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STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	3-30-88	1:30 p.m.
H. JUD	3-23-88	1:30 p.m.
H. JUD	3-1-88	1:30 p.m.

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/11/88

FURTHER REFERRALS:

Finance

DATE: March 30, 1988

The Judiciary Committee has considered HB 461

"An Act increasing the penalties for repeat convictions for the crimes of theft and concealment of merchandise."

RECOMMENDS:

- replace with CS HB 461 (Jud) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

[Signature]

Sen. Coste

[Signature]

Edwin L. Taylor

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]

Chairman's signature

5-1625X
Chenoweth
3/24/88

Original sponsor: Cotten

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 461 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the penalties for repeat con-
7 victions for the crimes of theft and concealment of
8 merchandise."

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

10 * Section 1. AS 11.46.120(a) is amended to read:

11 (a) A person commits the crime of theft in the first degree if
12 the person commits theft as defined in AS 11.46.100 and

13 (1) the value of the property or services is \$25,000 or
14 more; or

15 (2) the value of the property or services is \$500 or more
16 but less than \$25,000 and within the preceding five years the person
17 has been convicted and sentenced on two or more separate occasions in
18 this or another jurisdiction of a crime set out in (1) of this sub-
19 section or AS 11.46.120(a)(1) - (3) or an offense under another law or
20 ordinance with similar elements.

21 * Sec. 2. AS 11.46.130(a) is amended to read:

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

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

26 (2) the property is a firearm or explosive; [OR]

27 (3) the property is taken from the person of another; or

28 (4) the value of the property is \$50 or more but less than
29 \$500 and within the preceding five years the person has been convicted

1 and sentenced on two or more separate occasions in this or another
2 jurisdiction of a crime set out in (1) - (3) of this subsection or
3 AS 11.46.140(a)(1) or (2) or an offense under another law or ordinance
4 with similar elements.

5 * Sec. 3. AS 11.46.140(a) is amended to read:

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

8 (1) the value of the property or services is \$50 or more
9 but less than \$500; [OR]

10 (2) the property is a credit card; or

11 (3) the value of the property is less than \$50 and within
12 the past five years the person has been convicted and sentenced on two
13 or more separate occasions in this or another jurisdiction of theft or
14 an offense under another law or ordinance with similar elements.

15 * Sec. 4. AS 11.46.220(c) is amended to read:

16 (c) Concealment of merchandise is

17 (1) a class C felony if

18 (A) the merchandise is a firearm;

19 (B) [OR] the value of the merchandise is \$500 or more;

20 or

21 (C) the value of the merchandise is \$50 or more but
22 less than \$500 and within the preceding five years the person has
23 been convicted and sentenced on two or more separate occasions in
24 this or another jurisdiction of the offense of concealment of
25 merchandise that has a value of \$50 or more or an offense under
26 another law or ordinance with similar elements;

27 (2) a class A misdemeanor if

28 (A) the value of the merchandise is \$50 or more but
29 less than \$500; or

1 (B) the value of the merchandise is less than \$50 and
2 within the preceding five years the person has been convicted and
3 sentenced on two or more separate occasions of the offense of
4 concealment of merchandise in any degree or an offense under
5 another law or ordinance with similar elements;

6 (3) a class B misdemeanor if the value of the merchandise
7 is less than \$50.

8 * Sec. 5. AS 11.46 is amended by adding a new section to article 1 to
9 read:

10 Sec. 11.46.295. PRIOR CONVICTIONS. For purposes of considering
11 prior convictions in prosecuting a crime of theft under AS 11.46.-
12 120(a)(2), 11.46.130(a)(4), or 11.46.140(a)(3), or in prosecuting the
13 crime of concealment of merchandise under AS 11.46.220(c), a convic-
14 tion for an offense under another law or ordinance with similar ele-
15 ments is a conviction of an offense having elements similar to those
16 of an offense defined as such under Alaska law at the time the offense
17 was committed.

5-1625X
Chenoweth
3/17/88

Original sponsor: Cotten

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 461 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the penalties for repeat con-
7 victions for the crimes of theft and concealment o
8 merchandise."

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12 the person commits theft as defined in AS 11.46.100 and

13 (1) the value of the property or services is \$25,000 or
14 more; or

15 (2) the value of the property or services is \$500 or more
16 but less than \$25,000 and within the preceding five years the person
17 has been convicted and sentenced on two or more separate occasions in
18 this or another jurisdiction of a crime set out in (1) of this sub-
19 section or AS 11.46.130(a)(1) - (3) or an offense under another law or
20 ordinance with (substantially) similar elements.

21 * Sec. 2. AS 11.46.130(a) is amended to read:

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

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

26 (2) the property is a firearm or explosive; [OR]

27 (3) the property is taken from the person of another; or

28 (4) the value of the property is \$50 or more but less than
29 \$500 and within the preceding five years the person has been convicted

1 and sentenced on two or more separate occasions in this or another
2 jurisdiction of a crime set out in (1) - (3) of this subsection or
3 AS 11.46.140(a)(1) or (2) or an offense under another law or ordinance
4 with (substantially) similar elements.

5 * Sec. 3. AS 11.46.140(a) is amended to read:

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

8 (1) the value of the property or services is \$50 or more
9 but less than \$500; [OR]

10 (2) the property is a credit card; or

11 (3) the value of the property is less than \$50 and within
12 the past five years the person has been convicted and sentenced on two
13 or more separate occasions in this or another jurisdiction of theft or
14 an offense under another law or ordinance with (substantially) similar
15 elements.

16 * Sec. 4. AS 11.46.220(c) is amended to read:

17 (c) Concealment of merchandise is

18 (1) a class C felony if

19 (A) the merchandise is a firearm;

20 (B) [OR] the value of the merchandise is \$500 or more;

21 or

22 (C) the value of the merchandise is \$50 or more but
23 less than \$500 and within the preceding five years the person has
24 been convicted and sentenced on two or more separate occasions in
25 this or another jurisdiction of the offense of concealment of
26 merchandise that has a value of \$50 or more or an offense under
27 another law or ordinance with (substantially) similar elements;

28 (2) a class A misdemeanor if

29 (A) the value of the merchandise is \$50 or more but

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less than \$500; or

(B) the value of the merchandise is less than \$50 and within the preceding five years the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of the offense of concealment of merchandise in any degree;

(3) a class B misdemeanor if the value of the merchandise is less than \$50.

Introduced: 2/11/88
Referred: Judiciary and
Finance

5-1625A

Demos: Good concept

*But be careful of the
priors causing to big of a jump.*

1 IN THE HOUSE

BY COTTEN

2 HOUSE BILL NO. 461

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the penalties for repeat con-
7 victions for the crimes of theft and concealment of
8 merchandise."

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

10 * Section 1. AS 11.46.120(a) is amended to read:

11 (a) A person commits the crime of theft in the first degree if
12 the person commits theft as defined in AS 11.46.100 and

13 (1) the value of the property or services is \$25,000 or
14 more; or

15 (2) within the preceding five years,

16 (A) the person has been convicted three or more times
17 in this or another jurisdiction of a crime set out in AS 11.46.-
18 120 - 11.46.210 or an offense under another law or ordinance with
19 substantially similar elements; and

20 (B) *Demos* [at least one of] the convictions under (A) of this
21 paragraph was for theft as defined in (1) of this subsection, or
22 for theft as defined in AS 11.46.130(a)(1) - (3), or an offense
23 under another law or ordinance with substantially similar ele-
24 ments.

25 * Sec. 2. AS 11.46.130(a) is amended to read:

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

28 (1) the value of the property or services is \$500 or more
29 but less than \$5,000;

*within last
5 years
3 or more times*

3 or more Class B being to Class A

- 1 (2) the property is a firearm or explosive; [OR]
- 2 (3) the property is taken from the person of another; or
- 3 (4) within the preceding five years.

4 (A) the person has been convicted three or more times
 5 in this or another jurisdiction of a crime set out in AS 11.46.-
 6 120 - 11.46.210 or an offense under another law or ordinance with
 7 substantially similar elements; and

8 (B) none of the convictions under (A) of this para-
 9 graph was for theft as defined in AS 11.46.120(a)(1), or for
 10 theft as defined in (1) - (3) of this subsection, or an offense
 11 under another law or ordinance with substantially similar ele-
 12 ments.

13 * Sec. 3. AS 11.46.220(c) is amended to read:

14 (c) Concealment of merchandise is

15 (1) a class C felony if

16 (A) the merchandise is a firearm;

17 (B) [OR] the value of the merchandise is \$500 or more;

18 or

19 -(C) within the preceding five years, the person has
 20 been convicted three or more times in this or another jurisdic-
 21 tion of the offense of concealment of merchandise or an offense
 22 under another law or ordinance with substantially similar ele-
 23 ments;

24 (2) a class A misdemeanor if the value of the merchandise
 25 is \$50 or more but less than \$500;

26 (3) a class B misdemeanor if the value of the merchandise
 27 is less than \$50;

Done
part section

1 IN THE HOUSE

BY COTTEN

2

HOUSE BILL NO. 461

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act increasing the penalties for repeat con-
7 victions for the crimes of theft and concealment of
8 merchandise."

9

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

10

* Section 1. AS 11.46.120(a) is amended to read:

11

(a) A person commits the crime of theft in the first degree if
12 the person commits theft as defined in AS 11.46.100 and

13

(1) the value of the property or services is \$25,000 or
14 more; or

15

(2) within the preceding five years,

16

(A) the person has been convicted three or more times

17

in this or another jurisdiction of a crime set out in AS 11.46.-

18

120 - 11.46.210 or an offense under another law or ordinance with

19

substantially similar elements; and

20

(B) at least one of the convictions under (A) of this

21

paragraph was for theft as defined in (1) of this subsection, or

22

for theft as defined in AS 11.46.130(a)(1) - (3), or an offense

23

under another law or ordinance with substantially similar ele-

24

ments.

25

* Sec. 2. AS 11.46.130(a) is amended to read:

26

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

28

(1) the value of the property or services is \$500 or more

29

but less than \$25,000;

- 1 (2) the property is a firearm or explosive; [OR]
- 2 (3) the property is taken from the person of another; or
- 3 (4) within the preceding five years,

4 (A) the person has been convicted three or more times
5 in this or another jurisdiction of a crime set out in AS 11.46.-
6 120 - 11.46.210 or an offense under another law or ordinance with
7 substantially similar elements; and

8 (B) none of the convictions under (A) of this para-
9 graph was for theft as defined in AS 11.46.120(a)(1), or for
10 theft as defined in (1) - (3) of this subsection, or an offense
11 under another law or ordinance with substantially similar ele-
12 ments.

13 * Sec. 3. AS 11.46.220(c) is amended to read:

14 (c) Concealment of merchandise is

- 15 (1) a class C felony if
 - 16 (A) the merchandise is a firearm;
 - 17 (B) [OR] the value of the merchandise is \$500 or more;
- 18 or

19 -(C) within the preceding five years, the person has
20 been convicted three or more times in this or another jurisdic-
21 tion of the offense of concealment of merchandise or an offense
22 under another law or ordinance with substantially similar ele-
23 ments;

24 (2) a class A misdemeanor if the value of the merchandise
25 is \$50 or more but less than \$500;

26 (3) a class B misdemeanor if the value of the merchandise
27 is less than \$50.

becomes
Class B Misdemeanor

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 29, 1988

SUBJECT: Draft CSHB 461 (Judiciary)

TO: Representative John Sund, Chairman
House Judiciary Committee
ATTN: John Hartle

FROM: Jack Chenoweth
Legislative Counsel

The enclosed draft bill increases the penalties for the fourth and subsequent convictions during a five year period for certain thefts and for concealment of merchandise.

As offered, with respect to theft, the bill

In bill section 1, makes the fourth conviction a "class B felony" if at least one of the three previous convictions was for theft in the first or second degree (crimes which are themselves defined as class "B" and "C" felonies).

In bill section 2, makes the fourth conviction a "class C felony" if

-- at least one of the three previous convictions was for theft in the third degree (a crime which is itself defined as a class "A" misdemeanor);

-- none of the three previous convictions was for theft in the first or second degree.

In bill section 3, makes the fourth conviction a "class A misdemeanor" if all of the three previous convictions were for theft in the fourth degree (a crime which is itself defined as a "class B misdemeanor"); theft in the fourth degree involves thefts of property with a value of less than \$50.

With respect to concealment of merchandise, the bill

Representative John Sund
Page 2
February 29, 1988

In subsection (d) added by bill section 5, makes the fourth conviction a "class C felony" if at least one of the three previous convictions was for concealment of merchandise involving a firearm or of a value of \$50 or more; these are, generally, crimes for which a previous conviction would have been treated as a class C felony or class A misdemeanor.

