

Introduced: 3/27/85
Referred: House Special Committee
on Fisheries, Judiciary and Finance

BY THOMPSON, SUND AND
MARROU

1 IN THE HOUSE

2 HOUSE BILL NO. 331

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the theft of commercial fishing
7 gear."

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

9 * Section 1. AS 11.46.130(a) is amended to read:

10 (a) A person commits the crime of theft in the second degree if
11 the person commits theft as defined in AS 11.46.100 and

12 (1) the value of the property or services is \$500 or more
13 but less than \$25,000;

14 (2) the property is a firearm or explosive; [OR]

15 (3) the property is taken from the person of another; or

16 (4) the property is commercial fishing gear.

17 * Sec. 2. AS 12.55.125(e) is amended to read:

18 (e) A defendant convicted of a class C felony may be sentenced
19 to a definite term of imprisonment of not more than five years, and
20 shall be sentenced to the following presumptive terms, subject to
21 adjustment as provided in AS 12.55.155 - 12.55.175:

22 (1) if the offense is a second felony conviction, two
23 years;

24 (2) if the offense is a third felony conviction, three
25 years;

26 (3) if the offense is a first felony conviction, and the
27 defendant knowingly directed the conduct constituting the offense at a
28 uniformed or otherwise clearly identified peace officer, fire fighter,
29 correctional officer, emergency medical technician, paramedic,

1 ambulance attendant, or other emergency responder who was engaged in
2 the performance of official duties at the time of the offense, one
3 year;

4 (4) if the offense is a first felony conviction under
5 AS 11.46.130(a)(4), one year.

6 * Sec. 3. AS 12.55.125(g) is amended to read:

7 (g) If a defendant is sentenced under (c), (d)(1), (d)(2),
8 (e)(1), (e)(2), (e)(4), or (i) of this section, except to the extent
9 permitted under AS 12.55.155 - 12.55.175,

10 (1) imprisonment may not be suspended under AS 12.55.080;

11 (2) imposition of sentence may not be suspended under AS
12 12.55.085;

13 (3) terms of imprisonment may not be otherwise reduced.

14 * Sec. 4. AS 12.55.155(a) is amended to read:

15 (a) If a defendant is convicted of an offense and is subject to
16 sentencing under AS 12.55.125(c), (d)(1), (d)(2), (e)(1), (e)(2),
17 (e)(4), or (i) and

18 (1) the presumptive term is four years or less, the court
19 may decrease the presumptive term by an amount as great as the pre-
20 sumptive term for factors in mitigation or may increase the presump-
21 tive term up to the maximum term of imprisonment for factors in aggra-
22 vation;

23 (2) the presumptive term of imprisonment is more than four
24 years, the court may decrease the presumptive term by an amount as
25 great as 50 percent of the presumptive term for factors in mitigation
26 or may increase the presumptive term up to the maximum term of impris-
27 onment for factors in aggravation.

28 * Sec. 5. AS 16.05.710 is amended by adding a new subsection to read:

29 (b) Upon conviction of a person for a violation of

1 AS 11.46.130(a)(4), the court shall, in addition to the penalty im-
2 posed by law, order a forfeiture of the commercial fishing license and
3 all limited entry permits and interim-use permits held by the person.
4 In addition, upon a first or second conviction for a violation of
5 AS 11.46.130(a)(4), the person is ineligible for future issuance of a
6 commercial fishing license and future issuance or transfer of a
7 limited entry permit or interim-use permit for a period of three
8 years. Upon a third conviction, the person is permanently ineligible
9 for future issuance of a commercial fishing license and future issu-
10 ance or transfer of a limited entry permit or interim-use permit.