

BY REP. DONLEY

1 IN THE HOUSE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 348

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to claims that are made by victims  
7 of crimes and that arise from criminal conduct."

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

9 \* Section 1. AS 09.38.030(c) is amended to read:

10 (c) A creditor may levy upon earnings exempt under (a) and (b)  
11 of this section if the creditor's claim is

12 (1) enforceable against exempt property under AS 09.38.-  
13 065(a)(1) or (3) [AS 09.38.065(a)(1)]; or

14 (2) enforceable under an order of a court of bankruptcy  
15 under 11 U.S.C. 1301 - 1330 (Bankruptcy Reform Act of 1978).

16 \* Sec. 2. AS 09.38.065(a) is amended to read:

17 (a) Notwithstanding other provisions of this chapter,

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

20 (A) child support;

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

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

25 (2) a creditor may make a levy against exempt property to  
26 enforce a claim for

27 (A) the purchase price of the property or a loan made  
28 for the express purpose of enabling an individual to purchase the  
29 property and used for that purpose;

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

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

5 (3) a creditor may make a levy against exempt property of  
6 any kind to enforce the claim of a crime victim if the claim arises  
7 from criminal conduct of the debtor that results in a felony convic-  
8 tion, except that the debtor is entitled to an exemption in property

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

11 (i) household goods and wearing apparel rea-  
12 sonably necessary for one household;

13 (ii) books and musical instruments, if reasonably  
14 held for the personal use of the debtor or a dependent of  
15 the debtor; and

16 (iii) family portraits and heirlooms of particular  
17 sentimental value to the debtor; and

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

20 \* Sec. 3. APPLICABILITY. The provisions of this Act apply to a levy to  
21 enforce a claim if the claim arises from a crime committed on or after the  
22 effective date of this Act.