In subsection (e) added by bill section 5, makes the fourth conviction a "class A misdemeanor" if none of the three previous convictions was for concealment of merchandise involving a firearm or of a value of \$50 or more; these are, generally, crimes for which a previous conviction would have been treated as a class B misdemeanor.

These distinctions are based on distinctions already made by law at AS 11.46.220(c).

Enclosure

JBC:bb
wkb3/050

5-1625L
Chenoweth
2/29/88

Original sponsor: Cotten

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 461 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the penalties for repeat con-
7 victions for the crimes of theft and concealment of
8 merchandise."

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

10 * Section 1. AS 11.46.120(a) is amended to read:

11 (a) A person commits the crime of theft in the first degree if
12 the person commits theft as defined in AS 11.46.100 and

13 (1) the value of the property or services is \$25,000 or
14 more; or

15 (2) within the preceding five years,

16 (A) the person has been convicted three or more times
17 in this or another jurisdiction of a crime set out in AS 11.46.-
18 120 - 11.46.210 or an offense under another law or ordinance with
19 substantially similar elements; and

20 (B) at least one of the convictions under (A) of this
21 paragraph was for theft as defined in (1) of this subsection, or
22 for theft as defined in AS 11.46.130(a)(1) - (3), or an offense
23 under another law or ordinance with substantially similar ele-
24 ments.

25 * Sec. 2. AS 11.46.130(a) is amended to read:

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

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

- 1 (2) the property is a firearm or explosive; [OR]
2 (3) the property is taken from the person of another; or
3 (4) within the preceding five years,

4 (A) the person has been convicted three or more times
5 in this or another jurisdiction of a crime set out in AS 11.46.-
6 120 - 11.46.210 or an offense under another law or ordinance with
7 substantially similar elements;

8 (B) at least one of the convictions under (A) of this
9 paragraph was for theft as defined in AS 11.46.140(a)(1) or
10 11.46.140(a)(2), or an offense under another law or ordinance
11 with substantially similar elements; and

12 (C) none of the convictions under (A) of this para-
13 graph was for theft as defined in AS 11.46.120(a)(1), or for
14 theft as defined in (1) - (3) of this subsection, or an offense
15 under another law or ordinance with substantially similar ele-
16 ments.

17 * Sec. 3. AS 11.46.140(a) is amended to read:

18 (a) A person commits the crime of theft in the third degree if
19 the person commits theft as defined in AS 11.46.100 and

20 (1) the value of the property or services is \$50 or more
21 but less than \$500; [OR]

22 (2) the property is a credit card; or

23 (3) within the preceding five years,

24 (A) the person has been convicted three or more times
25 in this or another jurisdiction of a crime set out in AS 11.46.-
26 120 - 11.46.210 or an offense under another law or ordinance with
27 substantially similar elements; and

28 (B) all of the convictions under (A) of this paragraph
29 were for theft as defined in AS 11.46.150 or an offense under

1 another law or ordinance with substantially similar elements.

2 * Sec. 4. AS 11.46.220(c) is amended to read:

3 (c) Except as provided in (d) and (e) of this section, conceal-
4 ment [CONCEALMENT] of merchandise is

5 (1) a class C felony if the merchandise is a firearm or the
6 value of the merchandise is \$500 or more;

7 (2) a class A misdemeanor if the value of the merchandise
8 is \$50 or more but less than \$500;

9 (3) a class B misdemeanor if the value of the merchandise
10 is less than \$50.

11 * Sec. 5. AS 11.46.220 is amended by adding new subsections to read:

12 (d) A person who has been convicted under (a) of this section is
13 guilty of a class C felony if

14 (1) within the preceding five years the person has been
15 convicted three or more times in this or another jurisdiction of the
16 crime of concealment of merchandise or an offense under another law or
17 ordinance with substantially similar elements; and

18 (2) at least one of the convictions under (1) of this
19 subsection was for concealment of merchandise that is a firearm or
20 that is of a value of \$50 or more.

21 (e) A person who has been convicted under (a) of this section is
22 guilty of a class A misdemeanor if

23 (1) within the preceding five years the person has been
24 convicted three or more times in this or another jurisdiction of the
25 crime of concealment of merchandise or an offense under another law or
26 ordinance with substantially similar elements; and

27 (2) none of the convictions under (1) of this subsection
28 was for concealment of merchandise that is a firearm or that is of a
29 value of \$50 or more.

IN THE HOUSE

BY COTTEN

CS HOUSE BILL NO. 461 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
FIFTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act increasing the penalties for repeat convictions for the crimes of theft and concealment of merchandise."

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

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(1) the value of the property or services is \$25,000 or more; or

(2) the value of the property or services is more than \$500 but less than \$25,000 and within the past five years the person has been convicted and sentenced on ^{TWO}~~three~~ or more separate occasions in this or another jurisdiction of a felony theft offense as defined in AS 11.46.120(a)(1) or AS 11.46.130(a)(1) - (3), or an offense under another law or ordinance with substantially similar elements.

* Section 2. AS 11.46.130(a) is amended to read:

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

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

(2) the property is a firearm or explosive; [OR]

(3) the property is taken from the person of another; or
(4) the value of the property is more than \$50 and less
\$500 and within the past five years the person has been convicted
and sentenced on ^{two} ~~three~~ or more separate occasions in this or another
jurisdiction of a felony theft offense defined in AS 11.46.120(a)(1)
or AS 11.46.130(a)(1) - (3) or theft in the third degree as defined
in AS 11.46.140(a)(1) - (2) or an offense under another law or
ordinance having substantially similar elements.

* Section 3. AS 11.46.140(a) is amended to read:

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

(1) the value of the property or services is \$50 or more but
less than \$500; or

(2) the property is a credit card; or

(3) the value of the property is less than \$50 and within the
past five years the person has been convicted and sentenced on ^{two} ~~three~~
or more separate occasions in this or another jurisdiction of theft in
any degree as defined in AS 11.46.120 - 150.

* Section 4. AS 11.46.220(c) is amended to read:

(c) Concealment of merchandise is

(1) a class C felony if

(A) the merchandise is a firearm;

(B) [OR] the value of the merchandise is \$500 or more;

or

(C) the value of the merchandise is \$50 or more but less
than \$500 and within the preceding five years the person has been

convicted and sentenced on ^{TWO} three or more separate occasions in this or another jurisdiction of the offense of concealment of merchandise involving merchandise which has a value of \$50 or more or an offense under another law or ordinance with substantially similar elements;

(2) a class A misdemeanor if

(A) the value of the merchandise is \$50 or more but less than \$500; or

(B) the value of the merchandise is less than \$50 and within the preceding five years the person has been convicted and sentenced on three or more separate occasions in this or another jurisdiction of the offense of concealment of merchandise in any degree.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act increasing the penalties for repeat convictions ... theft ..."
Sponsor: House Judiciary
Requestor: House Finance

Agency Affected: Department of Law
BRU: Prosecution
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: April 6, 1988
Approved by Commissioner: Grace Berg Schaible, Atty. Gen. Date: April 6, 1988
Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 461 (Jud.)

The committee substitute for HB 461 amends AS 11.46 to provide stiffer penalties for third-time theft offenders. For instance, a person convicted of theft of property or services with a value of \$500 or more but less than \$25,000, normally theft in the second degree, would be guilty of theft in the first degree if the person had been convicted and sentenced on two or more separate occasions within the preceding five years for the crime of theft in the second degree. Likewise, a third conviction for a crime normally constituting theft in the third degree or a third conviction for a crime normally constituting theft in the fourth degree would result in conviction at the next higher level. As a consequence, the penalty for a third conviction normally resulting in a class C felony would be raised to a class B felony. A third conviction normally resulting in a class A misdemeanor would be raised to a class C felony. A third conviction normally resulting in a class B misdemeanor would be raised to a class A misdemeanor. Repeat offenses for the crime of concealment of merchandise would be treated in a similar manner.

Because this legislation is primarily a sentencing bill it is not expected to have a fiscal impact on the Department of Law sufficient enough to warrant fiscal note costs. Some additional prosecutor time may be required to prove the repeat status of some offenders. And because of the increased penalties, prosecutors may face a more spirited defense in some cases. For the most part, however, these are cases that the department is already handling, and an appreciable additional expense is not anticipated.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act increasing the penalties for repeat convictions for the crimes..."
 Sponsor: Judiciary Committee
 Requestor: _____
 Agency Affected: Department of Corrections
 BRU: Statewide Operations
 Components: Statewide Programs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	848.6	848.5	848.6	848.6	848.6	848.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	848.6	848.6	848.6	848.6	848.6	848.6
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	848.6	848.6	848.6	848.6	848.6	848.6
FEDERAL FUNDS						
OTHER						
TOTAL	848.6	848.6	848.6	848.6	848.6	848.6

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached

Susan E. Knighton

Prepared by: Susan E. Knighton, Director Phone: 465-3376
 Division: Administrative Services Date: 4-5-88
 Approved by Commissioner: Susan Humphrey Barnett Date: 4-5-88
 Agency: Department of Corrections

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 461

ANALYSIS

This proposed legislation would increase the penalties imposed on persons who are repeatedly convicted for the crimes of theft. It would have a fiscal impact on the Department of Corrections.

To determine the effect, we have analyzed recidivism data for the State of Alaska, the number of offenders in the theft categories who are being placed in the custody of the Department, the amount of jail time currently being served and the amount of jail time proposed in this legislation.

The recidivism rates are as follows:

Theft II	33%
Theft III	39%
Theft IV	74%
Concealment	68%

This fiscal note is based upon the yearly incarceration of repeat theft offenders in Restitution Centers or Community Residential Centers. They would serve 77.5 man-years more than is currently served.

Using the Anchorage daily soft bed cost of \$30.00 per day, the estimated yearly fiscal impact is \$848,625. Using the statewide average cost of \$45.00 per day, the estimated yearly fiscal impact is \$1,272,937.

RECOMMENDED CHANGE TO HB 461

PRIOR CONVICTIONS	NEW OFFENSE AND SENTENCE	ELEVATED OFFENSE AND SENTENCE
3 theft/concealment C felonies or above	C felony involving theft/ concealment 3-year presumptive for third offense/maximum 5 years	B felony 6-year presumptive for third offense/ maximum 10 years
3 theft/concealment A misdemeanors or above	A misdemeanor involving theft/concealment 0 - 1 year	C felony 0 - 2 years first offense 2 years presumptive second offense 3 years presumptive third offense maximum 5 years
3 theft/concealment B misdemeanors or above	B misdemeanor involving theft/concealment 0 - 90 days	A misdemeanor 0 - 1 year

1 IN THE HOUSE

2 HOUSE BILL NO. 461

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTIES FOR REPEAT CON-
7 VICTIONS FOR THE CRIMES OF THEFT AND CONCEALMENT OF
8 MERCHANDISE."

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

10 * SECTION 1. AS 11.46.120(A) IS AMENDED TO READ:

11 (A) A PERSON COMMITS THE CRIME OF THEFT IN THE FIRST DEGREE IF

12 THE PERSON COMMITS THEFT AS DEFINED IN AS 11.46.100 AND

13 (1) THE VALUE OF THE PROPERTY OR SERVICES IS \$25,000 OR
14 MORE; OR

15 (2) WITHIN THE PRECEDING FIVE YEARS, _

16 (A) THE PERSON HAS BEEN CONVICTED THREE OR MORE TIMES
17 IN THIS OR ANOTHER JURISDICTION OF A CRIME SET OUT IN AS 11.46.-
18 120 - 11.46.210 OR AN OFFENSE UNDER ANOTHER LAW OR ORDINANCE WITH
19 SUBSTANTIALLY SIMILAR ELEMENTS; AND

20 (B) AT LEAST ONE OF THE CONVICTIONS UNDER (A) OF THIS
21 PARAGRAPH WAS FOR THEFT AS DEFINED IN (1) OF THIS SUBSECTION, OR
22 FOR THEFT AS DEFINED IN AS 11.46.130(A)(1) - (3), OR AN OFFENSE
23 UNDER ANOTHER LAW OR ORDINANCE WITH SUBSTANTIALLY SIMILAR ELE-
24 MENTS.

