

HOUSE BILL NO. 328

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/16/02
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the crimes of damaging an oil or gas pipeline or supporting facility,**
2 **criminal mischief, and terroristic threatening; making conforming amendments; and**
3 **providing for an effective date."**

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

5 *** Section 1.** AS 11.41.260(a) is amended to read:

6 (a) A person commits the crime of stalking in the first degree if the person
7 violates AS 11.41.270 and

8 (1) the actions constituting the offense are in violation of an order
9 issued or filed under AS 18.66.100 - 18.66.180 or issued under former
10 AS 25.35.010(b) or 25.35.020;

11 (2) the actions constituting the offense are in violation of a condition of
12 probation, release before trial, release after conviction, or parole;

13 (3) the victim is under 16 years of age;

14 (4) at any time during the course of conduct constituting the offense

1 the defendant possessed a deadly weapon;

2 (5) the defendant has been previously convicted of a crime under this
3 section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another
4 jurisdiction with elements similar to a crime under this section, AS 11.41.270, or
5 AS 11.56.740; or

6 (6) the defendant has been previously convicted of a crime, or an
7 attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250,
8 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810 [AS 11.56.810], AS 11.61.120, or (B)
9 a law or an ordinance of this or another jurisdiction with elements similar to a crime,
10 or an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250,
11 11.41.300 - 11.41.460, AS 11.56.810, or AS 11.61.120, involving the same victim as
12 the present offense.

13 * **Sec. 2.** AS 11.46 is amended by adding a new section to read:

14 **Sec. 11.46.470. Damaging an oil or gas pipeline or supporting facility.** (a)

15 A person commits the crime of damaging an oil or gas pipeline or supporting facility
16 if, having no right to do so or any reasonable ground to believe the person has such a
17 right, the person intentionally damages an oil or gas pipeline or supporting facility.

18 (b) Damaging an oil or gas pipeline or supporting facility is a class A felony.

19 * **Sec. 3.** AS 11.46.480(a) is amended to read:

20 (a) A person commits the crime of criminal mischief in the first degree if,
21 having no right to do so or any reasonable ground to believe the person has such a
22 right,

23 (1) with intent to cause a substantial interruption or impairment of a
24 service rendered to the public by a utility or by an organization which deals with
25 emergencies involving danger to life or property, the person damages or tampers with
26 property of that utility or organization and causes substantial interruption or
27 impairment of service to the public;

28 (2) with intent to damage property of another by the use of widely
29 dangerous means, the person damages property of another in an amount exceeding
30 \$100,000 by the use of widely dangerous means;

31 (3) the person tampers with [INTENTIONALLY DAMAGES] an oil

1 or gas pipeline or supporting facility **or an airplane or helicopter, with reckless**
 2 **disregard for the risk of harm to or loss of the property;** or

3 (4) with intent to cause physical injury to another person, the person:

4 (A) tampers with **food, water, or** an item that is a [FOOD,]
 5 drug[,] or cosmetic, or a container for **food, water, or** the item; or

6 (B) delivers, dispenses, or distributes **food, water, or** an item
 7 described in (A) of this paragraph knowing that a person has tampered with the
 8 **food, water, or item or a container for the food, water, or** item.

9 * **Sec. 4.** AS 11.46.480(c)(1) is amended to read:

10 (1) "deliver" means the actual, constructive, or attempted transfer from
 11 one person to another of **food, water, or** an item;

12 * **Sec. 5.** AS 11.46.480(c)(3) is amended to read:

13 (3) "distribute" means to deliver **food, water, or** an item, whether or
 14 not there is any money or other item of value exchanged; it includes sale, gift, or
 15 exchange;

16 * **Sec. 6.** AS 11.56.800(a) is amended to read:

17 (a) A person commits the crime of false information or report if the person
 18 knowingly

19 (1) gives false information to a peace officer

20 (A) with the intent of implicating another in an offense; or

21 (B) concerning the person's identity while the person is

22 (i) under arrest, detention, or investigation for a crime;

23 or

24 (ii) being served with an arrest warrant or being issued a
 25 citation;

26 (2) makes a false report to a peace officer that a crime has occurred or
 27 is about to occur;

28 (3) makes a false report or gives a false alarm, **under circumstances**
 29 **not amounting to terroristic threatening in the second degree under**
 30 **AS 11.56.810,** that a fire or other incident dangerous to life or property calling for an
 31 emergency response has occurred or is about to occur; or

1 (4) makes a false report to the Department of Natural Resources under
2 AS 46.17 concerning the condition of a dam or reservoir.

