

CS FOR HOUSE BILL NO. 238(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/13/24

Referred: Rules

Sponsor(s): REPRESENTATIVES JOSEPHSON, C.Johnson, Fields, Allard, Galvin, Wright, Schrage, Ortiz, Saddler, Cronk, Tomaszewski, Vance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal mischief in the third degree; and providing for an effective**
2 **date."**

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

4 *** Section 1.** AS 11.46.482(a) is amended to read:

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

8 (1) with intent to damage property of another, the person damages
9 property of another in an amount of \$750 or more;

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

12 (3) the person knowingly

13 (A) defaces, damages, or desecrates a cemetery or the contents
14 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,

1 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
2 memorial appears to be abandoned, lost, or neglected;

3 (B) removes human remains or associated burial artifacts from
4 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,
5 tomb, grave, or memorial appears to be abandoned, lost, or neglected;

6 **(C) defaces, damages, or desecrates**

7 **(i) real property that has a place of religious**
8 **education or worship located on it and is owned, leased, or used by**
9 **a religious organization or used for any religious purpose; or**

10 **(ii) tangible personal property used by a religious**
11 **organization or used for any religious purpose.**

12 * **Sec. 2.** AS 11.46.482(b) is amended to read:

13 (b) It is an affirmative defense to a prosecution under (a)(3) of this section that
14 the defendant, at the time of the offense, was

15 (1) an employee of the cemetery and was engaged in an authorized
16 activity on behalf of the cemetery; [OR]

17 (2) authorized by law or state permit to engage in the conduct; **or**

18 **(3) an employee of a religious organization or the owner or**
19 **operator or employee of the owner or operator of real property or tangible**
20 **personal property under (a)(3)(C) of this section, and was engaged in an**
21 **authorized activity on behalf of the religious organization or the owner or**
22 **operator of the real property or tangible personal property.**

23 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).