13 7 ALL. S. HS 11.45.229(C) IS AMENDED TO READ:
14 (C) CONCEALMENT OF MERCHANDISE IS

15 (1) A CLASS C FELONY IF

16 (A) THE MERCHANDISE IS A FIREARM; _

17 (B) [OR] THE VALUE OF THE MERCHANDISE IS \$500 OR MORE

18 _OR_

19 (C) WITHIN THE PRECEDING FIVE YEARS, THE PERSON HAS
20 BEEN CONVICTED THREE OR MORE TIMES IN THIS OR ANOTHER JURISDIC-
21 TION OF THE OFFENSE OF CONCEALMENT OF MERCHANDISE OR AN OFFENSE
22 UNDER ANOTHER LAW OR ORDINANCE WITH SUBSTANTIALLY SIMILAR ELE-
23 MENTS; _

24 (2) A CLASS A MISDEMEANOR IF THE VALUE OF THE MERCHANDISE
25 IS \$50 OR MORE BUT LESS THAN \$500;

26 (3) A CLASS B MISDEMEANOR IF THE VALUE OF THE MERCHANDISE
27 IS LESS THAN \$50.

AS 11.46.130(A) IS AMENDED TO READ

(A) A PERSON COMMITS THE CRIME OF THEFT IN THE SECOND DEGREE IF THE PERSON COMMITS THEFT AS DEFINED IN AS 11.46.100 AND

(1) THE VALUE OF THE PROPERTY OR SERVICES IS \$500 OR MORE BUT LESS THAN \$25,000;

(2) THE PROPERTY IS A FIREARM OR EXPLOSIVE; OR

(3) THE PROPERTY IS TAKEN FROM THE PERSON OF ANOTHER; OR

(4) WITHIN THE PRECEDING FIVE YEARS,

(A) THE PERSON HAS BEEN CONVICTED THREE OR MORE TIMES IN THIS OR ANOTHER JURISDICTION OF A CRIME SET OUT IN AS 11.46.120 - 11.46.210 OR AN OFFENSE UNDER ANOTHER LAW OR ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS; AND

(B) NONE OF THE CONVICTIONS UNDER (A) OF THIS PARAGRAPH WAS FOR THEFT AS DEFINED IN AS 11.46.120(A)(1), OR FOR THEFT AS DEFINED IN (1) - (3) OF THIS SUBSECTION, OR AN OFFENSE UNDER ANOTHER LAW OR ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS.

TO: REP. JOHN SUND
FROM: PETE TOMLINSON - CARRS QUALITY CENTER'S
DATE: MARCH 1, 1988
SUBJ: SHOPLIFT DOLLAR LOSS

ESTIMATED \$1,000,000 ANNUAL LOSS

① STORE DETECTIVES SPENT 5165 HOURS ON DUTY IN CARRS STORES IN 1987. 75% OF THAT TIME OR 3874 HOURS (APPROX) WERE SPENT ON THE FLOOR.

WE HAVE 13 CARRS STORES OPEN 24 HRS PER DAY 364 DAYS A YEAR. THIS EQUALS 113,568 STORE HOURS/YR.

ASSUMING OUR SUCCESS RATE IS AVERAGE FOR ALL STORE HOURS AND STORE DETECTIVES APPREHEND 50% OFF ALL SHOPLIFTERS WHILE WORKING ON THE FLOOR THEN,

3874 HOURS = 3.4% OF STORE OPEN HOURS

3.4% = 1/29

29 X 2 (50% SUCCESS RATE) X (1987 LOSS) \$16,576.50 = \$961,437

② ESTIMATED MINIMUM OF 15 SHOPLIFTERS PER DAY PER STORE.

AVERAGE ARREST = \$15.42

15 X \$15.42 X 13 STORES X 364 DAYS = \$1,094,511

③ THIS METHOD GIVES REAL CREDENCE TO 1 AND 2 ABOVE. I AM SOMEWHAT LIMITED IN DIVULGING INFORMATION WITHOUT AUTHORIZATION FROM A CORPORATE OFFICER HOWEVER, IN THAT PROPRIETARY INFORMATION INVOLVING GROSS SALES AND SHRINK PERCENTAGE AND...

SUFFICE IT TO SAY THAT SUPERMARKETS OPERATE ON A 1 TO 3% PROFIT MARGIN. SHRINK PERCENTAGES OF 1 TO 2% ARE COMMONPLACE.

WE AT CARRS KNOW WHAT OUR SHRINK PERCENTAGE AMOUNTS TO IN DOLLAR LOSS. SHRINK IS ATTRIBUTED TO INTERNAL THEFT, EXTERNAL THEFT (SHOPLIFT) AND PAPERWORK AND INVENTORY ERRORS. COMMONLY ATTRIBUTED PERCENTAGES ARE:

- 50% - PAPERWORK / INV. ERRORS
- 25% - INTERNAL THEFT
- 25% - EXTERNAL THEFT

USING THOSE PERCENTAGES, CARRS LOSSES DUE TO SHOPLIFT ARE IN EXCESS OF ONE MILLION DOLLARS.

MEMORANDUM

State of Alaska

TO: Lisa Weissler
Legislative Aide
Representative Sam Cotten

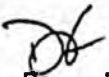
DATE: March 7, 1988

FILE NO.:

THRU:

TELEPHONE NO.:

SUBJECT: CS HB 461

FROM: 
Dana Fabe
Public Defender

Attached please find suggested language for a Committee Substitute for HB 461. I am also enclosing a chart which will delineate the ramifications of this language. I attempted a diagram of the original language of HB 461 but it involved so many possible permutations that I found it difficult to design a clear schematic diagram.

DF:sh

Attachments

✓ cc: John Hartle, Legislative Aide
Office of Representative John Sund

RECOMMENDED CHANGE TO HB 461

PRIOR CONVICTIONS	NEW OFFENSE AND SENTENCE	ELEVATED OFFENSE AND SENTENCE
3 theft/concealment C felonies or above	C felony involving theft/ concealment 3-year presumptive for third offense/maximum 5 years	B felony 6-year presumptive for third offense/ maximum 10 years
3 theft/concealment A misdemeanors or above	A misdemeanor involving theft/concealment 0 - 1 year	C felony 0 - 2 years first offense 2 years presumptive second offense 3 years presumptive third offense maximum 5 years
3 theft/concealment B misdemeanors or above	B misdemeanor involving theft/concealment 0 - 90 days	A misdemeanor 0 - 1 year

HABITUAL
THEFT OFFENDER
STATUTE



TONY KNOWLES
MAYOR

ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET • ANCHORAGE, ALASKA 99507-1599
TELEPHONE (907) 786-8500



RONALD L OTTE
CHIEF

DATE: December 8, 1987
TO: State Representative Sam Cotten
FROM: Sgt. John Grohol
Misdemeanor Crimes Investigation Unit
Anchorage Police Department
SUBJECT: Habitual misdemeanor theft offender statute

The revised Alaska Criminal Code which took effect January 1, 1980, which I understand you had a hand in revising, was a vast improvement over the old criminal code.

However, at the same time this revised code was enacted we saw the abolishment of Alaska Statutes; Sec. 12.55.050, Increased punishment for persons convicted of more than one felony, and Sec. 12.55.040, Increased punishment for the habitual criminal after conviction of petty larceny or misdemeanors involving fraud. These Statutes, as are similar statutes in other states, are commonly referred to as "Habitual Criminal" statutes and designed as a deterrent for the repeat offender.

As I understand it, these statutes were repealed or abolished as they were in essence to be replaced by presumptive sentencing. I can understand the repeal of Sec. 12.55.050, but I fail to understand why section 12.55.040 was thrown into the same category. This section referred to only misdemeanor crimes and presumptive sentencing pertains only to felony crimes.

Within the past year Officer L. T. Johnson, from my unit, developed his own computerized data file for the crime analysis of misdemeanor thefts. It wasn't until this time with his continuing investigation concerning the actions of repeat theft offenders and his attendance of monthly meetings with loss prevention officers from retail chain stores, that we began to fully realize what effect the abolishment of Sec. 12.55.040 has had on the business community. As it now stands the citizens of Alaska in general are being asked to pay for the abolishment of Sec. 12.55.040.

Having worked with the victims of misdemeanor crimes and street officers on a daily basis for the past four years, I have sensed the total frustration when the same offenders are arrested day in and day out for essentially the same crimes. All too often we are told by these same repeat offenders that this is the best way to make a living.

It is clearly apparent that current penalties are not a deterrent to the repetitive offender. These same repeat offenders find it is more profitable and less risky to; shoplift, steal an unattended purse for the money, credit cards or automated bank card, or to break into an unattended automobile to steal what ever is available, than it is to burglarize a home or rob a convenience store.

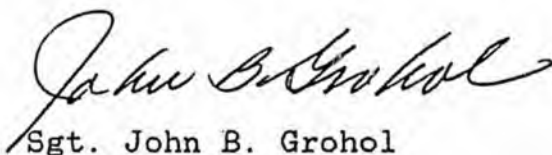
Granted, there are repeat felony offenders, however they are being dealt with under presumptive sentencing.

I believe we are long overdue in doing something positive to protect the victims of repeat misdemeanor crime offenders. I also feel the re-enactment of the "Habitual Criminal" statute, or the enactment of a similar statute, is a step in the proper direction and a must for the law enforcement community.

I have spoken with; Anchorage Police Chief Ron Otte, Anchorage Police Captain Kevin O'Leary, Anchorage Municipal Prosecutor Jim Wolf, Assistant District Attorney Steve Branchflower, The Legislative Committee of the Anchorage Police Department Employees Association and Terry Marquart, President of the Anchorage Chapter of the Alaska Peace Officers Association. All have voiced their support.

I am now soliciting your support in introducing legislation on this matter.

Respectfully,



Sgt. John B. Grohol
Misdemeanor Crimes Investigation Unit
Anchorage Police Department

Attachments

- #1. Report by Officer L. T. Johnson
- #2. Memo from Legislative Counsel Jack Chencoweth

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

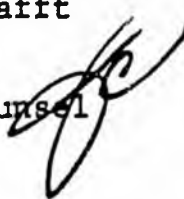
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

October 6, 1987

SUBJECT: Work order 5-1386, relating to habitual
criminal acts

TO: Representative Sam Cotten
ATTN: Julie Krafft

FROM: Jack Chenoweth
Legislative Counsel 

The characteristic of a "habitual criminal" law (sometimes referred to as a "recidivist law" or "recidivist act") is the increasingly severe penalties that are imposed on a criminal offender as a consequence of conviction for a second or subsequent criminal act.

Acts denoted or treated as "habitual criminal" laws appeared in state statutes until the 1978 revision of Alaska's criminal law took effect on January 1, 1980. The two former provisions were AS 12.55.040 and 12.55.050. Rather than set out the text of these two sections verbatim, I have enclosed copies (denoted Enclosure "A") of the last versions of each as they read just prior to their repeal by the 1978 criminal code revision.

Generally, when habitual criminal acts are found to have been applied fairly and without discrimination, the United States Supreme Court has sustained the acts against challenges that they abridge individual constitutional rights. Spencer v. Texas, 385 U.S. 554, 17 L.Ed.2d 606, 87 S.Ct. 648 (1967); reh. den. 386 U.S. 969, 18 L.Ed.2d 125, 87 S.Ct. 1015 (1967); Oyler v. Boles, 368 U.S. 448, 7 L.Ed.2d 446, 82 S.Ct. 501 (1962).

In Alaska, the second of the two habitual criminal statutes cited, AS 12.55.050, was questioned, but not ruled unconstitutional, by the Alaska Supreme Court in State v. Carlson, 560 P.2d 26 (1977). A copy of that decision is provided as Enclosure "B."

The discussion in Carlson compared the habitual criminal act to the prohibition against double jeopardy of art. I, sec. 9 of the state constitution. The court determined that a double jeopardy claim would attach to recidivist criminals who, having been sentenced for the crime committed, faced a sentence modification under the state's habitual criminal act. However, when sentencing of a recidivist criminal for the crime is delayed in order to accommodate the filing of the habitual criminal act indictment or information, and an extended sentence for the crime is imposed due to operation of the habitual criminal provision, the court concluded that a double jeopardy claim would not attach.

In addition, asked to consider the specific elements that were required to trigger operation of the habitual criminal statute, the court examined AS 12.55.050. Against the prosecution's claim that the sequence of criminal acts and convictions was immaterial to trigger application of the state's habitual criminal act, the court determined that the sequence of prior felonies (that is, commission of an offense; conviction; sentencing) is material to the application of a habitual criminal act, and that the statute fairly required "commission of a subsequent offense after a previous conviction, before a harsher penalty may be imposed." 560 P.2d 26, at 30.

To avoid constitutional problems and to validly apply the habitual criminal statute, the court suggested steps or procedures to be adhered to by the state as prosecutors sought to enhance a defendant's sentence through reliance on the habitual criminal statutes.

