



LAWS OF ALASKA

2005

Source
HB 131

Chapter No.

AN ACT

Increasing the criminal classification of theft of an access device and of obtaining an access device or identification documents by fraudulent means; increasing the criminal classification for certain cases of fraudulent use of an access device; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Increasing the criminal classification of theft of an access device and of obtaining an access
2 device or identification documents by fraudulent means; increasing the criminal classification
3 for certain cases of fraudulent use of an access device; and providing for an effective date.

4



5 * **Section 1.** AS 11.46.130(a) is amended to read:

6 (a) A person commits the crime of theft in the second degree if the person
7 commits theft as defined in AS 11.46.100 and

8 (1) the value of the property or services is \$500 or more but less than
9 \$25,000;

10 (2) the property is a firearm or explosive;

11 (3) the property is taken from the person of another;

12 (4) the property is taken from a vessel and is vessel safety or survival
13 equipment;

14 (5) the property is taken from an aircraft and the property is aircraft

1 safety or survival equipment; [OR]

2 (6) the value of the property is \$50 or more but less than \$500 and,
3 within the preceding five years, the person has been convicted and sentenced on two
4 or more separate occasions in this or another jurisdiction of

5 (A) AS 11.46.120, or an offense under another law or
6 ordinance with similar elements;

7 (B) a crime set out in this subsection or an offense under
8 another law or ordinance with similar elements;

9 (C) AS 11.46.140(a)(1) [OR (2)], or an offense under another
10 law or ordinance with similar elements; or

11 (D) AS 11.46.220(c)(1) or (c)(2)(A), or an offense under
12 another law or ordinance with similar elements; **or**

13 **(7) the property is an access device.**

14 * **Sec. 2.** AS 11.46.220(c) is amended to read:

15 (c) Concealment of merchandise is

16 (1) a class C felony if

17 (A) the merchandise is a firearm;

18 (B) the value of the merchandise is \$500 or more; or

19 (C) the value of the merchandise is \$50 or more but less than
20 \$500 and, within the preceding five years, the person has been convicted and
21 sentenced on two or more separate occasions in this or another jurisdiction of
22 the offense of

23 (i) concealment of merchandise under this paragraph or
24 (2)(A) of this subsection, or an offense under another law or ordinance
25 with similar elements; or

26 (ii) AS 11.46.120, 11.46.130, or 11.46.140(a)(1) [OR
27 (a)(2)], or an offense under another law or ordinance with similar
28 elements;

29 (2) a class A misdemeanor if

30 (A) the value of the merchandise is \$50 or more but less than
31 \$500; or

1 (B) the value of the merchandise is less than \$50 and, within
2 the preceding five years, the person has been convicted and sentenced on two
3 or more separate occasions of the offense of concealment of merchandise or
4 theft in any degree, or an offense under another law or ordinance with similar
5 elements;

6 (3) a class B misdemeanor if the value of the merchandise is less than
7 \$50.

8 * **Sec. 3.** AS 11.46.285(b) is amended to read:

9 (b) Fraudulent use of an access device is

10 (1) a class B felony if the value of the property or services obtained is
11 \$25,000 or more;

12 (2) a class C felony if the value of the property or services obtained is
13 **\$50** [\$500] or more but less than \$25,000;

14 (3) a class A misdemeanor if the value of the property or services
15 obtained is **less than** \$50 [OR MORE BUT LESS THAN \$500];

16 (4) A CLASS B MISDEMEANOR IF THE VALUE OF THE
17 PROPERTY OR SERVICES OBTAINED IS LESS THAN \$50].

18 * **Sec. 4.** AS 11.46.290(b) is amended to read:

19 (b) Obtaining an access device or identification document by fraudulent means
20 is a class **C felony** [A MISDEMEANOR].

21 * **Sec. 5.** AS 11.46.140(a)(2) is repealed.

22 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 APPLICABILITY. This Act applies to offenses occurring on or after the effective
25 date of this Act.

26 * **Sec. 7.** This Act takes effect July 1, 2005.