

**SENATE BILL NO. 10**

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

**BY SENATORS GUESS AND DYSON, Ellis, Bunde**

**Introduced: 1/11/05**

**Referred: Health, Education and Social Services, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to liability for destruction of property by unemancipated minors; 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 LEGISLATIVE INTENT. It is the intent of the legislature to hold those who  
7 vandalize property financially accountable for their actions.

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

9 (a) Except as provided under [(d) AND] (e) of this section, a person,  
10 municipal corporation, association, village, school district, or religious or charitable  
11 organization, incorporated or unincorporated, may recover damages in a civil action  
12 [IN AN AMOUNT NOT TO EXCEED \$15,000] and court costs from either parent or  
13 both parents of **a child who is** an unemancipated minor under [THE AGE OF] 18  
14 years **of age and jointly from the child** who, as a result of a knowing or intentional

1 act, destroys real or personal property belonging to the person, municipal corporation,  
 2 association, village, school district, or religious or charitable organization. However,  
 3 for purposes of this subsection, recovery in damages shall be apportioned by the court  
 4 between the parents without regard to legal custody but with due consideration for the  
 5 actual care and custody of the minor provided by the parents. **Any parental liability**  
 6 **imposed under this section ends when the child reaches 18 years of age; however,**  
 7 **after reaching 18 years of age, the child continues to be liable for all unpaid**  
 8 **amounts imposed under this section. The court shall set a payment schedule for**  
 9 **each individual liable for damages under this subsection that is fair and takes**  
 10 **into account each individual's ability to make the payments. The schedule shall**  
 11 **separately address payments the child may have to make after reaching 18 years**  
 12 **of age.**

13 \* **Sec. 3.** AS 43.23.065(b) is amended to read:

14 (b) An exemption is not available under this section for permanent fund  
 15 dividends taken to satisfy

16 (1) child support obligations required by court order or decision of the  
 17 child support services agency under AS 25.27.140 - 25.27.220;

18 (2) court ordered restitution under AS 12.55.045 - 12.55.051,  
 19 12.55.100, or AS 47.12.120(b)(4);

20 (3) claims on defaulted education loans under AS 43.23.067;

21 (4) court ordered fines;

22 (5) writs of execution under AS 09.35 of a judgment that is entered

23 (A) against a minor in a civil action to recover damages and  
 24 court costs;

25 (B) under AS 34.50.020 against **an individual for destruction**  
 26 **of property by** [THE PARENT, PARENTS, OR LEGAL GUARDIAN OF]  
 27 an unemancipated minor;

28 (6) a debt owed by an eligible individual to an agency of the state,  
 29 including the University of Alaska, unless the debt is contested and an appeal is  
 30 pending, or the time limit for filing an appeal has not expired;

31 (7) a debt owed to a person for a program for the rehabilitation of

1 perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15),  
2 AS 25.20.061(3), or AS 33.16.150(f)(2).

3 \* **Sec. 4.** AS 34.50.020(d) is repealed.

4 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).