The court's Carlson decision obviously colored the legislature's revision of the Criminal Code in 1977-1978. All draft versions of the proposed code revision that I examined specifically repealed AS 12.55.040 and 12.55.050. At the same time the habitual criminal statutes were to be revoked, the authors of the code revision carried the concept of enhanced sentences for repeat offenders into the changes being considered for sentencing of convicted criminals. The drafts of the code revision first proposed to add a section entitled "Prior Convictions," which was initially designated AS 11.36.300. The rationale for the addition of this provision is set out in the draft report on this proposed new section, a copy of which is enclosed (as Enclosure "C"). The "Prior Convictions" section was ultimately enacted as AS 12.55.145. The language of the current provision, amended in 1982, is set out in Enclosure "D."

Representative Cotten
Page 3
October 6, 1987

In summary: while not denoted a "habitual criminal" statute, AS 12.55.145, when read in conjunction with the specific sentencing provisions of AS 12.55.125 cited in it, retains the notion of enhanced penalties for repeat criminal conduct. The specific limitations and requirements set out in AS 12.55.145 are responsive to the double jeopardy concern examined in the Carlson decision and to other prospective constitutional challenges, particularly a concern for due process.

Though the habitual criminal act of another state might be consulted as a model for changes to Alaska's sentencing act or for the restoration of a separate habitual criminal provision, any changes must take into account the court's decision in Carlson, as AS 12.55.145 now does.

*

When this work order request was transmitted, it asked for examples of habitual criminal statutes in other states. In light of my comments, please advise as to whether or not you would like that work done.

JC:mkr
m13/016

Enclosures

for the nonpayment of the fine, the defendant may make application in writing to a judge or magistrate in the district where he is imprisoned, setting out his inability to pay the fine, and, after notice to the district attorney, the judge or magistrate shall proceed to hear and determine the matter. If on examination it appears to him that the defendant is unable to pay the fine and that he has no property exceeding \$50 in value, except property which is by law exempt from being taken on execution for debt, the judge or magistrate shall administer to him the following oath: "I do solemnly swear that I do not have any property, real or personal, to the amount of \$50, except property which is by law exempt from being taken on civil process for debt, and that I have no property in any way conveyed or concealed or any way disposed of for my future use or benefit. So help me God." The judge or magistrate shall discharge the defendant after he takes the oath. (§ 8.03 ch 34 SLA 1962; am § 17 ch 8 SLA 1971)

Effect of amendment. — The 1971 amendment inserted "judge or" twice in the first sentence, once in the second sentence, and once in the last sentence.

Legislative committee report.—For report on ch. 8, SLA 1971 (HB 15), see 1971 House Journal, p. 52.

Constitutionality.—This section, which, upon proof of indigency, limits the sentence in lieu of payment of a fine to 30 days, is unconstitutional. *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

The injustice under this section that is to be remedied is not the imposition of the fine itself, but the requirement that it be satisfied immediately or be

automatically converted into a jail term. *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

This section applies to all poor convicts imprisoned solely for nonpayment of fines. *United States v. Stromberger*, 9 Alaska 189 (1940).

Valid methods for enforcing payment of fines.—For methods which the State of Alaska may employ to serve its valid interest in enforcing the payment of fines, see *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

Quoted in *Williams v. Illinois*, 399 U.S. 235, 90 S. Ct. 2018, 29 L. Ed. 2d 586 (1970).

Sec. 12.55.040. Increased punishment for habitual criminal after conviction of petty larceny or misdemeanor involving fraud. A person convicted of petty larceny or a misdemeanor in which fraud or intent to defraud is an element who, subsequent to March 9, 1939, has been three times convicted in this state or elsewhere of a crime which would constitute burglary, larceny except changing brands, embezzlement, or obtaining money or property by false pretenses under Alaska law shall be adjudged an habitual criminal, and is punishable by imprisonment for not less than one year nor more than 10 years. (§ 8.04 ch 34 SLA 1962; am § 38 ch 43 SLA 1964)

Effect of amendment. — The 1964 amendment substituted "less than one year nor more than 10 years" for "more than 10 years" at the end of the section.

Section inapplicable to offense committed before October 1, 1964.— See 1964 Op. Att'y Gen., No. 8.

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Sec. 12.55.050. Increased punishment for persons convicted of more than one felony. A person convicted of a felony in this state who has been previously convicted of a felony in this state or elsewhere, if the same crime elsewhere would constitute a felony under Alaska law, is punishable as follows:

(1) If the person is convicted of a felony which would be punishable by imprisonment for a term less than his natural life, and has previously been convicted of one felony, then he is punishable by imprisonment for not less than the minimum nor more than twice the longest term prescribed for the felony of which that person is convicted.

(2) If the person has previously been convicted of two felonies, then he is punishable by imprisonment for not less than the minimum nor more than twice the longest term prescribed herein for a second conviction of felony.

(3) If the person has previously been convicted of three or more felonies, then on the fourth conviction he shall be adjudged an habitual criminal, and is punishable by imprisonment for not less than 20 years nor more than the remainder of his natural life. (§ 8.05 ch 34 SLA 1962; am § 23 ch 43 SLA 1964; am § 7 ch 68 SLA 1965)

Effect of amendments.—The 1964 amendment inserted "less than the minimum nor" near the end of paragraphs (1) and (2), and added the former last sentence in paragraph (3).

The 1965 amendment deleted the former last sentence in paragraph (3), which prohibited the suspension of sentences.

Section inapplicable to offense committed before October 1, 1964.—See 1964 Op. Att'y Gen., No. 8.

Section inapplicable to conviction under different counts of same indictment.—Where defendant contended that under the provisions of AS 11-40.130 a person may be found an

habitual criminal upon conviction of four or more separate counts of one indictment for contributing to the delinquency of a child, the court held that habitual offender statutes apply only to persons who have been convicted of offenses committed after previous felony convictions. United States v. Meyers, 16 Alaska 368, 143 F. Supp. 1 (D. Alas. 1956).

The crime of attempted robbery carries a maximum possible sentence of seven and one-half years. Because accused had previous felony convictions, he could have been sentenced to a maximum of thirty years. Bowie v. State, Sup. Ct. Op. No. 769 (File No. 1422), 494 P.2d 800 (1972).

Sec. 12.55.060. Procedure upon discovery of prior convictions.

(a) Before conviction or while sentence is effective, if it appears that a person convicted of a crime in this state has previously been convicted and has not been charged under §§ 40 and 50 of this chapter, the district attorney may file an information in the superior court accusing that person of the previous conviction or convictions. The court shall cause that person, whether confined in prison or otherwise, to be brought before it and shall inform him of the allegations contained in the information and of his right to be tried as to the truth of the allegations, and shall require the accused person to say whether or not he is the same

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62(e)¹ in order to stay enforcement of a judgment on appeal. We answered this question affirmatively in *Alaska State Housing Authority v. Dixon*, 496 P.2d 649, 650 (Alaska 1972), where we stated:

We conclude that ASHA [Alaska State Housing Authority] is an instrumentality of the state within the Department of Commerce.²

Accordingly, the decision of the trial court is REVERSED, and this case is REMANDED with instructions to quash the writ of execution issued herein by the Clerk of the Superior Court.

BURKE, J., not participating.



STATE of Alaska, Petitioner,

v.

The Honorable Victor D. CARLSON, Judge of the Superior Court, and the Superior Court for the State of Alaska, Third Judicial District, Respondents,

Tyrone Davenport, Real Party in Interest.

Tyrone DAVENPORT, Appellant,

v.

STATE of Alaska, Appellee.

No. 2908, 2913.

Supreme Court of Alaska.

Feb. 16, 1977.

Proceeding was instituted on petition of State for writ of mandamus to compel the Superior Court, Third Judicial District, Victor D. Carlson, J., to impose a 20-year sentence on defendant under habitual criminal statute.

1. Civil Rule 62(e) provides:

When an appeal is taken or review sought by the state or an officer or agency thereof, and the operation or enforcement of the judgment, order or decision is stayed, no bond, obligation or other security shall be required

and substantive. The Supreme Court, Connor, J., held that it is the accumulation of prior offenses, indicating that defendant has not reformed his behavior, rather than merely the gross number of offenses, which should be determinative of habitual criminal status, that each prior offense and conviction must follow in sequence to accumulate under habitual criminal statute, that once a sentence has been meaningfully imposed it may not be later increased without offending double jeopardy, and that sentencing should, therefore, be delayed until information or indictment under habitual criminal statute has been filed in order to avoid double jeopardy problems.

Petition for mandamus denied, and judgment vacated with direction to reinstate original sentence.

1. Criminal Law ⇐ 1201

Habitual criminal statute is founded on the general principle that persistent offenders should be subject to greater sanctions than those who have been convicted only once and is meant to serve as a warning to first time offenders and to provide them with an opportunity to reform. AS 12.55.050.

2. Criminal Law ⇐ 1202(1)

It is the accumulation of prior offenses, indicating that the defendant has not reformed his behavior, rather than merely the gross number of offenses, which should be determinative of habitual criminal status. AS 12.55.050.

3. Criminal Law ⇐ 1202(1)

Each prior offense and conviction must follow in sequence in order to accumulate under habitual criminal statute. AS 12.55.050.

4. Criminal Law ⇐ 1202(1)

When a convicted criminal has not taken advantage of an opportunity to reform

from the appellant or the petitioner, as the case may be.

2. See *University of Alaska v. Simpson Building Supply Company*, 530 P.2d 1317 (Alaska 1975); *University of Alaska v. National Aircraft Leasing, Ltd.*, 536 P.2d 121 (Alaska 1975).

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and subsequently commits another crime, he may be considered a worse offender than one with no previous convictions, and it is reasonable to subject him to harsher sanctions, but when two convictions occur on same day, an opportunity for reformation is afforded to defendant only once, not twice. AS 12.55.050.

5. Criminal Law — 1202(1)

An individual who commits four crimes within a short time and is given at most one opportunity to reform should not be treated the same as a defendant who has had three opportunities to reform over a substantial period of time but has persisted in his criminal conduct. AS 12.55.050.

6. Criminal Law — 189

Once a sentence has been meaningfully imposed it may not be later increased without offending double jeopardy provision of Constitution. Const. art. 1, § 9.

7. Criminal Law — 1202(6)

Trial court may impose an enhanced penalty under habitual criminal statute only where sentence for latest offense has not already been imposed. AS 12.55.050.

8. Criminal Law — 1202(6)

Imposition of an enhanced penalty under habitual criminal statute should be delayed until information or indictment under statute has been filed in order to avoid double jeopardy problems. AS 12.55.050; Const. art. 1, § 9.

1. Jurisdiction is asserted under Alaska R.App.P. 25 and AS 22.05.010(a).

2. AS 12.55.050 provides:

"Increased punishment for persons convicted of more than one felony. A person convicted of a felony in this state who has been previously convicted of a felony in this state or elsewhere, if the same crime elsewhere would constitute a felony under Alaska law, is punishable as follows:

(1) If the person is convicted of a felony which would be punishable by imprisonment for a term less than his natural life, and has previously been convicted of one felony, then he is punishable by imprisonment for not less than the minimum nor more than twice the longest term prescribed for the felony of which that person is convicted.

Glen C. Anderson, Asst. Dist. Atty., Joseph D. Balfe, Dist. Atty., Anchorage, and Avrum M. Gross, Atty. Gen., Juneau, for State of Alaska.

James L. Johnston of Opland & Johnston, Anchorage, for Davenport.

Before BOOCHEVER, C. J., and RABINOWITZ, CONNOR and ERWIN, JJ.

CONNOR, Justice.

This petition for a writ of mandamus¹ requires us to construe AS 12.55.050, Alaska's habitual criminal statute.²

On July 5, 1969, Tyrone Davenport committed burglary.³ He was convicted of this offense on December 24, 1969. On July 1, 1971, Davenport committed the offense of receiving and concealing stolen goods. On September 22, 1971 he committed an assault with a dangerous weapon. On February 15, 1972, he was convicted of both assault with a dangerous weapon⁴ and receiving and concealing stolen goods.⁵ On July 14, 1975 Davenport again committed the offense of receiving and concealing stolen goods. On February 27, 1976 he was convicted of that offense. He was sentenced to eighteen months, to be served concurrently with the sentences imposed for the 1972 convictions. Previously, in July of 1975, Davenport had been indicted as an habitual criminal under AS 12.55.050(3).

(2) If the person has previously been convicted of two felonies, then he is punishable by imprisonment for not less than the minimum nor more than twice the longest term prescribed herein for a second conviction of felony.

(3) If the person has previously been convicted of three or more felonies, then on the fourth conviction he shall be adjudged an habitual criminal, and is punishable by imprisonment for not less than 20 years nor more than the remainder of his natural life."

3. See AS 11.20.080.

4. See AS 11.15.220.

5. See AS 11.20.350.

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On April 6, 1976 Davenport was sentenced as an habitual criminal by Judge Carlson who vacated the 18 month sentence previously imposed and resented Davenport to five years for receiving and concealing stolen goods.

