

HOUSE CS FOR CS FOR SENATE BILL NO. 105 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/13/91
Referred: Finance

Sponsor(s): SENATORS JONES, Halford, Uehling

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the penalty for the crime of criminal mischief in the third degree
2 involving the unauthorized taking of a propelled vehicle."

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

4 * Section 1. FINDINGS. The legislature finds that

5 (1) many defendants convicted for the first time of violating AS 11.46.484(a)(2)
6 (joyriding) are not now receiving an adequate sentence; and

7 (2) the public's interest in deterring people from violating AS 11.46.484(a)(2) and in
8 rehabilitating those convicted of violations of the statute will be served by the court imposing sentences
9 of imprisonment on those convicted of this crime.

10 * Sec. 2. PURPOSE. It is the purpose of this Act to ensure that a defendant convicted of criminal
11 mischief in the third degree in violation of AS 11.46.484(a)(2), whose conviction is not a felony under
12 AS 11.46.484(c), does not receive a wholly suspended sentence. However, in light of statistics showing
13 that over 50 percent of defendants sentenced under current law are required to serve 10 or more days
14 in jail, and recognizing that a second conviction for criminal mischief in the third degree is a felony, the

1 legislature does not anticipate that judges will routinely impose only the mandatory minimum sentence
2 for persons convicted of a misdemeanor violation of AS 11.46.484(a)(2). Instead, the legislature intends
3 that judges consider the factors set out in AS 12.55.005, and the applicable court decisions, in
4 determining the appropriate sentence.

5 * Sec. 3. AS 12.55.045 is amended by adding a new subsection to read:

6 (e) If a defendant is convicted of criminal mischief in the third degree in violation of
7 AS 11.46.484(a)(2), and the victim of the offense incurs damage or loss as a result of the offense,
8 the court shall order the defendant to pay restitution.

9 * Sec. 4. AS 12.55.055 is amended by adding a new subsection to read:

10 (f) The court may order a defendant convicted of criminal mischief in the third degree
11 in violation of AS 11.46.484(a)(2), whose conviction is not a felony under AS 11.46.484(c), to
12 perform community work in lieu of all but 24 hours of a sentence of imprisonment. Substitution
13 of community work shall be at a rate of eight hours for each day of imprisonment.

14 * Sec. 5. AS 12.55.135(e) is repealed and reenacted to read:

15 (e) Except as provided in AS 12.55.055(f), if a defendant is sentenced under (c), (d), or
16 (f) of this section,

17 (1) execution of sentence may not be suspended and probation or parole may not
18 be granted until the minimum term of imprisonment has been served;

19 (2) imposition of a sentence may not be suspended except upon condition that the
20 defendant be imprisoned for no less than the minimum term of imprisonment provided in the
21 section; and

22 (3) the minimum term of imprisonment may not otherwise be reduced.

23 * Sec. 6. AS 12.55.135 is amended by adding a new subsection to read:

24 (f) A defendant convicted of criminal mischief in the third degree in violation of
25 AS 11.46.484(a)(2), whose conviction is not a felony under AS 11.46.484(c), shall be sentenced
26 to a definite term of imprisonment of at least 72 hours but not more than one year.