

CONFERENCE CS FOR HOUSE BILL NO. 18
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE CONFERENCE COMMITTEE

Offered: 5/21/03

Sponsor(s): REPRESENTATIVES MEYER, Rokeberg, Gatto, Dahlstrom, Anderson, Lynn

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the liability of parents and legal guardians of minors who destroy**
2 **property; and providing for an effective date."**

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 INTENT. It is the intent of the legislature that this Act

7 (1) promote responsibility as well as the recovery of damages;

8 (2) require an unemancipated minor who causes civil damages to participate in
9 the justice process in order to provide a better remedy and to experience a learning
10 opportunity.

11 * **Sec. 2.** AS 34.50.020(a) is amended to read:

12 (a) **Except as provided under (d) and (e) of this section, a** [A] person,
13 municipal corporation, association, village, school district, or religious or charitable
14 organization, incorporated or unincorporated, may recover damages in a civil action in

1 an amount not to exceed \$15,000 [\$10,000] and court costs from either parent or [,]
 2 both parents [, OR THE LEGAL GUARDIAN] of an unemancipated minor under the
 3 age of 18 years who, as a result of a knowing or intentional act, destroys real or
 4 personal property belonging to the person, municipal corporation, association, village,
 5 school district, or religious or charitable organization. However, for purposes of this
 6 subsection, recovery in damages shall be apportioned by the court between the parents
 7 [OR BETWEEN THE PARENTS AND LEGAL GUARDIAN, OR BOTH,] without
 8 regard to legal custody but with due consideration for the actual care and custody of
 9 the minor provided by the parents [OR LEGAL GUARDIAN].

10 * **Sec. 3.** AS 34.50.020(c) is amended to read:

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

22 * **Sec. 4.** AS 34.50.020 is amended by adding new subsections to read:

23 (d) If a parent has an insurance policy that would compensate a claimant for
 24 civil damages described under (a) of this section, and the policy limits are in excess of
 25 \$15,000, civil damages may be recovered under (a) of this section in an amount not to
 26 exceed the policy limits or \$25,000, whichever amount is lower.

27 (e) Subsection (a) of this section does not authorize the recovery of damages
 28 from

29 (1) a legal guardian; or

30 (2) the adoptive parents of a hard-to-place child if the adoptive parents
 31 are receiving, at the time the property is destroyed, financial assistance from the state

1 as a result of the adoption; in this paragraph, "hard-to-place child" has the meaning
2 given in AS 25.23.240.

3 (f) If damages are recovered in a civil action as allowed under (a) of this
4 section, the court shall require the unemancipated minor who caused the damages to
5 provide a written report to the court regarding

6 (1) financial resources of the minor that are available for purposes of
7 restitution;

8 (2) restitution the minor has made to the claimants; and

9 (3) what, if anything, the minor has learned from the civil justice
10 process.

11 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **APPLICABILITY.** This Act applies to a civil action that accrues on or after the
14 effective date of this Act.

15 * **Sec. 6.** This Act takes effect July 1, 2003.