On April 8, 1976, the state moved to correct the sentence imposed by Judge Carlson on the ground that it was illegal. The state argued that his resentencing as an habitual criminal was governed by AS 12-55.050(3), which required that a minimum sentence of twenty years be imposed.

Judge Carlson entered a written amended judgment on April 20, 1976, reflecting the five year sentence imposed on April 6, 1976. On April 22, 1976, he denied the state's motion to correct the sentence. The state seeks mandamus to compel the imposition of a 20 year sentence on Davenport.⁶

The issues presented are (1) whether Davenport was properly adjudged an habitual criminal, and if so whether a sentence of less than 20 years may be imposed⁷ and (2) whether Davenport was placed twice in jeopardy for the same offense.

I

AS 12.55.050(3) provides that if a person has been convicted of three or more felo-

6. At the sentencing proceeding Judge Carlson remarked that he found the 20 year minimum sentence to be an inappropriate punishment for Davenport. However, as we discuss in the text at page 10, a sentence once imposed may not be later augmented without offending the double jeopardy provision of the Alaska Constitution, art. I, § 9.

In its attempt to convince Judge Carlson that he had imposed an illegal sentence the state conceded that the court could have either imposed the minimum sentence and suspended a portion of that sentence under the provisions of AS 12.55.080 or, suspended the imposition of sentence under AS 12.55.085(a). See *Spess v. State*, 511 P.2d 130 (Alaska 1973). The state argued *Spess* was inapplicable because Judge Carlson did not indicate he was suspending a portion of the sentence but merely imposed a flat sentence of five years.

7. If Davenport had been properly adjudged an habitual criminal, then the imposition of a five year sentence would have been illegal. See AS 12.55.050(3).

nies, then on the fourth felony conviction he shall be adjudged an habitual criminal and sentenced to a minimum of 20 years. The state argues that this section is applicable whenever a person who has been convicted of three felonies then commits and is convicted of a fourth felony, regardless of the sequence of those prior offenses and convictions. The state asserts that the purposes of recidivist legislation, which are to protect society, deter criminal conduct and provide felons with an incentive for reformation, would best be effectuated by such an interpretation of the habitual criminal statute. We disagree.

[1] Habitual criminal statutes are founded on the general principle that persistent offenders should be subject to greater sanctions than those who have been convicted only once.⁸ These statutes serve as a warning to first time offenders and provide them with an opportunity to reform. See *Moore v. Coiner*, 303 F.Supp. 185 (N.D.W. Va.1969); *State v. Lohrbach*, 217 Kan. 588, 538 P.2d 678, 681-82 (1975). It is only upon subsequent convictions for repeated criminal conduct that increasingly stiffer sentences are imposed. The reason the sanctions become increasingly severe is "not so much that [the] defendant has sinned more than once as that he is deemed incorrigible

8. See generally Annot., 24 A.L.R.2d 1247 (1952). All but two states have statutes imposing increasingly severe penalties on habitual offenders. Note, *Statutory Structures for Sentencing Felons to Prison*, 60 Colum.L.Rev. 1134, 1157 (1960). In at least 21 states punishment for habitual criminality is mandatory. *Id.* at 1158. Sentences range in severity from a mandatory life term with no parole after the third conviction in Tennessee, Tenn.Code Ann. § 40-2801 et seq. (1975), to a term of not less than five years after the third conviction in Idaho. Idaho Code Ann. § 19-2514 (1975 Supp.). ABA Standards Relating to Sentencing Alternatives and Procedures § 3.3, Commentary at 166 (1968).

For a general description of habitual criminal statutes see Note, *Statutory Structures for Sentencing Felons to Prison*, 60 Colum.L.Rev. 1134, 1157-58 (1960); Model Penal Code § 7.03, Commentary at 39-40 (Tent.Draft No. 2, 1954).

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when he persists in violations of the law after conviction of previous infractions." Annot., 24 A.L.R.2d 1247, 1249 (1952).

A majority of jurisdictions, recognizing both the purposes underlying habitual criminal statutes and the severity of their penalties, require for their application that prior convictions must precede the commission of the principal offense. *Id.* and cases cited therein. As the state points out, in most of the cases construing these statutes, the sequence of prior convictions is not in issue. However, where the sequence of prior convictions is in issue, the rule followed in the majority of jurisdictions is that each successive felony must be committed after the previous felony conviction in order to count towards habitual criminal status.⁹ *E. g.*, *Johnson v. Cochran*, 189 So.2d 673 (Fla. 1962); *Gossett v. Commonwealth*, 302 S.W.2d 380 (Ky.1957); see *State v. Johnson*, 109 N.J.Super. 69, 262 A.2d 238 (1969) (second violation and indictment thereon must occur after first conviction); 4 *Wharton's Criminal Procedure* § 631 (12th ed. 1976); Annot., 24 A.L.R.2d 1247, 1249 (1952).

Accordingly, it has been held that two or more convictions on the same day on two or more indictments, or on two or more counts of the same indictment, constitute only one conviction for the purposes of the habitual offender statute. Annot., 24 A.L.R.2d 1247, 1249 (1952).

However some courts hold that the sequence of convictions is immaterial. In the case at bar, the state has relied upon the decisions in two of those jurisdictions, Oregon and New York, which have statutes

9. Some statutes specifically state what offenses count towards habitual criminal status. See Ky.Rev.Stat. § 532.080(4) (1976 Supp.) (two or more convictions of crime where uninterrupted or concurrent terms constitute only one conviction); Cal.Penal Code § 644 (West 1970) (charges must be separately brought and terms must be separately served).

10. The Oregon habitual criminal statute was modeled after § 1942 of the New York Penal Law. *Castle v. Gladden*, 201 Or. 353, 270 P.2d 675, 680 (1954). The Oregon statute then in effect read in part as follows:

similar to AS 12.55.050.¹⁰ In particular it relies on *Castle v. Gladden*, 201 Or. 353, 270 P.2d 675 (1954), and *Terwilliger v. Turk*, 156 Miss. 246, 281 N.Y.S. 527 (S.Ct.1935). *Accord*, *People ex rel. Reynolds v. Morhous*, 268 App.Div. 843, 50 N.Y.S.2d 272 (1944).

In *Castle v. Gladden*, *supra*, the Oregon court, while acknowledging that other courts require a particular sequence of offenses and convictions, concluded that the language of its habitual criminal statute should be interpreted literally. However, its conclusion was motivated at least in part by a significant change in the law. The first Oregon habitual criminal statute required that the "dates of the convictions relied upon to increase the penalty be prior to the commission of the subsequent offense." *Castle v. Gladden*, *supra* at 681, quoting from General Laws of Oregon 1921, ch. 70. However, this statute was subsequently repealed, and in its place was substituted a statute patterned after § 1942 of the New York Penal Law, which omitted any reference to a particular sequence of commission and conviction. The Oregon court chose to follow the New York rule enunciated in *Terwilliger v. Turk*, *supra* which holds that in applying the habitual offender statute the sequence of commission and conviction is immaterial.

We decline to follow the New York and Oregon approach for several reasons. First, the Alaska statute has not been rewritten as was the Oregon statute. Therefore, there is nothing which would necessarily lead us to the result reached by the Oregon court. Second, there has been no recent reaffirmation of the rule articulated in *Terwilliger*, *supra*, and followed in *Gladden*,

"§ 26-2803. A person who, after having been three times convicted within this state of felonies or attempts to commit felonies, or, under the law of any other state, government or country, of crimes which, if committed within this state would be felonious, commits a felony within this state, shall be sentenced, upon conviction of such fourth, or subsequent offense, to imprisonment in a state prison for the term of his natural life." (The present Oregon statute, ORS § 161.725 (1975), is significantly different.)

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supra; in light of current changes in the theory of criminal justice, the wisdom of these precedents may be doubtful. See generally ABA Standards Relating to Sentencing Alternatives and Procedures § 3.3 (1968). In support of its position that Alaska should follow the minority view espoused in *Castle v. Gladden, supra*, the state argues that if the sequence of prior felonies were material to the determination of whether an individual should be adjudged an habitual criminal, the legislature would have written the statute accordingly.

[2] Admittedly, AS 12.55.050 does not specifically state that in order for a felony conviction to count toward habitual criminal status an offender must commit a felony, be convicted therefor, and begin to serve his sentence before the commission of a subsequent felony. However, as Davenport points out, the statute has three components, each of which requires the commission of a subsequent offense after a previous conviction, before a harsher penalty may be imposed. Thus a criminal convicted of one felony may be imprisoned for, at most, the longest term prescribed for the felony of which he was convicted. A criminal convicted of a second felony may be imprisoned for a maximum of twice the longest term prescribed for the second felony conviction. On the third conviction the possible sentence again doubles. Thus, the maximum sentence on the third conviction is four times the longest term prescribed statutorily for the felony involved in that conviction. On the conviction of the fourth felony, a defendant who has been previously convicted of three felonies must be adjudged an habitual criminal, and is to be imprisoned for not less than twenty years and not more than his natural life. Thus, a reading of the statute as a whole leads us to the conclusion that it is the accumulation of prior offenses, indicating the defendant has not reformed his behavior, rather than merely the gross number of offenses, which

should be determinative of habitual criminal status.

[3, 4] Moreover, there are sound policy reasons for requiring each prior offense and conviction to follow in sequence in order to accumulate under AS 12.55.050. Davenport points out, and the state acknowledges, that when a convicted criminal has not taken advantage of the opportunity to reform and subsequently commits another crime, he may be considered a worse offender than one with no previous convictions. It is then reasonable to subject him to harsher sanctions. However, where, as in the case of Davenport, two convictions occur on the same day, the opportunity for reformation is afforded to him only once, not twice.

[5] Thus, if the state's position were adopted, an individual who committed four crimes within a short time, and was given at most one opportunity to reform, would be treated the same as a defendant who has had three opportunities to reform over a substantial period of time, but has persisted in his criminal conduct.

We believe that such a literal reading of AS 12.55.050 would distort the underlying purpose of this statute and would be inconsistent with the principle that habitual criminal statutes are to be strictly construed in favor of the defendant. *Moore v. Coiner*, 303 F.Supp. 185, 188 (N.D.W.Va. 1969).

Thus, Davenport should have been sentenced under AS 12.55.050(2) which provides for an enhanced sentence upon the conviction of a third felony.¹¹

II

Defendant argues that he was placed twice in jeopardy for the same offense, in violation of article I, § 9 of the Alaska Constitution.

Durbin, 542 F.2d 486 (8th Cir. 1976). Cf. *North Carolina v. Pearce*, 395 U.S. 711, 89 S.Ct. 2072, 23 L.Ed.2d 656 (1969) (same result under due process).

11. Davenport cannot be resentenced under AS 12.55.050(2) to more than the 18 month sentence originally imposed without placing him twice in jeopardy. *Sozner v. State*, 483 P.2d 1003 (Alaska 1971). Accord, *United States v.*

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Habitual criminal statutes have been found not violative of the fifth amendment prohibition against double jeopardy, because these statutes do not create separate offenses but merely enhance the punishment for the latest offense. *Oyler v. Boles*, 368 U.S. 443, 452, 82 S.Ct. 501, 7 L.Ed.2d 446 (1962); *Graham v. West Virginia*, 224 U.S. 616, 32 S.Ct. 583, 56 L.Ed. 917 (1912); *Wilson v. Slayton*, 470 F.2d 986 (4th Cir. 1972); *Davis v. Bennett*, 400 F.2d 279, 286 (8th Cir. 1968).

[6] AS 12.55.050, however, raises double jeopardy problems under the Alaska Constitution. AS 12.55.060 provides that when the trial court sentences a defendant under AS 12.55.050, it must vacate the sentence originally imposed. This violates the rule articulated in *Sonnier v. State*, 483 P.2d 1003 (Alaska 1971), where we held that once a sentence has been meaningfully imposed it may not be later increased without offending the double jeopardy provision of the Alaska Constitution.

[7, 8] This does not mean that the trial court may never impose an enhanced penalty under AS 12.55.050, but that it may do so only where the sentence for the latest offense has not already been imposed. Therefore, sentencing should be delayed until the information or indictment under the habitual criminal statute has been filed. This avoids double jeopardy problems under *Sonnier*; *supra*.

We deny the petition for mandamus, but vacate the judgment and reinstate the original 18 month sentence.¹²

BURKE, J., not participating.



12. The State's appeal of the eighteen month and five year sentences on the ground that these are too lenient is currently pending before this court. See AS 12.55.120(b); *State v. Wortham*, 537 P.2d 1117 (Alaska 1975).

Margaret OLLESTEAD et al., Appellants,

v.