3 * **Sec. 7.** AS 11.56 is amended by adding a new section to read:

4 **Sec. 11.56.807. Terroristic threatening in the first degree.** (a) A person
5 commits the crime of terroristic threatening in the first degree if the person sends,
6 delivers, attempts to send or deliver, or solicits the sending or delivery of an envelope,
7 package, or any other item containing an imitation biological or chemical substance
8 with intent to

9 (1) place a person in fear of physical injury to any person;

10 (2) cause evacuation of a building, public place, business premises, or
11 means of public transportation; or

12 (3) cause serious public inconvenience.

13 (b) In this section, "imitation biological or chemical substance" means a
14 material that by its appearance would lead a reasonable person to believe that it is
15 harmful to the health of a person.

16 (c) Terroristic threatening in the first degree is a class B felony.

17 * **Sec. 8.** AS 11.56.810 is amended to read:

18 **Sec. 11.56.810. Terroristic threatening in the second degree.** (a) A person
19 commits the crime of terroristic threatening **in the second degree** if the person
20 knowingly makes a false report

21 **(1)** that a circumstance dangerous to human life exists or is about to
22 exist and

23 **(A)** [(1)] places a person in fear of physical injury to any
24 person;

25 **(B)** [(2)] causes evacuation of a building, **public place,**
26 **business premises, or means of public transportation;** [OR]

27 **(C)** [(3)] causes serious public inconvenience;

28 **(D)** **the report claims that a biological or chemical**
29 **substance that is harmful to the health of a person has been sent or is**
30 **present in a building, public place, business premises, or means of public**
31 **transportation; or**

1 **(2) threatening damage to an oil or gas pipeline or supporting**
 2 **facility.**

3 (b) Terroristic threatening **in the second degree** is a class C felony.

4 * **Sec. 9.** AS 11.56.810 is amended by adding a new subsection to read:

5 (c) In this section, "oil or gas pipeline or supporting facility" has the meaning
 6 given in AS 11.46.490.

7 * **Sec. 10.** AS 12.61.120(b) is amended to read:

8 (b) If the defendant is proceeding without counsel in a case involving a
 9 charged violation of AS 11.41, AS 11.46.300 - 11.46.330, AS 11.56.740, **11.56.807,**
 10 11.56.810, AS 11.61.190 - 11.61.210, or a crime involving domestic violence, and the
 11 court finds that the defendant may pose a continuing threat to the victim of or witness
 12 to the offense charged, the court shall protect the address and telephone number of the
 13 victim or witness by providing the information only to a person specified by the court
 14 or by imposing other restrictions that the court considers necessary. When an address
 15 or telephone number is released to a person specified by the court under this
 16 subsection, that person, who shall be ordered not to disclose the information to the
 17 defendant, shall contact the victim or witness on behalf of the defendant, and the
 18 defendant shall meet or speak with the victim or witness only in the presence of that
 19 person.

20 * **Sec. 11.** AS 18.66.990(3) is amended to read:

21 (3) "domestic violence" and "crime involving domestic violence" mean
 22 one or more of the following offenses or an offense under a law or ordinance of
 23 another jurisdiction having elements similar to these offenses, or an attempt to commit
 24 the offense, by a household member against another household member:

25 (A) a crime against the person under AS 11.41;

26 (B) burglary under AS 11.46.300 - 11.46.310;

27 (C) criminal trespass under AS 11.46.320 - 11.46.330;

28 (D) arson or criminally negligent burning under AS 11.46.400 -
 29 11.46.430;

30 (E) criminal mischief under AS 11.46.480 - 11.46.486;

31 (F) terroristic threatening under **AS 11.56.807 or 11.56.810**

1 [AS 11.56.810];
2 (G) violating a domestic violence order under AS 11.56.740; or
3 (H) harassment under AS 11.61.120(a)(2) - (4);
4 * **Sec. 12.** AS 11.46.482(a)(2) is repealed.
5 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:
7 APPLICABILITY. This Act applies to offenses committed on or after the effective
8 date of this Act.
9 * **Sec. 14.** This Act takes effect immediately under AS 01.10.070(c).