

Original sponsors: Willis and Huber

Offerred: 2/6/78
Referred: Judiciary

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 402

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle crimes."

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

8 * Section 1. AS 11.20 is amended by adding new sections to read:

9 Sec. 11.20.141. UNAUTHORIZED USE, POSSESSION OR DISPOSAL OF MOTOR
10 VEHICLE. (a) A person who drives, tows away, or otherwise takes a
11 motor vehicle not his own, or a person who is an accessory to or an
12 accomplice in the unauthorized driving or taking of a motor vehicle,
13 without the consent of the owner or other person in lawful possession of
14 the vehicle, with intent temporarily or permanently to deprive the owner
15 or other person of possession of the vehicle, is guilty of a felony and
16 upon conviction is punishable by imprisonment for not less than 90 days
17 nor more than three years and by a fine of not more than \$5,000.

18 (b) A person not entitled to the possession of a motor vehicle who
19 receives, possesses, conceals, sells or disposes of it, knowing it to be
20 stolen or converted under circumstances constituting a crime, is guilty
21 of a felony and upon conviction is punishable by imprisonment for not
22 less than 90 days nor more than five years and by a fine of not more
23 than \$10,000.

24 (c) The consent of the owner or person in lawful possession of a
25 motor vehicle to its driving, towing away, or taking may not be presumed
26 or implied under (a) of this section because of that person's consent on
27 previous occasions to the driving, towing away, or taking of the motor
28 vehicle by the same or a different person.

29 (d) When a minor under 18 years of age is charged with a second or

1 subsequent violation after one or more convictions under this section,
2 he shall be charged, prosecuted, and sentenced in the same manner as an
3 adult, except that a parent, guardian or legal custodian shall be
4 present at all proceedings against the minor.

5 (e) In this section,

6 (1) "motor vehicle" means a motor vehicle as defined in AS
7 28.35.260;

8 (2) "person" does not include a federal, state, or municipal
9 peace officer who drives, tows away, or otherwise takes a motor vehicle
10 with authority under law to do so, or a person authorized by a peace
11 officer to do so.

12 Sec. 11.20.142. OBTAINING RENTAL VEHICLE WITH INTENT TO DEFRAUD;
13 FAILURE TO RETURN VEHICLE. (a) No person, with intent to defraud, may
14 obtain possession of a motor vehicle from its owner or a person who has
15 lawful possession of the vehicle by agreeing in writing to pay a rental
16 for the use of the vehicle based in whole or in part on the length of
17 time and distance the vehicle is driven.

18 (b) Obtaining possession of the vehicle by means of trick, false
19 or fraudulent representation, by false impersonation of another, or by
20 giving a bad or worthless check for a deposit or for rental in connec-
21 tion with obtaining possession of the vehicle is prima facie evidence of
22 a violation of (a) of this section.

23 (c) No person in possession of a motor vehicle under an agreement
24 in writing which requires him to return the vehicle to a particular
25 place or at a particular time may refuse or wilfully neglect to return
26 it to the place or at the time specified in the agreement in writing
27 with the intent to deprive the owner of the vehicle or to convert it to
28 his own use, or secrete, convert, sell or attempt to sell the vehicle or
29 any part of the vehicle.

1 (d) Upon conviction, a person who is guilty of violating this
2 section is punishable by imprisonment for not more than five years, or
3 by a fine of not more than \$1,000, or by both.

4 (c) As used in this section, "wilfully neglects" means omits,
5 fails, or forbears, with a conscious purpose to injure, or without
6 regard for the rights of the owner, or with indifference as to whether a
7 wrong is done to the owner or not.

8 * Sec. 2. AS 47.10.010(a) is amended to read:

9 (a) Proceedings relating to a minor under 18 years of age residing
10 or found in the state are governed by this chapter, except as otherwise
11 provided in this chapter or in AS 11.20.141, when the court finds the
12 minor

13 (1) to be a delinquent minor as a result of violating a cri-
14 minal law of the state or of a municipality of the state; or

15 (2) to be a child in need of aid as a result of

16 (A) the child being habitually absent from his home or
17 refusing to accept available care, or having no parent, guardian,
18 custodian or relative caring or willing to care for him, including
19 physical abandonment by

20 (i) both parents,

21 (ii) the surviving parent, or

22 (iii) one parent if the other parent's rights and
23 responsibilities have been terminated under sec. 80 of this
24 chapter or voluntarily relinquished;

25 (B) the child being in need of medical treatment to
26 cure, alleviate, or prevent his suffering substantial physical
27 harm, or mental harm as evidenced by failure to thrive, severe
28 anxiety, depression, withdrawal, or untoward aggressive behavior or
29 hostility toward others, and his parents are unwilling to provide

1 the medical treatment;

2 (C) the child having suffered substantial physical harm
3 or if there is an imminent and substantial risk that the child will
4 suffer such harm as a result of the actions done by or conditions
5 created by his parent, guardian or custodian or the failure of his
6 parent, guardian or custodian adequately to supervise him;

7 (D) the child having been sexually abused either by his
8 parent, guardian or custodian, or as a result of conditions created
9 by his parent, guardian or custodian, or by the failure of his
10 parent, guardian or custodian adequately to supervise him;

11 (E) the child committing delinquent acts as a result of
12 pressure, guidance, or approval from his parents, guardian or
13 custodian.

14 * Sec. 3. AS 28.35.010, 28.35.020 and 28.35.026 are repealed.
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