NATIVE VILLAGE OF TYONEK, a
Federal Corporation, Appellee.

No. 2503.

Supreme Court of Alaska

Feb. 16, 1977.

Plaintiffs sought declaratory judgment that they were entitled to rights in area encompassing native village and to shares in proceeds from certain oil and gas leases. The Superior Court, Third Judicial District, Anchorage, Edmond W. Burke, J., dismissed the action, and plaintiffs appealed. The Supreme Court, Boochever, C. J., held that lands obtained, within limits of reservation, by such native village, which was federally incorporated under certain statute, were subject to a "restriction against alienation" within statute precluding state courts from adjudicating the ownership or right to possession of property or an interest therein belonging to an Indian tribe or community which is held in trust by United States or is subject to a restriction against alienation imposed by United States; that proceeds from oil leases executed when land was in reservation status were "held in trust" and subject to a "restriction on alienation" within meaning of such statute; and that an adjudication of questions of tribal membership would encompass issues of ownership or right to possession of property "held in trust" and subject to "restrictions on alienation" within meaning of statute.

Affirmed.

1. Indians ⇐ 2

Principle that Indian tribes are sovereign, self-governing entities subject only to plenary power of Congress applies in all cases where essential tribal relations or rights of Indians are involved.

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the procedures by which the panel would function.

As is provided in subsection (d), the three judge panel may sentence the defendant to any sentence applicable to the offense, regardless of whether it was a first, second or third class felony. A defendant convicted, for example, of a first, class A felony could be sentenced by the three-judge panel to a maximum sentence of less than 30 years, the maximum sentence authorized for an aggravated third or subsequent class A felony. The Subcommittee determined that this authority was in line with the extraordinary nature of the kinds of cases that would come before the panel.

VI. TD AS 11.36.300. PRIOR CONVICTIONS

This section is included in chapter 36 so that the effect of prior convictions could be properly considered by sentencing courts.

Without dissent, the Subcommittee determined, that prior convictions should not follow a person around for the remainder of a lifetime even for purposes of sentencing on a subsequent offense. Those who recidivate usually do so within a short period of time after release. Even the use of the term "recidivate" connotes a connection between the prior offense and a later. The connection lies in the presumption that both offenses arise from the same milieu of susceptibility, whether arising from surroundings, personal attitude or some life style combination of both. The Subcommittee concluded that a seven year period would be an appropriate length of time within which a conclusive presumption would be reasonable.

After seven years, the probability is that fresh

criminal misconduct does not relate to the milieu of the prior offense and that society is dealing with the individual in a different setting. That the offender has a prior conviction, under these circumstances, is as likely to be coincidental as causal. At least for purposes of determining a fair sentence, it should not automatically count against the offender. As provided in subsection (a)(1), the seven year period excludes years spent in prison, thus insuring that there is ample distance between the past offense and a present life.

In paragraphs (2)-(4) of the subsection, the Subcommittee has provided the means for determining how crimes committed in other jurisdictions, or in Alaska prior to the Revised Code, will relate to new offenses and how crimes which are committed as a result of a single substantially contemporaneous course of conduct must be considered by the sentencing court. In that regard, paragraph (3) is designed to overcome potential double jeopardy problems.

Subsection (b) is intended to provide a vehicle by which a defendant can raise objections to prior convictions which the state alleges are his. The Subcommittee was particularly concerned that defendants be provided with ample notice of the state's intention to allege prior convictions and recommends that it be done prior to trial whenever possible so that this factor can be considered by defendants and their counsel, along with others, in determining trial strategies.

On the other hand, the Subcommittee was equally aware that it is not always possible to obtain accurate criminal history information prior to the start of a trial. For that

reason, the 20 day requirement in subsection (b) (1) was approved. Since rebuttal information as to allegations of a prior history is usually immediately available to the defendant, the Subcommittee decided that five days was sufficient to reply to the allegations. On the other hand the state might require some time to answer a defendant's denial and thus the Subcommittee gave the state the 15 day period.

Since the consequences of proof of a prior conviction can be serious, the Subcommittee determined that the state should be required to prove the prior conviction "beyond a reasonable doubt" in those cases in which the defendant denied the existence of the prior conviction or alleged the existence of one of the other defects set forth in paragraph (2) of subsection (b).

As a final matter, the Subcommittee concluded that the commentary should reflect the fact that a conviction obtained in the case of an unrepresented defendant might well be unconstitutional. Determining whether or not a defendant was represented by counsel could be both time consuming and difficult, but it was assumed that if the 15 day time period was not sufficient to resolve the issue a continuance could be obtained.

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cated copies of court records served on the defendant or the defendant's counsel at least 20 days before the date set for imposition of sentence.

(c) If the defendant denies the authenticity of a prior judgment of conviction, that the defendant is the person named in the judgment, that the elements of a prior offense committed in another jurisdiction are substantially identical to those of a felony defined as such under Alaska law, or that a prior conviction occurred within the period specified in (a)(1) of this section or if the defendant alleges that two or more purportedly separate prior convictions should be considered a single conviction under (a)(3) of this section, the defendant shall file with the court and serve on the prosecuting attorney notice of denial no later than 10 days before the date set for imposition of sentence. The notice of denial shall include a concise statement of the grounds relied upon and may be supported by affidavit or other documentary evidence.

(d) Matters alleged in a notice of denial shall be heard by the court sitting without a jury. If the defendant introduces substantial evidence that the defendant is not the person named in a prior judgment of conviction, that the judgment is not authentic, that the conviction did not occur within the period specified in (a)(1) of this section, or that a conviction should not be considered a prior felony conviction under (a)(2) of this section, then the burden is on the state to prove the contrary beyond a reasonable doubt. The burden of proof that two or more convictions should be considered a single conviction under (a)(3) of this section is on the defendant by clear and convincing evidence.

(e) The authenticated judgments of courts of record of the United States, the District of Columbia, or of any state, territory, or political subdivision of the United States are prima facie evidence of conviction. (§ 12 ch 166 SLA 1978; am §§ 32-34 ch 143 SLA 1982)

Revisor's notes. — Section 35, ch. 143, SLA 1982 enacted a subsection (f) which was renumbered in 1982 as AS 12.55.147.

Cross references. — For effect of convictions prior to January 1, 1980 (effective date of ch. 166, SLA 1978), see § 23, ch. 166, SLA 1978, in the Temporary and Special Acts.

Effect of amendments. — The 1982 amendment, in subsection (a), substituted "AS 12.55.125(c), (d)(1), (d)(2), (e)(1), (e)(2), or (i)" for "this chapter" at the end of the introductory language; substituted "10 or more years" for "seven or more years" and

added "unless the prior conviction was for an unclassified or class A felony" to the end, both in paragraph (1); substituted "similar" for "substantially identical" and inserted "at the time the offense was committed" in paragraph (2); and substituted "unless the defendant was sentenced to consecutive sentences for the crimes;" for "except that" in paragraph (3). The amendment also substituted "20 days" for "10 days" in subsection (b), and substituted "10 days" for "five days" near the end of the first sentence of subsection (c).

HABITUAL THEFT OFFENDER STATUTE

by

Officer L. T. Johnson

December 8, 1987
Habitual theft offender statute

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DATE: December 8, 1987

TO: Sgt. John Grohol, Anchorage Police Department

FROM: Officer L. T. Johnson, Anchorage Police Department

SUBJECT: Request for a criminal statute establishing a class "C" felony penalty on any subsequent misdemeanor theft within five (5) years of an initial theft conviction.

AMATEUR versus PROFESSIONAL

Thieves or shoplifters can be divided into two basic groups; amateurs and professionals. This paper is specifically directed toward the professional adult thief.

The amateur thief is considered to be the rational, responsible individual who in a moment of weakness will give in to temptation. Once caught, the shame and remorse felt by the amateur thief is usually a sufficient deterrent against further similar activity. Very few, if any, can claim in total honesty that they have never taken anything that did not belong to them, but the majority can claim the common sense to have learned from our mistakes.

The professional adult thief is considered to be the rational, irresponsible individual who will continue to steal following a conviction for theft and fail to make any attempt at reformation.

It is the professional or habitual adult thief that must be considered a worse offender than the amateur with no previous theft convictions.

THE PROBLEM

Over the past year I have been specifically assigned to investigate reports of shoplifts and other misdemeanor thefts committed in the Anchorage area. During this time I have become increasingly aware of approximately 400 people that have been caught stealing subsequent to misdemeanor theft convictions.

Interviews conducted with some of these individuals provided me with insight as to their motive. The primary motive for continuing to commit thefts was to support drug habits. Several of the interviewed individuals added that, "It was an easy way to make a living".

Wallets or purses, stolen from vehicles or buildings, provide the thief with easy access to the victim's credit cards or bank account through the use of a stolen automated teller machine (ATM) card. Items such as; cartons of cigarettes, compact disks, liquor, etc., are routinely sold for approximately 50% of the initial retail price, and with cartons of cigarettes providing the adult thief with a \$5 return per carton, a case of cigarettes provides a substantial return of over \$100 for a minimal amount of effort.

December 8, 1987
Habitual theft offender statute

APATHY BREEDS CONTEMPT

During an interview with one habitual theft offender, he readily admitted that he and his friends stole items to sell to support their cocaine habits. He also stated that he was glad that he was in jail so that he could be forced into attending drug rehabilitation because he did not possess the will power necessary to stop on his own. The charges against this individual were subsequently dropped and he is back with his friends, stealing to support their drug habits.

Petty theft, for the most part, is as common place as motorists exceeding the posted speed limits. It has no age, economic, social, racial or religious barriers. The impact of shoplifting alone is demonstrated by the annual \$2,000,000,000 loss attributed to shoplifting reported by our nation's retailers. The loss is naturally passed on to the law abiding consumer in higher product costs.

Most retail stores usually have a minimal amount of sales people on their floors and their merchandise is mass-displayed for customer ease in shopping. Given this opportunity, it is far less dangerous to; shoplift, steal a radio from a vehicle, or take a purse from an unattended desk, than to steal a car or hold up a liquor store, and the penalties are much less severe. The minimal penalties imposed on misdemeanor thefts is not a deterrent to the professional adult thief and does not encourage him or her to reform.

TYPICAL SENTENCES

Standard judicial practice on first time theft offenders is to apply a suspended imposition of sentence. This provides the first time offender an opportunity to have the guilty sentence for his theft removed from his criminal record after he or she has satisfactorily completed the judicially imposed probationary period. The standard probationary period, on suspended imposition of sentences, is six months to one year. Most defendants (amateur thieves) take full advantage of suspended imposition of sentences and are never involved in another theft. However, as previously mentioned this document is specifically directed toward the career or habitual criminal.

Members of the Judicial branch of government are not ignorant concerning the professional adult thief. With the majority of the thefts committed by these individuals being misdemeanor crimes, Judge's sentences are limited by the maximum penalty allowable for misdemeanor crimes.

December 8, 1987
Habitual theft offender statute

STATE AND LOCAL LAWS

Current state statutes provide the following maximum penalties for theft and theft related crimes.

<u>Classification</u>	<u>Fine (and/or)</u>	<u>Jail Term</u>
B Misdemeanor.....	\$1,000.....	0-90 days
A Misdemeanor.....	\$5,000.....	0- 1 year
C Felony.....	\$50,000.....	0- 5 years
B Felony.....	\$50,000.....	0-10 years
A Felony.....	\$50,000.....	0-20 years

Briefly, a theft involving property or services under \$50 is classified as a B Misdemeanor. Between \$50 and \$499, the theft is classified as an A Misdemeanor. Between \$500 and \$24,999, the theft is classified as a C Felony. A theft involving \$25,000 or more is considered a B Felony. Robbery, a violent theft, appropriately carries the classification of a class A Felony.

Theft ordinances for the Municipality of Anchorage impose a maximum penalty of no more than six months imprisonment and/or a fine of not more than \$1,000.

Painfully evident is the fact that there is no serious potential deterrent against the professional adult thief if he limits his thefts to items under \$500. The habitual adult thief usually concentrates on stealing items that he can quickly sell for between \$5 and \$100 so that he can use the money to support his personal habit which can cost approximately \$150 per day to support. With most people not having immediate access to amounts over \$500, the thief usually takes items that he knows that he can sell for approximately 50% of the retail price. Because of this, the professional thief generally steals items costing under \$500, thereby avoiding the penalties imposed by the felony statutes.

APPREHENSION TO CONVICTION

The cost in apprehending and prosecuting a thief is not a factor in determining the classification of the criminal charge, but is naturally passed on to the consumer/taxpayer in higher costs.

