

Introduced: 2/13/76  
Referred: Judiciary

1 IN THE HOUSE

BY HACKNEY

2 HOUSE BILL NO. 777

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the unauthorized use of motor  
7 vehicles."

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

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 AS 28.35.010 is repealed and re-enacted to read:

10 Sec. 28.35.010. UNAUTHORIZED USE OF MOTOR VEHICLE. (a) A person  
11 who wilfully drives, tows away, or otherwise takes a motor vehicle not  
12 his own, or a person who is an accessory or an accomplice to the driving  
13 or unauthorized taking of a motor vehicle, without the consent of the  
14 owner or other person in legal possession of the vehicle, upon convic-  
15 tion, is guilty of a misdemeanor and is punishable by imprisonment for  
16 not less than 30 days nor more than one year, and by a fine of not less  
17 than \$100 nor more than \$1,000.

18 (b) Upon a second or subsequent conviction of the offense speci-  
19 fied in (a) of this section, a person is punishable by imprisonment for  
20 not less than 90 days nor more than three years, and by a fine of not  
21 more than \$5,000. The court may, upon conviction of a second or sub-  
22 sequent violation of this section, suspend the offender's license to  
23 drive a motor vehicle for a period not to exceed three years.

24 (c) The consent of the owner or legal possessor of a motor vehicle  
25 to its driving, towing away, or taking shall not be presumed or implied  
26 because of the owner's or legal possessor's consent on previous occa-  
27 sions to the driving, towing away, or taking of the motor vehicle by the  
28 same or a different person.

29 (d) The word "person", as used in this section, does not include

1 a United States marshal or his deputy, a state trooper, or any other  
2 peace officer who drives, tows away, or otherwise takes a motor vehicle  
3 with authority under law to do so.

4 (e) When a minor is accused of violations under this section, he  
5 shall be charged, prosecuted, and sentenced in the same manner as an  
6 adult, except that a parent, guardian, or legal custodian shall be pre-  
7 sent at all proceedings against the minor. Except for an offense  
8 specified under (b) of this section, the district court shall have  
9 jurisdiction over the offense.  
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