

HOUSE BILL NO. 232

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

BY REPRESENTATIVE COGHILL

Introduced: 3/23/05

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to property crimes."**

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

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

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

6 (1) the value of the property or services is **\$2,500** [\$500] or more but
7 less than \$25,000;

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

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

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

12 (5) the property is taken from an aircraft and the property is aircraft
13 safety or survival equipment; or

14 (6) the value of the property is \$50 or more but less than **\$2,500** [\$500]
15 and within the preceding five years the person has been convicted and sentenced on

1 two or more separate occasions in this or another jurisdiction of

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

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

6 (C) AS 11.46.140(a)(1) or (2), or an offense under another law
7 or ordinance with similar elements; or

8 (D) AS 11.46.220(c)(1) or (c)(2)(A), or an offense under
9 another law or ordinance with similar elements.

10 * **Sec. 2.** AS 11.46.140(a) is amended to read:

11 (a) A person commits the crime of theft in the third degree if the person
12 commits theft as defined in AS 11.46.100 and

13 (1) the value of the property or services is \$50 or more but less than
14 **\$2,500** [\$500];

15 (2) the property is an access device; or

16 (3) the value of the property is less than \$50 and, within the past five
17 years, the person has been convicted and sentenced on two or more separate occasions
18 in this or another jurisdiction of theft or concealment of merchandise, or an offense
19 under another law or ordinance with similar elements.

20 * **Sec. 3.** AS 11.46.220(c) is amended to read:

21 (c) Concealment of merchandise is

22 (1) a class C felony if

23 (A) the merchandise is a firearm;

24 (B) the value of the merchandise is **\$2,500** [\$500] or more; or

25 (C) the value of the merchandise is \$50 or more but less than
26 **\$2,500** [\$500] and within the preceding five years the person has been
27 convicted and sentenced on two or more separate occasions in this or another
28 jurisdiction of the offense of

29 (i) concealment of merchandise under this paragraph or
30 (2)(A) of this subsection, or an offense under another law or ordinance
31 with similar elements; or

1 (ii) AS 11.46.120, 11.46.130, or 11.46.140(a)(1) or
 2 (a)(2), or an offense under another law or ordinance with similar
 3 elements;

4 (2) a class A misdemeanor if

5 (A) the value of the merchandise is \$50 or more but less than
 6 \$2,500 [\$500]; or

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

12 (3) a class B misdemeanor if the value of the merchandise is less than
 13 \$50.

14 * **Sec. 4.** AS 11.46.260(b) is amended to read:

15 (b) Removal of identification marks is

16 (1) a class C felony if the value of the property on which the serial
 17 number or identification mark appeared is \$2,500 [\$500] or more;

18 (2) a class A misdemeanor if the value of the property on which the
 19 serial number or identification mark appeared is \$50 or more but less than \$2,500
 20 [\$500];

21 (3) a class B misdemeanor if the value of the property on which the
 22 serial number or identification mark appeared is less than \$50.

23 * **Sec. 5.** AS 11.46.270(b) is amended to read:

24 (b) Unlawful possession is

25 (1) a class C felony if the value of the property on which the serial
 26 number or identification mark appeared is \$2,500 [\$500] or more;

27 (2) a class A misdemeanor if the value of the property on which the
 28 serial number or identification mark appeared is \$50 or more but less than \$2,500
 29 [\$500];

30 (3) a class B misdemeanor if the value of the property on which the
 31 serial number or identification mark appeared is less than \$50.

1 * **Sec. 6.** AS 11.46.280(d) is amended to read:

2 (d) Issuing a bad check is

3 (1) a class B felony if the face amount of the check is \$25,000 or more;

4 (2) a class C felony if the face amount of the check is \$2,500 [\$500] or
5 more but less than \$25,000;

6 (3) a class A misdemeanor if the face amount of the check is \$50 or
7 more but less than \$2,500 [\$500];

8 (4) a class B misdemeanor if the face amount of the check is less than
9 \$50.

10 * **Sec. 7.** AS 11.46.285(b) is amended to read:

11 (b) Fraudulent use of an access device is

12 (1) a class B felony if the value of the property or services obtained is
13 \$25,000 or more;

14 (2) a class C felony if the value of the property or services obtained is
15 \$2,500 [\$500] or more but less than \$25,000;

16 (3) a class A misdemeanor if the value of the property or services
17 obtained is \$50 or more but less than \$2,500 [\$500];

18 (4) a class B misdemeanor if the value of the property or services
19 obtained is less than \$50.