How much does it cost? Anchorage Municipal Prosecutor Jim Wolf estimates that the total cost is approximately \$2,500 per defendant. Why does it cost so much money to prosecute a single person for a "minor" misdemeanor theft? Let me explain.

From the moment of initial observation of a thief, a clock begins ticking. This clock represents the hourly wage paid to all of the people who become involved in the disposition of the thief.

A typical apprehension takes the following form and involves the following people.

December 8, 1987
Habitual theft offender statute

TYPICAL THEFT SCENARIO

A store security officer initiates his observations of a suspected thief. The clock begins ticking. He establishes sufficient probable cause that a theft has been committed and arrests the suspect. Following the arrest, he conducts his interview with the suspect to complete his required documentation of the incident. He then phones a police dispatcher who radios a police officer to respond to the store.

The police officer drives to the store and contacts the store security officer who relates the circumstances of the arrest. That officer then interviews the suspect and witnesses so that he can document the incident in his report to the prosecutor's office.

The police officer leaves the store with the arrested suspect and any evidence, driving the suspect to the Magistrate's office for a bail hearing. The Magistrate establishes the Defendant's bail and the officer drives the Defendant to the jail for booking.

At the jail the Defendant is turned over to a Corrections officer who completes the required documentation concerning the detention.

The police officer returns to the Police Department and completes his report. He then gives his report to a records clerk who distributes the copies of the report for filing and forwards a copy to the Prosecutor's office. Any evidence seized by the officer is given to the Property and Evidence personnel for safeguarding.

At arraignment, the Defendant pleads not guilty before a Judge or Magistrate. A public defender is provided by the Municipality and a trial date is established.

A Municipal Prosecutor reviews the case and determines who will be required to testify in court. Subpoenas are completed and given to an officer to serve on the Complainant and witnesses.

The trial begins and lasts for approximately two days during which the following people are present; the Judge, court recorder, Municipal Prosecutor, Public Defender, six jury members, the reporting police officer, the Complainant and any witnesses.

Completion of the trial essentially stops the clock representing the wages paid to the people involved in the incident.

The estimated \$2,500 cost in processing an apprehended thief is readily apparent and may in fact be higher, given the time and number of people involved to bring an adult thief to justice.

How prevalent is the crime of petty theft? The following statistical data clearly demonstrates the impact of this crime, but keep in mind that the statistics do not reflect the hidden costs of theft offenders.

NATIONAL THEFT STATISTICS

The following information was obtained from the U.S. Department of Commerce, Bureau of the Census and represents the most current reported 1985 national statistical information available.

Type of Theft (*)	NUMBER OF OFFENSES IN 1985	PERCENTAGE OF TOTAL	AVERAGE DOLLAR LOSS PER INCIDENT
Total			
Larceny/theft.....	6,453,000.....	100%.....	\$393.00
Pocket picking.....	73,000.....	1.1%.....	\$257.00
Purse snatching.....	78,000.....	1.2%.....	\$206.00
Shoplifting.....	901,000.....	14.0%.....	\$ 85.00
From vehicles.....	1,275,000.....	19.8%.....	\$428.00
Vehicle accessories...	1,079,000.....	16.7%.....	\$283.00
Bicycles.....	528,000.....	8.2%.....	\$159.00
From buildings.....	1,005,000.....	15.6%.....	\$615.00
From coin machines.....	55,000.....	9%.....	\$130.00
All other.....	1,459,000.....	22.6%.....	\$ unkn

(*)Does not include statistical data for robbery or burglary

MUNICIPALITY OF ANCHORAGE STATISTICS

The following statistical information was compiled from the records of the Anchorage Police Department and represents the reported thefts from January 1986, through August 1987.

Type of Theft (*)	NUMBER OF OFFENSES Jan '86-Aug '87	PERCENTAGE OF TOTAL	AVERAGE DOLLAR LOSS PER INCIDENT
Total			
Larceny/theft.....	17,752.....	100.0%.....	\$346.00
Pocket picking.....	66.....	0.4%.....	\$577.00
Purse snatching.....	54.....	0.3%.....	\$122.00
Shoplifting.....	5,488.....	30.9%.....	\$ 54.00
From vehicles.....	3,011.....	16.9%.....	\$441.00
Vehicle accessories...	1,701.....	9.6%.....	\$381.00
Bicycles.....	1,418.....	8.0%.....	\$222.00
From buildings.....	1,667.....	9.4%.....	\$343.00
From coin machines.....	126.....	0.7%.....	\$ 32.00
All other.....	4,251.....	23.9%.....	\$690.00

(*)Does not include statistical data for robbery or burglary

In Anchorage the total reported dollar loss attributed to thefts other than robbery or burglary, between January 1986 and August 1987, was \$6,139,425.

December 8, 1987
Habitual theft offender statute

EXAMPLES OF CRIMINAL ACTIVITY AND RELATED SENTENCING

Attached to this document are copies of computer printouts pertaining to several professional thieves. For reasons of privacy their names and AKA's (also known as) have been obliterated. Data from states in the lower 48 is not included.

SUBJECT #1:

<u>Arrest date</u>	<u>Crime</u>	<u>Sentencing Date</u>	<u>Jail Term</u>
8-09-84	Shoplifting	12-11-85	3 days
8-27-84	Fail to Appear	12-11-85	3 days
9-03-85	Shoplifting	12-11-85	5 days
6-11-86	Shoplifting	10-08-86	2 days
8-30-86	Trespass	08-31-86	2 days
8-30-86	Resisting	08-31-86	2 days
9-18-86	Larceny	10-08-86	5 days
12-10-86	DWI	01-08-87	3 days
1-07-87	Driving w/lic Susp.	01-08-87	10 days
1-08-87	Shoplifting	05-06-87	10 days
1-25-87	Larceny	05-06-87	30 days
2-11-87	Obstruct Police	05-06-87	10 days
4-02-87	Shoplifting	05-06-87	40 days
4-20-87	Larceny	05-01-87	15 days
8-20-87	Robbery	(awaiting sentencing)	
8-20-87	Driving w/lic Susp.	(awaiting sentencing)	
8-20-87	Larceny	(awaiting sentencing)	
8-20-87	Obstruct Police	(awaiting sentencing)	

Subject #1 is well documented within the Anchorage Police Department as a person who participates in thefts by distracting store clerks in conversation about products or employment, while his accomplice removes cases of cigarettes or liquor.

With most small convenience stores manned by a single employee, it is a simple matter to escape detection and more often than not, the employee is not aware of the theft until Subject #1 has driven away along with his accomplice.

On 8-20-87, Subject #1 was arrested for robbery in which he drove a reported stolen vehicle while his associate, another repetitive theft offender, utilized a gun to take money from someone who had stopped to help them with their disabled vehicle.

During an interview with Subject #1, he laughed about his cocaine addiction causing him to continually steal and showed no intention to reform. He also bragged about how easy it was to sell what he had stolen to other businesses and "after-hours" houses.

December 8, 1987
Habitual theft offender statute

SUBJECT #2:

<u>Arrest date</u>	<u>Crime</u>	<u>Sentencing Date</u>	<u>Jail Term</u>
5-20-81	Shoplifting	06-02-81	1 day
11-06-82	Cocaine Possession	04-07-83	(no jail term)
2-07-83	Shoplifting	03-22-83	15 days
10-07-83	Conceal Merchandise	08-03-84	30 days
6-18-84	Conceal Merchandise	09-20-84	30 days
8-03-84	Probation Violation	08-03-84	(Prob. extended)
7-14-84	Shoplifting	08-03-84	30 days
12-26-84	Shoplifting	04-04-85	90 days
6-05-86	Drive w/o License	11-08-86	(no jail term)
7-07-86	Fail to Appear	11-08-86	5 days
7-12-86	Conceal Merchandise	11-08-86	12 days
9-08-86	Shoplifting	11-08-86	25 days
11-07-86	Shoplifting	03-04-87	60 days
1-26-87	Larceny	03-25-87	60 days
6-23-87	Reckless Driving	08-31-87	10 days
6-23-87	Drive w/o License	08-31-87	5 days
7-01-87	Conce. Merchandise	08-31-87	70 days
7-10-87	Shoplifting	08-31-87	110 days
7-13-87	Shoplifting	08-31-87	90 days

Subject #2 is well documented within the Anchorage Police Department as a person who has entered stores with plastic bags and boldly proceeded to fill the bag with items such as; lamps, \$150 jogging suits, and other articles of clothing.

Subject #2 has also been known to participate in thefts as a driver while his associates steal; liquor, cigarettes, or clothing. The vehicles driven by Subject #2 are routinely shared by other repetitive theft offenders and quite often the license plates are from other vehicles which inhibits attempts at suspect identification.

My attempts to interview Subject #2 and determine the reason behind his continued thefts have met with negative results with his refusal to talk with me.

Based upon his past cocaine conviction and his known association with persons addicted to cocaine, it is assumed that he is still addicted. Because of this assumption, I believe that his need to support his habit causes him to continually steal.

December 8, 1987
Habitual theft offender statute

SUBJECT #3:

<u>Arrest date</u>	<u>Crime</u>	<u>Sentencing Date</u>	<u>Jail Term</u>
8-04-62	Drunk in Public	08-04-62	(no jail term)
8-10-62	Disorderly Conduct	08-10-62	120 days
4-04-64	Disorderly Conduct	04-04-64	90 days
9-03-74	Disorderly Conduct	09-03-74	(no jail term)
9-03-74	Drinking in Public	09-03-74	(no jail term)
9-17-75	Larceny	09-22-75	5 days
7-16-76	Larceny	07-17-76	15 days
11-13-76	Disorderly Conduct	11-14-76	1 day
5-08-79	Open Container	05-09-79	(no jail term)
8-26-79	Disorderly Conduct	08-29-79	(no jail term)
9-27-81	Larceny	09-28-81	2 days
12-23-82	Shoplifting	02-07-83	5 days
3-17-84	Conceal Merchandise	03-18-84	5 days
4-23-84	Shoplifting	04-24-84	2 days
4-23-84	Probation Violation	04-09-85	8 days
2-03-85	Shoplifting	04-15-85	5 days
2-22-85	Disorderly Conduct	02-23-85	2 days
9-21-86	Trespass	09-22-86	5 days
9-21-86	Shoplifting	09-22-86	10 days
1-25-87	Disorderly Conduct	01-25-87	2 days
5-07-87	Shoplifting	05-08-87	5 days
5-07-87	Trespass	05-07-87	5 days
7-07-87	Shoplifting	08-26-87	15 days
7-07-87	Trespass	08-26-87	15 days

Subject #3 is documented within the Anchorage Police Department as an indigent or "Street Person" who has his food and shelter provided by the Municipality of Anchorage and other welfare agencies.

Apparently not satisfied with the free welfare provided to him, he is known to steal clothing, food, cigarettes, and liquor for his personal consumption.

His method of operation has been well established for over ten years and shows no attempt at reformation.

ADDITIONAL EXAMPLES

In addition to the previously mentioned subjects, I have personal knowledge of the following examples of known repetitive theft offenders.

One suspect repeatedly stole unattended purses from desks in office buildings for the money that they contained. This suspect was very careful to not be seen taking the purses and he was not charged with numerous thefts because there was insufficient evidence. On the first three convictions for theft, the judge ordered that he make restitution to the victims. Within days, following the judicial order, he was luckily caught stealing another purse for money to pay the court ordered restitution.

Another suspect is known to me to have posed as a hospital employee in order to gain access to offices in the hospital so that she can steal from the unattended purses of the hospital staff and patients. She is extremely competent in her craft and rarely gets caught.

December 8, 1987
Habitual theft offender statute

FORGOTTEN THEFTS

Not reflected in the above criminal histories are the theft charges subsequently dropped by the Prosecutor's or DA's office. Often a charge of theft will be dismissed because the Complainant cannot be located to serve with a subpoena to provide testimony against the Defendant.

Another discouraging aspect is the number of cases that I have investigated in which the Complainant has requested to have the matter dropped. All too frequently, I have heard the statement from Complainant's, "It's only a misdemeanor and they (the Judges) won't do anything with them anyway". From personal experience, I know of numerous cases, against habitual adult offenders, that were never presented to the Prosecutor's office because of the preceding statement made by Complainants.

It is obvious that something must be done to overcome the apathy surrounding misdemeanor thefts committed by the professional adult thief. A glimmer of hope must be given to the citizens of Alaska that corrective action will be taken against repetitive theft offenders that will encourage them to reform.

UNDETECTED THEFTS

As previously mentioned there was a reported loss of \$6,139,425 between January 1986 and August 1987, attributed to petty thefts within the Municipality of Anchorage. But, what about the thefts that go undetected? None of us can be naive enough to believe that a thief would be so gullible as to wear a sign saying, "Watch me, I'm going to steal from you".

