

Offered: 4/26/89
Referred: Rules

go0599hE

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 130 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the crime of theft and conceal-
7 ment of merchandise; and providing for an effective
8 date."
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) THE VALUE OF THE PROPERTY OR SERVICES IS \$500 OR MORE
16 BUT LESS THAN \$25,000 AND WITHIN THE PRECEDING FIVE YEARS THE PERSON
17 HAS BEEN CONVICTED AND SENTENCED ON TWO OR MORE SEPARATE OCCASIONS IN
18 THIS OR ANOTHER JURISDICTION OF A CRIME SET OUT IN (1) OF THIS SUB-
19 SECTION OR AS 11.46.130(a)(1) - (3) OR AN OFFENSE UNDER ANOTHER LAW OR
20 ORDINANCE WITH SIMILAR ELEMENTS].
21 * Sec. 2. AS 11.46.130(a) is amended to read:
22 (a) A person commits the crime of theft in the second degree if
23 the person commits theft as defined in AS 11.46.100 and
24 (1) the value of the property or services is \$500 or more
25 but less than \$25,000;
26 (2) the property is a firearm or explosive;
27 (3) the property is taken from the person of another; or
28 (4) the value of the property is \$50 or more but less than
29 \$500 and within the preceding five years the person has been convicted

1 and sentenced on two or more separate occasions in this or another
2 jurisdiction of

3 (A) AS 11.46.120, or an offense under another law or
4 ordinance with similar elements;

5 (B) a crime set out in [(1) - (3) OF] this subsection
6 or an offense under another law or ordinance with similar ele-
7 ments; [OR]

8 (C) AS 11.46.140(a)(1) or (2), or an offense under
9 another law or ordinance with similar elements; or

10 (D) AS 11.46.220(c)(1) or (c)(2)(A), or an offense
11 under another law or ordinance with similar elements.

12 * Sec. 3. AS 11.46.140(a) is amended to read:

13 (a) A person commits the crime of theft in the third degree if
14 the person commits theft as defined in AS 11.46.100 and

15 (1) the value of the property or services is \$50 or more
16 but less than \$500;

17 (2) the property is a credit card; or

18 (3) the value of the property is less than \$50 and within
19 the past five years the person has been convicted and sentenced on two
20 or more separate occasions in this or another jurisdiction of theft or
21 concealment of merchandise, or an offense under another law or ordi-
22 nance with similar elements.

23 * Sec. 4. AS 11.46.220(c) is amended to read:

24 (c) Concealment of merchandise is

25 (1) a class C felony if

26 (A) the merchandise is a firearm;

27 (B) the value of the merchandise is \$500 or more; or

28 (C) the value of the merchandise is \$50 or more but
29 less than \$500 and within the preceding five years the person has

1 been convicted and sentenced on two or more separate occasions in
2 this or another jurisdiction of the offense of

3 (i) concealment of merchandise under this para-
4 graph or (2)(A) of this subsection, [THAT HAS A VALUE OF
5 \$50 OR MORE] or an offense under another law or ordinance
6 with similar elements; or

7 (ii) AS 11.46.120, 11.46.130, or 11.46.140(a)(1)
8 or (a)(2), or an offense under another law or ordinance with
9 similar elements;

10 (2) a class A misdemeanor if

11 (A) the value of the merchandise is \$50 or more but
12 less than \$500; or

13 (B) the value of the merchandise is less than \$50 and
14 within the preceding five years the person has been convicted and
15 sentenced on two or more separate occasions of the offense of
16 concealment of merchandise or theft in any degree, or an offense
17 under another law or ordinance with similar elements;

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

20 * Sec. 5. AS 11.46.295 is amended to read:

21 Sec. 11.46.295. PRIOR CONVICTIONS. For purposes of considering
22 prior convictions in prosecuting a crime of theft under AS 11.46.-
23 130(a)(4) [AS 11.46.120(a)(2), 11.46.130(a)(4),] or 11.46.140(a)(3),
24 or in prosecuting the crime of concealment of merchandise under
25 AS 11.46.220(c), a conviction for an offense under another law or
26 ordinance with similar elements is a conviction of an offense having
27 elements similar to those of an offense defined as such under Alaska
28 law at the time the offense was committed.

29 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).