

Introduced: 2/5/74  
Referred: Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 336

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unlawfully obtained property; and  
7 providing for an effective date."

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

9 \* Section 1. AS 11.20.350 is amended to read:

10 Sec. 11.20.350. BUYING, RECEIVING, SELLING, OR CONCEALING  
11 UNLAWFULLY OBTAINED [STOLEN] PROPERTY. (a) A person who buys,  
12 receives, sells, [OR] conceals, or withholds from the owner money,  
13 goods, bank notes, or other property [THING WHICH MAY BE THE SUBJECT  
14 OF LARCENY AND] which has been unlawfully taken, embezzled, [OR]  
15 stolen, or otherwise obtained in an unlawful manner from another person,  
16 knowing it to have been unlawfully taken, embezzled, [OR] stolen, or  
17 obtained, is punishable by a fine of not more than \$10,000 [\$1,000] and  
18 by imprisonment for not less than one year nor more than 10 [THREE]  
19 years.

20 \* Sec. 2. AS 11.20.350 is amended by adding new subsections to read:

21 (2) A person whose business is dealing in or collecting used  
22 or secondhand personal property, or his agent, employee, or  
23 representative, who buys or receives property which has been unlawfully  
24 taken, embezzled, stolen, or otherwise obtained in an unlawful manner,  
25 under circumstances which should cause the person, agent, employee or  
26 representative to make reasonable inquiry to ascertain that the person  
27 from whom the property is being bought or received has the legal right  
28 to sell or deliver it, and who fails to make reasonable inquiry, is  
29 presumed to have bought or received the property knowing it to have been

1 unlawfully taken, embezzled, stolen, or obtained. However, this  
2 presumption may be rebutted by proof to the contrary.

3 (c) A person who is injured by a violation of this section may  
4 bring an action for three times the amount of actual damages sustained  
5 by him, and may also recover costs and reasonable attorney's fees. An  
6 action under this section must be commenced within three years after  
7 the cause of action has accrued.

8 \* Sec. 4. This Act takes effect on the day after passage and approval  
9 or on the day it becomes law without approval.