

HOUSE BILL NO. 132

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES STOLTZE, McGuire, Anderson

Introduced: 2/9/05

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to sentencing for certain crimes committed against the elderly; and**
2 **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; FINDINGS. (a) It is the intent of the legislature to further the important
7 state interest of deterring and punishing persons who commit crimes against the elderly.

8 (b) The legislature finds that

9 (1) the number of the elderly is rapidly growing in this state and will double,
10 or possibly triple, by 2018;

11 (2) the elderly are particularly vulnerable to crimes against the person under
12 AS 11.41;

13 (3) the elderly suffer more physical and emotional harm from these crimes
14 than do younger victims;

1 (4) theft and fraud are serious problems in this state, and certain types of
2 schemes that defraud, such as telemarketing fraud, are specifically targeted at the elderly;

3 (5) the elderly are often on fixed incomes with a limited financial ability to
4 recover from fraud, leaving them vulnerable to larger fiscal effects of schemes, such as loss of
5 a home or inability to pay creditors; and

6 (6) being a crime victim can have a devastating emotional impact on the
7 elderly in the state.

8 * **Sec. 2.** AS 12.55 is amended by adding a new section to read:

9 **Sec. 12.55.136. Penalties for crimes against the elderly.** (a) If a person
10 commits a crime specified in (b) of this section and the victim was 65 years of age or
11 older at the time of the crime, the crime and the penalty for conviction of that crime
12 are increased so that a crime that would otherwise be a

13 (1) class B misdemeanor is a class A misdemeanor;

14 (2) class A misdemeanor is a class C felony;

15 (3) class C felony is a class B felony;

16 (4) class B felony is a class A felony.

17 (b) The provisions of (a) of this section apply to the following crimes:

18 (1) a misdemeanor violation of AS 11.41;

19 (2) theft in violation of AS 11.46.100 - 11.46.210;

20 (3) fraudulent use of an access device in violation of AS 11.46.285;

21 (4) obtaining an access device or identification document by fraudulent
22 means in violation of AS 11.46.290;

23 (5) burglary in violation of AS 11.46.300 - AS 11.46.310;

24 (6) criminal mischief in the third, fourth, or fifth degree in violation of
25 AS 11.46.482 - 11.46.486;

26 (7) forgery in violation of AS 11.46.500 - 11.46.510;

27 (8) obtaining a signature by deception in violation of AS 11.46.540;

28 (9) criminal impersonation in violation of AS 11.46.565 - 11.46.570;

29 (10) scheme to defraud in violation of AS 11.46.600;

30 (11) misapplication of property in violation of AS 11.46.620;

31 (12) misrepresentation of use of a propelled vehicle in violation of

1 AS 11.46.720;

2 (13) criminal use of a computer in violation of AS 11.46.740.

3 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 APPLICABILITY. The changes made in sec. 2 of this Act apply to offenses
6 committed on or after the effective date of this Act.

7 * **Sec. 4.** This Act takes effect July 1, 2005.