

**CS FOR HOUSE BILL NO. 9(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 1/30/95  
Referred: Finance

Sponsor(s): REPRESENTATIVES THERRIAULT, Porter, Green

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to recovery of damages from a minor's parent or legal guardian  
2 when property is destroyed by the minor, and to recovery from a minor's  
3 permanent fund dividend for injury or damage caused by the minor."

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

5 \* **Section 1.** AS 34.50.020(a) is amended to read:

6 (a) A person, municipal corporation, association, village, school district, or  
7 religious or charitable organization, incorporated or unincorporated, may recover  
8 damages in a civil action in an amount not to exceed **\$10,000** [\$2,000] and court costs  
9 [,] from either parent or both parents or the legal guardian or person having the legal  
10 custody of an unemancipated minor under the age of 18 years [,] who, **as a result of**  
11 **a knowing or intentional act**, [MALICIOUSLY OR WILFULLY] destroys real or  
12 personal property belonging to the person, municipal corporation, association, village,  
13 school district, or religious or charitable organization.

14 \* **Sec. 2.** AS 34.50.020 is amended by adding a new subsection to read:

1 (c) A parent, legal guardian, or person having the legal custody of an  
2 unemancipated minor under the age of 18 years who is a runaway or missing minor  
3 is not liable under (a) of this section for the acts of the minor after the parent, legal  
4 guardian, or person having the legal custody of the minor makes a report to a law  
5 enforcement agency, as authorized by AS 47.10.141(a), that the minor has run away  
6 or is missing. In this subsection, "runaway or missing minor" means a minor whom  
7 the minor's parent, legal guardian, or legal custodian reasonably believes is absent  
8 from the minor's residence for the purpose of evading the minor's parent, legal  
9 guardian, or legal custodian, or who is otherwise missing from the minor's usual place  
10 of abode without the consent of the parent, legal guardian, or person having legal  
11 custody of the minor.

12 \* **Sec. 3.** AS 43.23.065(b) is amended to read:

13 (b) An exemption is not available under this section for permanent fund  
14 dividends taken to satisfy

15 (1) child support obligations required by court order or decision of the  
16 child support enforcement agency under AS 25.27.140 - 25.27.220;

17 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,  
18 or AS 47.10.080(b)(4);

19 (3) claims on defaulted scholarship loans under AS 43.23.067;

20 (4) court ordered fines;

21 (5) writs of execution under AS 09.35 of a judgment that is entered

22 (A) against a minor in a civil action to recover damages;  
23 recovery under this subparagraph is limited to **\$10,000** [\$2,000] and court costs,  
24 and may be obtained only when the judgment is based upon

25 (i) an act of the minor that is defined as a crime against  
26 a person under AS 33.30.901, that injured the plaintiff, and for which  
27 the minor was adjudicated a delinquent or convicted as an adult; or

28 (ii) the minor's intentional or knowing injury of real or  
29 personal property of the plaintiff;

30 (B) under AS 34.50.020 against the parent, parents, legal  
31 guardian, or person having the legal custody of an unemancipated minor;

1                               (6) a debt owed by an eligible individual to an agency of the state,  
2 unless the debt is contested and an appeal is pending, or the time limit for filing an  
3 appeal has not expired.