

**HOUSE BILL NO. 245**

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

BY REPRESENTATIVE RAMRAS

Introduced: 5/1/07

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to theft and concealment of merchandise."

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

3 \* **Section 1.** AS 11.46.120(a) is amended to read:

4 (a) A person commits the crime of theft in the first 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 \$25,000 or more;

7 (2) the value of the property or services is \$500 or more but less  
8 than \$25,000 and, within the preceding five years, the person has been convicted  
9 and sentenced on two or more separate occasions in this or another jurisdiction  
10 of

11 (A) an offense under this section or AS 11.46.130, or an  
12 offense under another law or ordinance with similar elements;

13 (B) an offense under AS 11.46.140(a)(1), or an offense  
14 under another law or ordinance with similar elements; or

15 (C) an offense under AS 11.46.220(c)(1), (c)(2)(A), or

1                   **(c)(3)(A) or an offense under another law or ordinance with similar**  
 2                   **elements.**

3       \* **Sec. 2.** 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 \$500 or more but less than  
 7                   \$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;

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

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

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

21                                       (C) an offense under AS 11.46.140(a)(1), or an offense under  
 22                   another law or ordinance with similar elements; or

23                                       (D) an offense under AS 11.46.220(c)(1), [OR] (c)(2)(A), **or**  
 24                   **(c)(3)(A)**, or an offense under another law or ordinance with similar elements;  
 25                   or

26                              (7) the property is an access device.

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

28                   (c) Concealment of merchandise is

29                              (1) a class **(B)** [C] felony if

30                                       (A) the merchandise is a firearm **or explosive**;

31                                       (B) the value of the merchandise is **\$1,500** [\$500] or more; or

1 (C) the value of the merchandise is \$500 [\$50] or more but less  
2 than \$1,500 [\$500] and, within the preceding five years, the person has been  
3 convicted and sentenced on two or more separate occasions in this or another  
4 jurisdiction of

5 (i) the offense of concealment of merchandise under  
6 this paragraph or (2)(A) or (3)(A) of this subsection, or an offense  
7 under another law or ordinance with similar elements; or

8 (ii) an offense under AS 11.46.120, 11.46.130, or  
9 11.46.140(a)(1), or an offense under another law or ordinance with  
10 similar elements;

11 **(D) the value of the merchandise is \$500 or more but less**  
12 **than \$1,500 and the person used another person or any form of electronic**  
13 **or other device, equipment, or tool to aid in the commission of the crime;**

14 (2) **a class C felony if**

15 **(A) the value of the merchandise is \$500 or more but less**  
16 **than \$1,500;**

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

21 **(i) the offense of concealment of merchandise under**  
22 **this paragraph or (1)(A) or (3)(A) of this subsection, or an offense**  
23 **under another law or ordinance with similar elements; or**

24 **(ii) an offense under AS 11.46.120, 11.46.130, or**  
25 **11.46.140(a)(1), or an offense under another law or ordinance with**  
26 **similar elements;**

27 **(C) the value of the merchandise is \$50 or more but less**  
28 **than \$500 and the person used another person or any form of electronic or**  
29 **other device, equipment, or tool to aid in the commission of the crime;**

30 **(3) a class A misdemeanor if**

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

1 \$500; or

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

7 **(C) the value of the merchandise is less than \$50 and the**  
8 **person used another person or any form of electronic or other device,**  
9 **equipment, or tool to aid in the commission of the crime;**

10 **(4)** [(3)] a class B misdemeanor if the value of the merchandise is less  
11 than \$50.

12 \* **Sec. 4.** AS 11.46.230(a) is amended to read:

13 (a) In a civil or criminal action upon the complaint of a person who has been  
14 detained in or in the immediate vicinity of a commercial establishment for the purpose  
15 of investigation or questioning as to the ownership of merchandise, it is a defense that

16 (1) the person was detained in a reasonable manner and for not more  
17 than a reasonable time to permit investigation or questioning by a peace officer or by  
18 the owner of the commercial establishment or the owner's agent; and

19 (2) the peace officer, owner, or owner's agent had probable cause to  
20 believe that the person detained was committing or attempting to commit **theft under**  
21 **AS 11.46.120 - 11.46.150 or** concealment of merchandise.

22 \* **Sec. 5.** AS 11.46.295 is amended to read:

23 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior  
24 convictions in prosecuting a crime of theft under **AS 11.46.120(a)(2),**  
25 **AS 11.46.130(a)(6),** or 11.46.140(a)(3), or in prosecuting the crime of concealment of  
26 merchandise under AS 11.46.220(c), a conviction for an offense under another law or  
27 ordinance with similar elements is a conviction of an offense having elements similar  
28 to those of an offense defined as such under Alaska law at the time the offense was  
29 committed.