

Original Sponsor: Senator Bronson

Offered: 3/11/63
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 97

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act changing the penalties upon conviction
7 for driving a vehicle without the
8 owner's consent."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 28.35.010 is repealed and re-enacted to read:

11 Sec. 28.35.010. DRIVING A VEHICLE WITHOUT OWNER'S CON-
12 SENT. (a) A person under the age of 19 who drives, tows
13 away, or takes a vehicle not his own without the consent of
14 the owner, with intent temporarily to deprive the owner of
15 possession of the vehicle, or a person under the age of 19
16 who is a party or accessory to or an accomplice in the driv-
17 ing or unauthorized taking is punishable upon conviction for
18 a first offense by imprisonment for not more than 90 days,
19 or by a fine of not more than \$500, or by both, and is
20 punishable upon conviction for a second offense and for each
21 subsequent offense by imprisonment for not less than six
22 months nor more than one year, or by a fine of not less than
23 \$500 nor more than \$1,000, or both. The consent of the owner
24 of a vehicle to the driving, towing away, or taking of the
25 vehicle shall not be presumed or implied because of the
26 owner's consent on previous occasions to the driving, towing
27 away, or taking of the vehicle by the same or a different
28 person.

29 (b) A person 19 years of age or older who drives, tows

1 away, or takes a vehicle not his own without the consent of
2 the owner, with intent temporarily to deprive the owner of
3 possession of the vehicle, or a person 19 years of age or
4 older who is a party or accessory to or an accomplice in
5 the driving or unauthorized taking is punishable upon convic-
6 tion by imprisonment for not less than six months nor more
7 than one year, or by a fine of not less than \$500, nor more
8 than \$1,000, or both. The consent of the owner of a vehicle
9 to the driving, towing away, or taking of the vehicle shall
10 not be presumed or implied because of the owner's consent on
11 previous occasions to the driving, towing away, or taking of
12 the vehicle by the same or a different person.

13 (c) As a condition to granting probation or a suspended
14 sentence, the court may require the person convicted to make
15 restitution for damages to the owner of the vehicle.

16 (d) In this section

17 (1) "vehicle" means a device in, upon or by which
18 a person or property is or may be transported or drawn upon
19 a public highway, except a device moved by human power;

20 (2) "person" does not include a peace officer who
21 drives, tows away, or otherwise takes a vehicle with author-
22 ity under law to do so.

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