

**CS FOR HOUSE BILL NO. 132(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/3/05**

**Referred: Finance**

**Sponsor(s): REPRESENTATIVES STOLTZE, McGuire, Anderson, Gara, Dahlstrom, Kelly, Meyer, Foster, Holm, Samuels, Wilson, Gardner, Neuman**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to certain crimes committed against the elderly; and providing for an**  
2 **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 11 is amended by adding a new chapter to read:

9 **Chapter 32. Enhanced Penalties.**

10 **Sec. 11.32.100. Penalties for crimes against the elderly.** (a) If a person  
11 commits a crime specified in (b) of this section with reckless disregard that the victim  
12 was 65 years of age or older at the time of the crime, the crime and the penalty for  
13 conviction of that crime are increased so that a crime that would otherwise be a

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

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

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

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

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

19 (1) a misdemeanor violation of AS 11.41;

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

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

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

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

25 (6) forgery in violation of AS 11.46.500 - 11.46.510;

26 (7) obtaining a signature by deception in violation of AS 11.46.540;

27 (8) criminal impersonation in violation of AS 11.46.565 - 11.46.570;

28 (9) scheme to defraud in violation of AS 11.46.600;

29 (10) misapplication of property in violation of AS 11.46.620;

30 (11) misrepresentation of use of a propelled vehicle in violation of  
31 AS 11.46.720;

1 (12) criminal use of a computer in violation of AS 11.46.740.

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

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

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