

HOUSE BILL NO. 36

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BUNDE, Toohey

Introduced: 1/16/95

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to recovery from a minor's permanent fund dividend for injury
2 or damage caused by the minor, and from a parent or legal guardian for wilful
3 or malicious destruction of property by a 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 maliciously or
11 wilfully destroys real or personal property belonging to the person, municipal
12 corporation, association, village, school district, or religious or charitable organization.

13 * **Sec. 2.** AS 43.23.065(b) is amended to read:

14 (b) An exemption is not available under this section for permanent fund

1 dividends taken to satisfy

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

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

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

7 (4) court ordered fines;

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

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

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

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

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

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