

1 IN THE HOUSE

BY COTTEN

2

HOUSE BILL NO. 461

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act increasing the penalties for repeat con-
7 victions for the crimes of theft and concealment of
8 merchandise."

9

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

10

* Section 1. AS 11.46.120(a) is amended to read:

11

(a) A person commits the crime of theft in the first degree if
12 the person commits theft as defined in AS 11.46.100 and

13

(1) the value of the property or services is \$25,000 or
14 more; or

15

(2) within the preceding five years,

16

(A) the person has been convicted three or more times
17 in this or another jurisdiction of a crime set out in AS 11.46.-
18 120 - 11.46.210 or an offense under another law or ordinance with
19 substantially similar elements; and

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(B) at least one of the convictions under (A) of this
21 paragraph was for theft as defined in (1) of this subsection, or
22 for theft as defined in AS 11.46.130(a)(1) - (3), or an offense
23 under another law or ordinance with substantially similar ele-
24 ments.

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* Sec. 2. AS 11.46.130(a) is amended to read:

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

28

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

- 1 (2) the property is a firearm or explosive; [OR]
2 (3) the property is taken from the person of another; or
3 (4) within the preceding five years,

4 (A) the person has been convicted three or more times
5 in this or another jurisdiction of a crime set out in AS 11.46.-
6 120 - 11.46.210 or an offense under another law or ordinance with
7 substantially similar elements; and

8 (B) none of the convictions under (A) of this para-
9 graph was for theft as defined in AS 11.46.120(a)(1), or for
10 theft as defined in (1) - (3) of this subsection, or an offense
11 under another law or ordinance with substantially similar ele-
12 ments.

13 * Sec. 3. AS 11.46.220(c) is amended to read:

14 (c) Concealment of merchandise is

15 (1) a class C felony if

16 (A) the merchandise is a firearm;

17 (B) [OR] the value of the merchandise is \$500 or more;

18 or

19 -(C) within the preceding five years, the person has
20 been convicted three or more times in this or another jurisdic-
21 tion of the offense of concealment of merchandise or an offense
22 under another law or ordinance with substantially similar ele-
23 ments;

24 (2) a class A misdemeanor if the value of the merchandise
25 is \$50 or more but less than \$500;

26 (3) a class B misdemeanor if the value of the merchandise
27 is less than \$50.