



LAWS OF ALASKA

1988

Source

CSHB 461(Jud)

Chapter No.

133

AN ACT

Increasing the penalties for repeat convictions for the crimes of theft and concealment of merchandise.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10.

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 8, 1988
Actual Effective Date: September 6, 1988

AN ACT

Increasing the penalties for repeat convictions for the crimes of theft and concealment of merchandise.

* Section 1. AS 11.46.120(a) is amended to read:

(a) A person commits the crime of theft in the first degree if the person commits theft as defined in AS 11.46.100 and

(1) the value of the property or services is \$25,000 or more; or

(2) the value of the property or services is \$500 or more but less than \$25,000 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 crime set out in (1) of this subsection or AS 11.46.130(a)(1) - (3) or an offense under another law or ordinance with similar elements.

* Sec. 2. AS 11.46.130(a) is amended to read:

(a) A person commits the crime of theft in the second degree if the person commits theft as defined in AS 11.46.100 and

(1) the value of the property or services is \$500 or more but less than \$25,000;

(2) the property is a firearm or explosive; [OR]

(3) the property is taken from the person of another; or

(4) the value of the property is \$50 or more but less than \$500 and within the preceding five years the person has been convicted

Chapter 133

1 and sentenced on two or more separate occasions in this or another
2 jurisdiction of a crime set out in (1) - (3) of this subsection or
3 AS 11.46.140(a)(1) or (2) or an offense under another law or ordinance
4 with similar elements.

5 * Sec. 3. AS 11.46.140(a) is amended to read:

6 (a) A person commits the crime of theft in the third degree if
7 the person commits theft as defined in AS 11.46.100 and

8 (1) the value of the property or services is \$50 or more
9 but less than \$500; [OR]

10 (2) the property is a credit card; or

11 (3) the value of the property is less than \$50 and within
12 the past five years the person has been convicted and sentenced on two
13 or more separate occasions in this or another jurisdiction of theft or
14 an offense under another law or ordinance with similar elements.

15 * Sec. 4. AS 11.46.220(c) is amended to read:

16 (c) Concealment of merchandise is

17 (1) a class C felony if

18 (A) the merchandise is a firearm;

19 (B) [OR] the value of the merchandise is \$500 or more;

20 or

21 (C) the value of the merchandise is \$50 or more but
22 less than \$500 and within the preceding five years the person has
23 been convicted and sentenced on two or more separate occasions in
24 this or another jurisdiction of the offense of concealment of
25 merchandise that has a value of \$50 or more or an offense under
26 another law or ordinance with similar elements;

27 (2) a class A misdemeanor if

28 (A) the value of the merchandise is \$50 or more but
29 less than \$500; or

(B) the value of the merchandise is less than \$50 and within the preceding five years the person has been convicted and sentenced on two or more separate occasions of the offense of concealment of merchandise in any degree or an offense under another law or ordinance with similar elements;

(3) a class B misdemeanor if the value of the merchandise is less than \$50.

* Sec. 5. AS 11.46 is amended by adding a new section to article 1 to read:

Sec. 11.46.295. PRIOR CONVICTIONS. For purposes of considering prior convictions in prosecuting a crime of theft under AS 11.46.-120(a)(2), 11.46.130(a)(4), or 11.46.140(a)(3), or in prosecuting the crime of concealment of merchandise under AS 11.46.220(c), a conviction for an offense under another law or ordinance with similar elements is a conviction of an offense having elements similar to those of an offense defined as such under Alaska law at the time the offense was committed.