

SENATE BILL NO. 358

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS ELIASON, Zharoff, Halford

Introduced: 1/16/92
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act making the theft of certain safety and survival equipment from a commercial
2 fishing vessel theft in the second degree."

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

4 * Section 1. AS 11.46.130(a) is amended to read:

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

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

8 (2) the property is a firearm or explosive;

9 (3) the property is taken from the person of another; [OR]

10 (4) the property is taken from a vessel licensed under AS 16.05.490, or a
11 vessel used for a purpose described in AS 16.05.495, and the property is vessel safety or
12 survival equipment; or

13 (5) the value of the property is \$50 or more but less than \$500 and within the
14 preceding five years the person has been convicted and sentenced on two or more separate

1 occasions in this or another jurisdiction of

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

4 (B) a crime set out in this subsection or an offense under another law or
5 ordinance with similar elements;

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

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

10 * Sec. 2. AS 11.46.130 is amended by adding a new subsection to read:

11 (c) In this section, "vessel safety or survival equipment" means personal flotation devices;
12 immersion suits; personal flotation device lights; survival craft; equipment necessary for the
13 proper operation of survival craft; emergency position indicating radio beacons; fire extinguishers
14 and supporting equipment; firefighters' outfits; and self contained breathing apparatuses; in this
15 subparagraph, "survival craft" means a device designed to enable a person to survive the loss of
16 a vessel, and includes buoyant apparatuses, inflatable buoyant apparatuses, life floats, inflatable
17 life rafts, and auxillary craft, including skiffs, usable as survival craft.

18 * Sec. 3. AS 11.46.295 is amended to read:

19 Sec. 11.46.295. PRIOR CONVICTIONS. For purposes of considering prior convictions
20 in prosecuting a crime of theft under AS 11.46.130(a)(5) [AS 11.46.130(a)(4)] or 11.46.140(a)(3),
21 or in prosecuting the crime of concealment of merchandise under AS 11.46.220(c), a conviction
22 for an offense under another law or ordinance with similar elements is a conviction of an offense
23 having elements similar to those of an offense defined as such under Alaska law at the time the
24 offense was committed.

25 * Sec. 4. AS 16.05.710(b) is amended to read:

26 (b) Upon a first conviction of a person for a violation of AS 11.46.120 - 11.46.130 in
27 which the property is commercial fishing gear as defined in AS 16.43.990 or is vessel safety or
28 survival equipment as defined in AS 11.46.130, the court shall, in addition to the penalty
29 imposed by law, suspend one or more of the person's commercial fishing privileges and licenses
30 for one year. Upon a second or subsequent conviction for a violation of AS 11.46.120 -
31 11.46.130 or a similar law of another jurisdiction in which the property is commercial fishing

1 gear as defined in AS 16.43.990 or is vessel safety or survival equipment as defined in
2 AS 11.46.130, the court shall, in addition to the penalty imposed by law, suspend one or more
3 of the person's commercial fishing privileges and licenses for two years.