

34-LS0109\T  
C. Radford  
3/25/25

**CS FOR HOUSE BILL NO. 97(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE FIELDS

**A BILL**

**FOR AN ACT ENTITLED**

"An Act relating to theft; relating to organized theft; relating to theft of medical records and medical information; relating to mail theft; establishing the crime of wage theft; relating to aggravating factors at sentencing; and providing for an effective date."

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

\* **Section 1.** AS 11.46.100 is amended to read:

**Sec. 11.46.100. Theft defined.** A person commits theft if, under circumstances not amounting to wage theft as defined in AS 11.46.201,

(1) with intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another;

(2) the person commits theft of lost or mislaid property under AS 11.46.160;

(3) the person commits theft by deception under AS 11.46.180;

(4) the person commits theft by receiving under AS 11.46.190;

(5) the person commits theft of services under AS 11.46.200; or

(6) the person commits theft by failure to make required disposition of funds received or held under AS 11.46.210.

\* **Sec. 2.** AS 11.46 is amended by adding a new section to read:

**Sec. 11.46.115. Organized theft.** (a) A person commits the crime of organized theft if the person individually or jointly violates AS 11.46.120 or 11.46.130 in coordination with a group of three or more persons who have committed or attempted to commit two or more violations of AS 11.46.120 or 11.46.130 for the benefit of, at the direction of, or in association with the group.

(b) Organized theft is a class A felony.

\* **Sec. 3.** AS 11.46.120(a) is amended to read:

(a) A person commits the crime of theft in the first degree if, under circumstances not amounting to wage theft as defined in AS 11.46.201, the person commits theft as defined in AS 11.46.100 and the value or aggregate value of the property or services is \$25,000 or more.

\* **Sec. 4.** AS 11.46.130(a) is amended to read:

(a) A person commits the crime of theft in the second degree if, under circumstances not amounting to wage theft as defined in AS 11.46.201, the person commits theft as defined in AS 11.46.100 and

(1) the value or aggregate value of the property or services 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 or aggregate value of the property 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

(A) an access device;

(B) an [OR] identification document; or

(C) a medical record or other medical information.

\* **Sec. 5.** AS 11.46.140(a) is amended to read:

(a) A person commits the crime of theft in the third degree if, under circumstances not amounting to wage theft as defined in AS 11.46.201, the person commits theft as defined in AS 11.46.100 and

(1) the value or aggregate value of the property or services is \$250 or more but less than \$750; or

(2) [REPEALED]

(3) [REPEALED]

(4) the value or aggregate value of the property is less than \$250 and, within the preceding five years, the person has been convicted and sentenced on three or more separate occasions in this or another jurisdiction of theft or concealment of merchandise, or an offense under another law or ordinance with similar elements; or

(5) the property is mail.

\* **Sec. 6.** AS 11.46.140 is amended by adding a new subsection to read:

(c) The provisions of (a)(5) of this section do not apply to an act carried out in accordance with the official duties of an employee charged with the operation of a juvenile treatment facility, juvenile detention facility, or correctional facility. In this subsection, "juvenile detention facility" and "juvenile treatment facility" have the meanings given in AS 47.12.990.

\* **Sec. 7.** AS 11.46.150(a) is amended to read:

(a) A person commits the crime of theft in the fourth degree if, under

circumstances not amounting to wage theft as defined in AS 11.46.201, the person commits theft as defined in AS 11.46.100 and the value or aggregate value of the property or services is less than \$250.

\* **Sec. 8.** AS 11.46.180(a) is amended to read:

(a) A person commits theft by deception if, under circumstances not amounting to wage theft as defined in AS 11.46.201, with intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another by deception.

\* **Sec. 9.** AS 11.46 is amended by adding new sections to read:

**Sec. 11.46.201. Wage theft defined.** A person commits wage theft if, as an employer, the person knowingly

(1) fails to pay an employee's or independent contractor's wage, salary, or agreed-on compensation for work performed;

(2) pays an employee a wage below the minimum wage established by federal, state, or local law;

(3) fails to pay overtime wages to an employee as required by law;

(4) requires an employee or independent contractor to perform work without compensation;

(5) withholds or diverts any portion of wages, tips, gratuities, commissions, or service fees owed to an employee or independent contractor without legal or contractual justification;

(6) misclassifies an employee as an independent contractor to avoid paying wages, benefits, or employment protections required by law;

(7) fails to provide full payment to an independent contractor for completed work within the time frame established by the contract; or

(8) makes a deduction from an employee's or independent contractor's wages or compensation without express written consent or legal authorization.

**Sec. 11.46.203. Wage theft in the first degree.** (a) A person commits the crime of wage theft in the first degree if the person commits wage theft as defined in AS 11.46.201 and the value of the unpaid wages or compensation is \$20,000 or more.

(b) Wage theft in the first degree is a class B felony.

**Sec. 11.46.205. Wage theft in the second degree.** (a) A person commits the crime of wage theft in the second degree if the person commits wage theft as defined in AS 11.46.201 and

(1) the value of the unpaid wages or compensation is \$1,000 or more but less than \$20,000; or

(2) the value of the unpaid wages or compensation is less than \$1,000 and, within the preceding 10 years, the person has been convicted and sentenced on three or more separate occasions of a crime in this or another jurisdiction with elements similar to an offense committed under AS 11.46.207.

(b) Wage theft in the second degree is a class C felony.

**Sec. 11.46.207. Wage theft in the third degree.** (a) A person commits the crime of wage theft in the third degree if the person commits wage theft as defined in AS 11.46.201 and the value of the unpaid wages or compensation is less than \$1,000.

(b) Wage theft in the third degree is a class A misdemeanor.

\* **Sec. 10.** AS 11.46.990 is amended by adding a new paragraph to read:

(15) "aggregate value" means the total value of merchandise taken, concealed, altered, or transferred from any commercial establishment over the course of one calendar year.

\* **Sec. 11.** AS 12.55.045 is amended by adding a new subsection to read:

(p) In imposing restitution under this section, the court shall order a defendant convicted of a violation of AS 11.46.203 - 11.46.207 to pay the victim restitution in an amount that

(1) fully compensates the victim for unpaid wages or owed compensation;

(2) assesses damages in an amount equal to double the amount of unpaid wages or compensation; and

(3) reimburses the victim for any legal costs incurred in pursuing unpaid wages or compensation.

\* **Sec. 12.** AS 12.55.155(c) is amended by adding a new paragraph to read:

(38) the offense was one of a continuing series of criminal offenses that qualify as organized theft.

1     \* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3           APPLICABILITY. The following sections apply to offenses committed on or after the  
4 effective date of those sections:

5                 (1) AS 11.46.115, enacted by sec. 2 of this Act;

6                 (2) AS 11.46.120(a), as amended by sec. 3 of this Act;

7                 (3) AS 11.46.130(a), as amended by sec. 4 of this Act;

8                 (4) AS 11.46.140(a), as amended by sec. 5 of this Act;

9                 (5) AS 11.46.140(c), enacted by sec. 6 of this Act;

10                (6) AS 11.46.150(a), as amended by sec. 7 of this Act; and

11                (7) AS 11.46.201 - 11.46.207, enacted by sec. 9 of this Act.

12     \* **Sec. 14.** This Act takes effect July 1, 2025.