

1 IN THE SENATE

BY SENATOR COBLE

2 SENATE BILL NO. 27

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making it a felony to drive a  
7 vehicle without consent of owner; making  
8 inapplicable for violations of this Act  
9 Territorial laws relating to juveniles;  
10 and amending Sections 50-5-1 and 50-5-2  
11 ACIA 1949."

12 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

13 Section 1. Section 50-5-1 ACIA 1949 is amended to read as  
14 follows:

15 Section 50-5-1. DRIVING VEHICLE WITHOUT OWNER'S  
16 CONSENT: PRIOR CONSENT: PUNISHMENT:

17 (a) Any person who (SHALL UNLAWFULLY) drives, tows  
18 away, or otherwise takes a vehicle (,) not his own (,)  
19 without the consent of the owner (THEREOF), and with intent  
20 to either permanently or temporarily (TO) deprive (SAID) the  
21 owner of his title to or possession of (SAID) such vehicle,  
22 whether with or without intent to steal the same, or any  
23 person who is a party or accessory to or an accomplice in  
24 any such driving or unauthorized taking or stealing,  
25 (SHALL BE) is guilty of a (MISDEMEANOR) felony, and upon  
26 conviction shall be punished by imprisonment in the  
27 penitentiary for not less than one year nor more than five  
28 years, or by a fine of \$5,000.00, or by both such fine and  
29 imprisonment. The consent of the owner of a vehicle to its

1 driving, towing away, or otherwise taking (OR DRIVING) shall  
2 not in any case be presumed or implied because of such  
3 owner's consent on a previous occasion or occasions to the  
4 driving, towing away or otherwise taking (OR DRIVING) of  
5 such vehicle by the same or a different person. (A CONVIC-  
6 TION FOR VIOLATING THIS SECTION SHALL BE PUNISHED BY  
7 IMPRISONMENT IN THE JAIL FOR NOT MORE THAN THIRTY DAYS OR  
8 BY FINE OF NOT MORE THAN ONE HUNDRED DOLLARS OR BOTH IN THE  
9 DISCRETION OF THE COURT.) It shall not constitute a defense  
10 to a violation of this Act, nor shall it vitiate the intent  
11 required herein, that such person was under the influence of  
12 any drug or alcoholic beverage.

13 (b) The word "vehicle" as used herein shall mean every  
14 device in, upon or by which any person or property is or may  
15 be transported or drawn upon a public highway, excepting  
16 devices moved by human power.

17 (c) The word "person" as used herein shall not include  
18 a United States Marshal or his deputy, a Highway Patrolman,  
19 or any other peace officer who drives, tows away, or  
20 otherwise takes a vehicle with authority under law to do so.

21 (d) No Territorial law relating to juveniles shall have  
22 any application to a person under 18 years of age who  
23 violates this Act, and such person shall be liable to  
24 prosecution and punishment for such violation in the same  
25 manner and to the same extent as though he were an adult.

26 Section 2. Section 50-5-2 ACIA 1949 is amended to read as  
27 follows:

28 Section 50-5-2. CONVICTION IN LARCENY PROSECUTION.  
29 Where, in a criminal prosecution for larceny of a vehicle,

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as the term "vehicle" is defined in Section 50-5-1 herein,  
the facts do not warrant a conviction of the defendant for  
larceny, he may, nevertheless, be convicted of a violation  
of the provisions of (SECTION 1 ABOVE) Section 50-5-1  
herein if the facts warrant a conviction for the violation  
thereof.