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JACKSON, JOHNSON, JOSEPHSON,
KENDALL, KERTTULA, LEFEVRE, LOTTSFELDT,
MOSELEY, MOSES, O'CONNELL, ORBECK,
PINKERTON, POLAND, SASSARA, SKINNER,
STALKER, STEVENS AND STRANDBERG

1 IN THE HOUSE

2 HOUSE BILL NO. 180

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to breaking, entering or
7 using property kept for private or public
8 use."

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

10 * Section 1. AS 11.20 is amended by adding a new section to
11 read:

12 Sec. 11.20.135. BREAKING, ENTERING OR USE OF PROPERTY.

13 (a) A person who breaks and enters, or enters without break-
14 ing, a dwelling, house, tent, hotel, office, store, shop,
15 warehouse, barn, factory or other building, boat, ship,
16 railroad car or structure used or kept for private use, or an
17 apartment or cottage, clubhouse, boathouse, hunting or fish-
18 ing lodge, garage, or any other structure, whether occupied
19 or unoccupied, or who uses any personal property therein,
20 without first obtaining permission to enter from the owner
21 or occupant, agent, or person having immediate control of the
22 property is guilty of a misdemeanor. However, it is a de-
23 fense to prosecution under this section if the breaking and
24 entering, or entering or use of any of the facilities des-
25 cribed in this subsection was for an emergency in the case
26 of immediate and dire need and the defendant contacted the
27 owner within seven days after using the facility or, if the
28 owner is unknown, the nearest state or local police agency
29 and made a report of the time of the use and occupancy of

1 the facility and any damage to the facility.

2 (b) A person who uses or occupies a dwelling, house,
3 tent, hotel, office, store, shop, warehouse, barn, factory or
4 other building, boat, ship, railroad car or structure used or
5 kept for public use, or apartment, cottage, clubhouse, boat-
6 house, hunting or fishing lodge, garage or any other structure,
7 whether occupied or unoccupied, which is maintained for publ
8 use, or who uses any personal property therein, whether
9 publicly or privately owned, shall contact the owner or agent
10 of the owner of the facility within seven days after the use
11 or occupancy or, if the owner is unknown, shall contact the
12 nearest state or local police agency and report the time of
13 the use and occupancy of the facility and any damage to the
14 facility unless notice is posted in the facility waiving
15 necessity of the report. A person who is required to make a
16 report under (b) of this section and fails to do so is guilty
17 of a misdemeanor.

18 (c) A court having jurisdiction to impose sentence for
19 violation of (a) and (b) of this section may suspend all or
20 any part of a sentence on condition, among any other which
21 might be lawfully ordered by the court, that the defendant
22 make restitution for, or repair, any damage he has caused.

23 (d) The Department of Public Safety shall provide forms
24 upon which reports required by this section can be made and
25 shall supply the forms to all local and state police agencies
26 in the state for public distribution. The department may
27 adopt rules and regulations regarding reports required under
28 this section.
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