20 * **Sec. 8.** AS 11.46.360(a) is amended to read:

21 (a) A person commits the crime of vehicle theft in the first degree if, having
22 no right to do so or any reasonable ground to believe the person has such a right, the
23 person drives, tows away, or takes

24 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft
25 of another;

26 (2) the propelled vehicle of another and

27 (A) the vehicle or any other property of another is damaged in a
28 total amount of \$2,500 [\$500] or more;

29 (B) the owner incurs reasonable expenses as a result of the loss
30 of use of the vehicle, in a total amount of \$2,500 [\$500] or more; or

31 (C) the owner is deprived of the use of the vehicle for seven

1 days or more;

2 (3) the propelled vehicle of another and the vehicle is marked as a
3 police or emergency vehicle; or

4 (4) the propelled vehicle of another and, within the preceding seven
5 years, the person was convicted under

6 (A) this section or AS 11.46.365;

7 (B) former AS 11.46.482(a)(4) or (5);

8 (C) former AS 11.46.484(a)(2);

9 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft
10 of a propelled vehicle; or

11 (E) a law or ordinance of this or another jurisdiction with
12 elements substantially similar to those of an offense described in (A) - (D) of
13 this paragraph.

14 * **Sec. 9.** AS 11.46.482(a) is amended to read:

15 (a) A person commits the crime of criminal mischief in the third degree if,
16 having no right to do so or any reasonable ground to believe the person has such a
17 right,

18 (1) with intent to damage property of another, the person damages
19 property of another in an amount of \$2,500 [\$500] or more;

20 (2) the person recklessly creates a risk of damage in an amount
21 exceeding \$100,000 to property of another by the use of widely dangerous means; or

22 (3) the person knowingly

23 (A) defaces, damages, or desecrates a cemetery or the contents
24 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,
25 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
26 memorial appears to be abandoned, lost, or neglected;

27 (B) removes human remains or associated burial artifacts from
28 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,
29 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

30 * **Sec. 10.** AS 11.46.484(a) is amended to read:

31 (a) A person commits the crime of criminal mischief in the fourth degree if,

1 having no right to do so or any reasonable ground to believe the person has such a
2 right

3 (1) with intent to damage property of another, the person damages
4 property of another in an amount of \$50 or more but less than \$2,500 [\$500];

5 (2) the person tampers with a fire protection device in a building that is
6 a public place;

7 (3) the person knowingly accesses a computer, computer system,
8 computer program, computer network, or part of a computer system or network;

9 (4) the person uses a device to descramble an electronic signal that has
10 been scrambled to prevent unauthorized receipt or viewing of the signal unless the
11 device is used only to descramble signals received directly from a satellite or unless
12 the person owned the device before September 18, 1984; or

13 (5) the person knowingly removes, relocates, defaces, alters, obscures,
14 shoots at, destroys, or otherwise tampers with an official traffic control device or
15 damages the work upon a highway under construction.

16 * **Sec. 11.** AS 11.46.530(b) is amended to read:

17 (b) Criminal simulation is

18 (1) a class C felony if the value of what the object purports to represent
19 is \$2,500 [\$500] or more;

20 (2) a class A misdemeanor if the value of what the object purports to
21 represent is \$50 or more but less than \$2,500 [\$500];

22 (3) a class B misdemeanor if the value of what the object purports to
23 represent is less than \$50.

24 * **Sec. 12.** AS 11.46.620(d) is amended to read:

25 (d) Misapplication of property is

26 (1) a class C felony if the value of the property misapplied is \$2,500
27 [\$500] or more;

28 (2) a class A misdemeanor if the value of the property misapplied is
29 less than \$2,500 [\$500].

30 * **Sec. 13.** AS 11.46.730(c) is amended to read:

31 (c) Defrauding creditors is a class A misdemeanor unless that secured party,

1 judgment creditor, or creditor incurs a pecuniary loss of \$2,500 [\$500] or more as a
2 result to the defendant's conduct, in which case defrauding secured creditors is

3 (1) a class B felony if the loss is \$25,000 or more;

4 (2) a class C felony if the loss is \$2,500 [\$500] or more but less than
5 \$25,000.

6 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 APPLICABILITY. This Act applies to offenses committed on or after the effective
9 date of this Act.