases, or advertises for sale or lease a dwelling that the**
13 **person does not have the right to sell, lease, or advertise.**

14 * **Sec. 4.** AS 11.46.710(c) is amended to read:

15 (c) Except as provided in (d) **and (e)** of this section, deceptive business
16 practices is a class A misdemeanor.

17 * **Sec. 5.** AS 11.46.710(d) is amended to read:

18 (d) Deceptive business practices is a class C felony if the person **violates**
19 **(a)(1), (2), (3), (4), or (5) of this section and** uses the Internet or a computer network
20 to commit the offense. In this subsection, "Internet" means the combination of
21 computer systems or networks that make up the international network for interactive
22 communications services, including remote logins, file transfer, electronic mail, and
23 newsgroups.

24 * **Sec. 6.** AS 11.46.710 is amended by adding a new subsection to read:

25 (e) Deceptive business practices is a class C felony if the person violates (a)(6)
26 of this section.