

SENATE CS FOR CS FOR HOUSE BILL NO. 238(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:**Referred:****Sponsor(s): REPRESENTATIVES JOSEPHSON, C. Johnson, Fields, Allard, Galvin, Wright, Schrage, Ortiz, Saddler, Cronk, Tomaszewski****A BILL****FOR AN ACT ENTITLED**

1 **"An Act relating to criminal mischief in the third degree; and providing for an effective**
2 **date."**

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

4 * **Section 1.** AS 11.46.482(a) is amended to read:

5 (a) A person commits the crime of criminal mischief in the third degree if,
6 having no right to do so or any reasonable ground to believe the person has such a
7 right,

8 (1) with intent to damage property of another, the person damages
9 property of another in an amount of \$750 or more;

10 (2) the person recklessly creates a risk of damage in an amount
11 exceeding \$100,000 to property of another by the use of widely dangerous means; or

12 (3) the person knowingly

13 (A) defaces, damages, or desecrates a cemetery or the contents
14 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,

grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected;

(B) removes human remains or associated burial artifacts from a cemetery, tomb, grave, or memorial regardless of whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected;

(C) defaces or damages real property that

(i) has a place of religious education or worship located on it; and

(ii) if leased or used by a religious organization and is part of a larger property, is the part of the property leased or used by the religious organization, including the access to the entry of that part of the property; or

(D) defaces or damages tangible personal property that has religious significance and is used by a religious organization or displayed for educational purposes.

* **Sec. 2.** AS 11.46.482(b) is amended to read:

(b) It is an affirmative defense to a prosecution under (a)(3) of this section that the defendant, at the time of the offense, was

(1) an employee of the cemetery and was engaged in an authorized activity on behalf of the cemetery; [OR]

(2) authorized by law or state permit to engage in the conduct; **or**
(3) an employee of a religious organization or the owner or operator or employee of the owner or operator of real property or tangible personal property under (a)(3)(C) or (D) of this section, and was engaged in an authorized activity on behalf of the religious organization or the owner or operator of the real property or tangible personal property.

* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).