

**SENATE CS FOR CS FOR HOUSE BILL NO. 79(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY THE SENATE JUDICIARY COMMITTEE

**Offered: 4/29/94
Referred: Rules**

Sponsor(s): REPRESENTATIVES BUNDE, Toohey, Porter, Olberg, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to recovery from a parent or legal guardian of wilful or
2 malicious destruction of property by a minor."

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

4 * Section 1. AS 34.50.020(a) is amended to read:

5 (a) A person, municipal corporation, association, village, school district, or
6 religious or charitable organization, incorporated or unincorporated, may recover
7 damages in a civil action in an amount not to exceed \$5,000 [\$2,000] and court costs,
8 from either parent or both parents or the legal guardian or person having the legal
9 custody of an unemancipated minor under the age of 18 years, who maliciously or
10 wilfully destroys real or personal property belonging to the person, municipal
11 corporation, association, village, school district, or religious or charitable organization.

12 * Sec. 2. AS 34.50.020 is amended by adding a new subsection to read:

13 (c) A parent, legal guardian, or person having the legal custody of an
14 unemancipated minor under the age of 18 years is not liable in damages under (a) of

1 this section for the act of a minor

2 (1) unless the parent, legal guardian, or person having the legal custody
3 of the minor has been made a party in the civil action;

4 (2) if the parent, legal guardian, or person having the legal custody of
5 the minor has acted reasonably to exercise control over the minor or to influence the
6 minor's behavior; or

7 (3) if the minor was a runaway minor after the parent, legal guardian,
8 or person having the legal custody of the minor makes a report to a law enforcement
9 agency, as authorized by AS 47.10.141(a), that the minor has run away or is missing;
10 in this paragraph, "runaway minor" means a minor whom the minor's parent, legal
11 guardian, or legal custodian reasonably believes is absent from the minor's residence
12 for the purpose of evading the minor's parent, legal guardian, or legal custodian, or
13 who is otherwise missing from the minor's usual place of abode without the consent
14 of the parent, legal guardian, or person having legal custody of the minor.