

SENATE CS FOR CS FOR HOUSE BILL NO. 9(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/11/95

Referred: Rules

Sponsor(s): REPRESENTATIVES THERRIAULT, Porter, Green, Rokeberg, Bunde

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to recovery of damages from a person having legal custody of
2 a minor when property is destroyed by the minor, and to recovery from a
3 minor's 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 a [EITHER PARENT OR BOTH PARENTS OR THE LEGAL GUARDIAN
10 OR] person having the legal custody of an unemancipated minor under the age of 18
11 years [.] who, as a result of a knowing or intentional act, [MALICIOUSLY OR
12 WILFULLY] destroys real or personal property belonging to the person, municipal
13 corporation, association, village, school district, or religious or charitable organization.

14 However, for purposes of this subsection,

1 (1) if an unemancipated minor under the age of 18 years has both
2 a custodial and a noncustodial parent, recovery in damages is limited to recovery
3 from the noncustodial parent if the property destruction by the minor occurred
4 during a period of the minor's court-ordered visitation to that parent; and

5 (2) if parents have joint physical custody under a court order of
6 an unemancipated minor under the age of 18 years, recovery in damages is
7 limited to recovery only from the parent having actual custody of the minor at the
8 time the property destruction by the minor occurred.

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

10 (c) A person having the legal custody of an unemancipated minor under the
11 age of 18 years who is a runaway or missing minor is not liable under (a) of this
12 section for the acts of the minor that are committed by the minor after a person having
13 the legal custody of the minor has made a report to a law enforcement agency, as
14 authorized by AS 47.10.141(a), that the minor has run away or is missing. In this
15 subsection, "runaway or missing minor" means a minor who a person having the legal
16 custody of the minor reasonably believes is absent from the minor's residence for the
17 purpose of evading a person having the legal custody of the minor, or who is otherwise
18 missing from the minor's usual place of abode without the consent of a person having
19 legal custody of the minor.

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

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

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

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

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

28 (4) court ordered fines;

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

30 (A) against a minor in a civil action to recover damages;
31 recovery under this subparagraph is limited to **\$10,000** [\$2,000] and court costs

1 [, AND MAY BE OBTAINED ONLY WHEN THE JUDGMENT IS BASED
2 UPON

3 (i) AN ACT OF THE MINOR THAT IS DEFINED
4 AS A CRIME AGAINST A PERSON UNDER AS 33.30.901, THAT
5 INJURED THE PLAINTIFF, AND FOR WHICH THE MINOR WAS
6 ADJUDICATED A DELINQUENT OR CONVICTED AS AN ADULT;
7 OR

8 (ii) THE MINOR'S INTENTIONAL OR KNOWING
9 INJURY OF REAL OR PERSONAL PROPERTY OF THE
10 PLAINTIFF];

11 (B) under AS 34.50.020 against a [THE PARENT, PARENTS,
12 LEGAL GUARDIAN, OR] person having the legal custody of an
13 unemancipated minor;

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