

1 IN THE HOUSE

BY DONLEY

2

HOUSE BILL NO. 348

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 claims by victims of crime aris-  
7 ing from criminal conduct."

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

9 \* Section 1. AS 09.38.065(a) is amended to read:

10 (a) Notwithstanding other provisions of this chapter,

11 (1) a creditor may make a levy against exempt property of  
12 any kind to enforce a claim for

13 (A) child support;

14 (B) unpaid earnings of up to one month's compensation  
15 or the full-time equivalent of one month's compensation for  
16 personal services of an employee; or

17 (C) state or local taxes; [AND]

18 (2) a creditor may make a levy against exempt property to  
19 enforce a claim for

20 (A) the purchase price of the property or a loan made  
21 for the express purpose of enabling an individual to purchase the  
22 property and used for that purpose;

23 (B) labor or materials furnished to make, repair,  
24 improve, preserve, store, or transport the property; and

25 (C) a special assessment imposed to defray costs of a  
26 public improvement benefiting the property; and

27 (3) a creditor may make a levy against exempt property of  
28 any kind to enforce a claim arising from criminal conduct of the  
29 debtor that results in a felony conviction except that the debtor is

1 entitled to an exemption in property

2 (A) not to exceed an aggregate value of \$3,000 chosen  
3 by the debtor from the following categories of property:

4 (i) household goods and wearing apparel rea-  
5 sonably necessary for one household;

6 (ii) books and musical instruments, if reasonably  
7 held for the personal use of the debtor or a dependent of  
8 the debtor; and

9 (iii) family portraits and heirlooms of particular  
10 sentimental value to the debtor; and

11 (B) not to exceed an aggregate value of \$2,800 of the  
12 debtor's implements, professional books, and tools of the trade.

13 \* Sec. 2. AS 09.38.075(a) is amended to read:

14 (a) Unless a creditor is seeking collection of a claim enforce-  
15 able against exempt property under AS 09.38.065(a)(1) and (2) [AS 09.-  
16 38.065], the creditor may obtain a levy on an individual's property of  
17 a kind listed in AS 09.38.020 only by complying with this section.  
18 Before levy, the creditor shall file with the court out of which the  
19 process issues

20 (1) an affidavit stating that the creditor has reason to  
21 believe the individual has property of a kind listed in AS 09.38.020  
22 that is not exempt, identifying the property, setting out facts con-  
23 stituting the basis for believing the property is not exempt; and

24 (2) a request for an order by the court notifying the  
25 individual

26 (A) of the creditor's claim of a right to levy on the  
27 property identified as nonexempt,

28 (B) of the individual's right to contest the credi-  
29 tor's claim of a right to levy by filing with the clerk of the

1 court, on or before a date fixed by the court, but not exceeding  
2 15 days after the issuance of the order, a written objection to  
3 the proposed levy and a statement of the grounds for the objec-  
4 tion and of the right to describe the property in lieu of setting  
5 its value,

6 (C) of the possible consequences of failure to respond  
7 to the notice as provided in (c) of this section, and

8 (D) of the information required by AS 09.38.085(a).

9 \* Sec. 3. AS 09.38.080(a) is amended to read:

10 (a) Except in a proceeding under AS 09.38.065(a)(1) and (2)  
11 [AS 09.38.065], a creditor shall comply with this section in obtaining  
12 a levy on property of an individual. In a proceeding to levy on  
13 personal property of a kind listed in AS 09.38.020, a creditor shall  
14 comply with this section and AS 09.38.075.

15 \* Sec. 4. APPLICABILITY. The provisions of this Act apply to levies  
16 initiated on or after the effective date of this Act.