

HOUSE BILL NO. 389

**IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY REPRESENTATIVES NORDLUND, Finkelstein

Introduced: 1/21/94

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal mischief."

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

3 * Section 1. AS 11.46.482 is amended to read:

4 Sec. 11.46.482. CRIMINAL MISCHIEF IN THE SECOND DEGREE. (a)

**5 A person commits the crime of criminal mischief in the second degree if, having no
6 right to do so or any reasonable ground to believe the person has such a right,**

**7 (1) with intent to damage property of another, the person damages
8 property of another in an amount of \$500 or more;**

**9 (2) the person tampers with an oil or gas pipeline or supporting facility
10 or an airplane or helicopter with reckless disregard for the risk of harm to or loss of
11 the property;**

**12 (3) the person recklessly creates a risk of damage in an amount
13 exceeding \$100,000 to property of another by the use of widely dangerous means; ~~or~~**

14 (4) [THE PERSON DRIVES, TOWS AWAY, OR TAKES THE

1 PROPELLED VEHICLE OF ANOTHER AND THE VEHICLE OR ANY OTHER
2 PROPERTY OF ANOTHER IS DAMAGED OR THE OWNER INCURS
3 REASONABLE EXPENSES AS A RESULT OF THE LOSS OF USE OF THE
4 VEHICLE IN A TOTAL AMOUNT OF \$500 OR MORE; OR

5 (5)] the person drives, tows away, or takes the propelled vehicle of
6 another [AND THE VEHICLE IS MARKED AS A POLICE OR EMERGENCY
7 VEHICLE].

8 (b) Except as provided in (c) of this section, criminal [CRIMINAL] mischief
9 in the second degree is a class C felony.

10 * Sec. 2. AS 11.46.482 is amended by adding a new subsection to read:

11 (c) A person convicted under (a)(4) of this section is guilty of a class B felony
12 if, within the preceding seven years, the person was convicted under

13 (1) the provisions of (a)(4) of this section;

14 (2) former (a)(4) or (5) of this section or former AS 11.46.484(a)(2);

15 (3) an offense involving the theft of a propelled vehicle under
16 AS 11.46.120 - 11.46.140; or

17 (4) a law or ordinance of this or another jurisdiction with elements
18 substantially similar to those of the offenses described in (1) - (3) of this subsection.

19 * Sec. 3. AS 11.46.484(b) is amended to read:

20 (b) Criminal [EXCEPT AS PROVIDED IN (c) OF THIS SECTION,
21 CRIMINAL] mischief in the third degree is a class A misdemeanor.

22 * Sec. 4. AS 11.46.486(a) is amended to read:

23 (a) A person commits the crime of criminal mischief in the fourth degree if,
24 having no right to do so or any reasonable ground to believe the person has such a
25 right,

26 (1) with reckless disregard for the risk of harm to or loss of the
27 property or with intent to cause substantial inconvenience to another, the person
28 tampers with property of another;

29 (2) with intent to damage property of another, the person damages
30 property of another in an amount less than \$50; or

31 (3) the person rides in a propelled vehicle knowing it has been stolen

1 or that it is being used in violation of AS 11.46.482(a)(4) [OR 11.46.484(a)(2)].

2 * Sec. 5. AS 12.55.045(e) is amended to read:

3 (e) If a defendant is convicted of criminal mischief in the second [THIRD]
4 degree in violation of AS 11.46.482(a)(4) [AS 11.46.484(a)(2)], and the victim of the
5 offense incurs damage or loss as a result of the offense, the court shall order the
6 defendant to pay restitution.

7 * Sec. 6. AS 12.55.135(e) is amended to read:

8 (e) If [EXCEPT AS PROVIDED IN AS 12.55.055(f), IF] a defendant is
9 sentenced under (c) or [,] (d) [, OR (f)] of this section,

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

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

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

16 * Sec. 7. AS 11.46.484(a)(2), 11.46.484(c); AS 12.55.055(f), and 12.55.135(f) are repealed.