The professional adult thief is clever and careful while performing his or her's self appointed employment. From interviews with professional thieves, I have been told on several occasions that, "It is an easy way to make a living". Most often these same thieves laugh at the consequences of a misdemeanor conviction.

Proof that a large number of thefts go undetected is obtained from the boasting statements of apprehended professional thieves and supported by inventory accounting conducted by retailers. Stores know how much they spend on their merchandise and following an inventory, the retailer can account for his merchandise on hand or sold. The unaccountable loss (shrinkage) of merchandise is attributed in large part to undetected thefts.

December 8, 1987
Habitual theft offender statute

A PLEA FOR HELP

Attached to this report are letters from the Loss Prevention Managers of; Sears, Pay'n Save, Lamonts, and Carrs. Each letter documents their suspected loss to undetected thefts. All of the letters document concern about the professional adult thief.

Fred Becker Sr., Loss Prevention Manager for Sears in Anchorage, documents that in 1986, Sears lost approximately \$104,040 to undetected thefts (based upon the suspicion that five thefts are committed for every thief apprehended). He also documents the following statements that he has heard thieves make; "What do I have to lose, nothing happens anyway?", "The case will be dismissed.", "I have to play the odds, how often do you think I get away for each time I get caught?", "The money is good." (some talk of \$50,000 to \$100,000 per year).

Betty Wills, Director of Loss Prevention for Lamonts, documents that 50% of their shrinkage is due to undetected thefts (based upon the opinion of Loss Prevention experts). Utilizing the preceding percentage, Fred Becker Jr., Loss Prevention Manager for Lamonts in Anchorage, documents that Lamonts lost \$912,000 to undetected thieves in 1986.

Bill Hughes, Loss Prevention Manager for Pay'n Save, documented that he suspects that the Pay'n Save stores in Alaska lose \$200,000 annually to undetected thieves.

Peter Johnson, Director of Loss Prevention for Carrs, documented that the Carrs stores attribute an annual loss of \$1,000,000 per year from thefts.

PRIOR HABITUAL CRIMINAL STATUTES

Habitual criminal statutes are not new to Alaska. Prior to the 1980 revision of our State's criminal code, two statutes were in existence. One of the statutes, AS12.55.040, titled; "Increased punishment for habitual criminal after conviction of petty larceny or misdemeanor involving fraud", mandated a punishment of imprisonment for not less than one year nor more than ten years which would be considered a felony by the State's current criminal code. A copy of that code is attached to this report.

Following the 1980 revision, the criminal code adopted presumptive sentencing for repetitive felony offenders. No where was there mentioned action against the habitual adult theft offender of misdemeanor level thefts.

December 8, 1987
Habitual theft offender statute

CONCLUSION

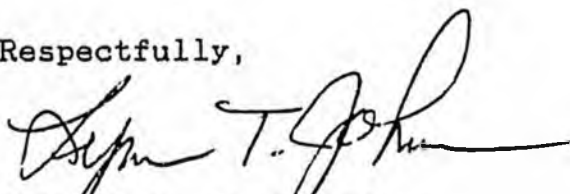
Currently under the criminal code, a person who "borrows" another persons car without permission is sentenced at a misdemeanor level on the first conviction. If that same person is foolish enough to commit the same act after the first conviction, the penalty for the second offense increases to the level of a C felony.

Why then can't the same reasoning behind repetitive vehicle theft be applied to the habitual adult theft offender? I believe that it can and must.

The problem of the professional adult thief is well documented and the conclusion must necessarily address the question, "What can be done?". I am of the opinion that a statute must be enacted that would specifically address harsher action against the habitual adult theft offender.

Without inhibiting the District Attorney's office from exercising established case review procedures, I suggest that following a conviction for theft of any degree, any adult committing a second theft offense (defined by current Title 11 code) within five years of the first conviction should be subject to the penalties of a class C felony.

Respectfully,



Officer L. T. Johnson
Misdemeanor Crimes Investigation Unit
Anchorage Police Department

Attachments

- #1. Copy of prior habitual petty theft statute
- #2. Copies of letters from Loss Prevention Managers
- #3. Copies of criminal histories

for the nonpayment of the fine, the defendant may make application in writing to a judge or magistrate in the district where he is imprisoned, setting out his inability to pay the fine, and, after notice to the district attorney, the judge or magistrate shall proceed to hear and determine the matter. If on examination it appears to him that the defendant is unable to pay the fine and that he has no property exceeding \$50 in value, except property which is by law exempt from being taken on execution for debt, the judge or magistrate shall administer to him the following oath: "I do solemnly swear that I do not have any property, real or personal, to the amount of \$50, except property which is by law exempt from being taken on civil process for debt, and that I have no property in any way conveyed or concealed or any way disposed of for my future use or benefit. So help me God." The judge or magistrate shall discharge the defendant after he takes the oath. (§ 8.03 ch 34 SLA 1962; am § 17 ch 8 SLA 1971)

Effect of amendment. — The 1971 amendment inserted "judge or" twice in the first sentence, once in the second sentence, and once in the last sentence.

Legislative committee report.—For report on ch. 8, SLA 1971 (HB 15), see 1971 House Journal, p. 52.

Constitutionality.—This section, which, upon proof of indigency, limits the sentence in lieu of payment of a fine to 30 days, is unconstitutional. *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

The injustice under this section that is to be remedied is not the imposition of the fine itself, but the requirement that it be satisfied immediately or be

automatically converted into a jail term. *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

This section applies to all poor convicts imprisoned solely for nonpayment of fines. *United States v. Stromberger*, 9 Alaska 689 (1940).

Valid methods for enforcing payment of fines.—For methods which the State of Alaska may employ to servo its valid interest in enforcing the payment of fines, see *Hood v. Smedley*, Sup. Ct. Op. No. 800 (File No. 1406), 498 P.2d 120 (1972).

Quoted in *Williams v. Illinois*, 399 U.S. 235, 90 S. Ct. 2018, 26 L. Ed. 2d 686 (1970).

Sec. 12.55.040. Increased punishment for habitual criminal after conviction of petty larceny or misdemeanor involving fraud. A person convicted of petty larceny or a misdemeanor in which fraud or intent to defraud is an element who, subsequent to March 9, 1939, has been three times convicted in this state or elsewhere of a crime which would constitute burglary, larceny except changing brands, embezzlement, or obtaining money or property by false pretenses under Alaska law shall be adjudged an habitual criminal, and is punishable by imprisonment for not less than one year nor more than 10 years. (§ 8.04 ch 34 SLA 1962; am § 38 ch 43 SLA 1964)

Effect of amendment. — The 1964 amendment substituted "less than one year nor more than 10 years" for "more than 10 years" at the end of the section.

Section inapplicable to offense committed before October 1, 1964.— See 1964 Op. Att'y Gen., No. 8.

SEAIRS

October 17, 1987

Officer L.T. Johnson
Anchorage Police Department
4501 South Bragaw
Anchorage, AK 99507

Dear L.T.:

While we both realize that losses suffered by retail merchants can be very hard to evaluate, there are a number of accepted formulas that can be utilized to reach a reasonable conclusion.

Statistics tell us that security departments apprehend anywhere from 1 in 30 to 1 in 10 thieves. I feel that my department ranks a little better and estimate that we may even be as good as 1 in 5. My chart will compare those three figures against my actual apprehensions and dollar recovery for 1985, 1986, and 1987 through August.

	<u>1985</u>	<u>1986</u>	<u>1987</u>
Shoplift Apprehensions	491	609	259
Escaped Detection 1 in 5	1,964	2,436	1,036
Escaped Detection 1 in 10	4,419	5,481	2,331
Escaped Detection 1 in 30	14,239	17,661	7,511
Dollar Recovery	\$29,154	\$26,010	\$23,595
Dollars Lost to Shoplifters 1 in 5	\$116,616	\$104,040	\$94,380
Dollars Lost to Shoplifters 1 in 10	\$262,386	\$234,090	\$212,355
Dollars Lost to Shoplifters 1 in 30	\$845,466	\$754,290	\$684,255

As you can see, the losses that I suffer from shoplifters are considerable. My company has spent well over \$100,000.00 in the same years in shoplifting deterrents. That figure does not include the security department's payroll.

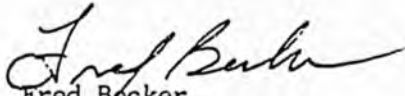
A problem that I consider significant is the "professional" shoplifter or "refund artist". I have personally been involved in, or arrested a number of repeat offenders, some as many as five times; yet each APD officer issues a citation and the suspect is released. The suspects have been quite talkative at times and have said:

- a. "What do I have to loose, nothing happens anyway."
- b. "The case will be dismissed."
- c. " I have to play the odds - how often do you think I get away for each time I get caught."
- d. "The money is good." (Some talk of \$50,000. to \$100,000. a year.)

Officer L.T. Johnson
Page 2
October 17, 1987

I feel that when a person is arrested the third time for shoplifting he should be charged with a Class C Felony. Certainly this will have a significant effect on the professional thieves. Perhaps if they see jail time in front of them, shoplifting will loose some of its' allure. Maybe Alaska will become less comfortable as well, and they will leave the state.

Sincerely,


Fred Becker
Loss Prevention Manager

ml

Lamonts

THE FAMILY CLOTHING STORE

3150 Richards Rd. Bellevue, WA 98005
(206) 644-5700

November 4, 1987

To Whom It May Concern:

Our overall shrinkage company-wide was .3 lower than our Alaskan stores.

In the opinion of Loss Prevention experts, 50% of store shrinkage can be attributed to external theft. The further breakdown being 25% paper error and 25% due to employee theft.

We find we have several repeat offenders in the Anchorage area. Sometimes the same individuals are arrested at all three stores.

Any legislation to help combat repeat offenders would be of benefit to the entire community.

Sincerely,



Betty Wills
Director of Loss Prevention
Lamonts Apparel

EW:sk

OFFICER L. T. JOHNSON
ANCHORAGE POLICE DEPT.
4501 SOUTH BRAGAW
ANCH. AK. 99507

SIR:

LAMONTS AS A CORPORATION HAS SUSTAINED SUCH GREAT LOSSES TO EXTERNAL THEFT THAT ONLY THIS YEAR HAVE WE HAD TO GO FROM A CUSTOMER ORIENTED DETECT SYSTEM (TAGGED CLOTHING) TO A IN HOUSE LOSS PREVENTION DEPARTMENT. AS NOTED IN THE LETTER FROM THE DIRECTOR OF LOSS PREVENTION FOR LAMONTS LAST YEAR LAMONTS ATTRIBUTED 50% OF ALL SHRINDAGE TO EXTERNAL THEFT, SHOPLIFTERS. FOR THE ANCHORAGE AREA ONLYSHRINKAGE FIGURES ARE AS SHOWN:

1986 ALONE

UNIVERSITY CENTER	SHRINKAGE LOSSES AMOUNTED TO	\$ 583,952
NORTHWAY MALL	SHRINKAGE LOSSES AMOUNTED TO	\$ 697,204
DIAMOND MALL	SHRINKAGE LOSSES AMOUNTED TO	\$ 542, 930
	ANCHORAGE BOWL LOSSES TOTALED	\$ 1,824,086

TO ATTRIBUTE ONLY 50% OF THOSE LOSSES TO EXTERNAL LOSS WOULD GIVE YOU A FIGURE OF OVER \$912,000 LAMONTS LOSS TO SHOPLIFTERS IN 1986 ALONE, IN THE ANCHORAGE BOWL AREA.

AS LOSS PREVENTION MANAGER FOR THE UNIVERSITY CENTERFOR THE LAST NINE MONTHS AND HAVING WORKED LOCALLY FOR THE PAST FOUR YEARS, I DO NOT SEE THE PROBLEM STEMMING FROM THE FIRST TIME OFFENDERS, OR THE ONES WHO JUST MADE A BAD JUDGEMENT DECISION, THE LOSSES FROM WHAT I HAVE SEEN AND FROM THOSE I HAVE ARRESTED ARE TAKING PLACE BY THE REPEAT OFFENDERS. THOSE ARE THE ONES WHO HAVE BEEN PLAYING THE ODDS OR HAVE BEEN THROUGH THE SYSTEM AND SEEN THAT THEY CAN HAVE THE SYSTEM WORK IN THIER FAVOR. SO OFTEN I HAVE HEARD SOMEONE I HAVE ARRESTED STATE "THIS WILL JUST GET DISSESSED, JUST LIKE LAST TIME" OR "I AM JUST DOING IT FOR THE MONEY, BECAUSE IT IS SO GOOD." I FEEL THAT ACTION NEEDS TO BE DIRECTED TO THESE REPEAT OFFENDERS, I ALSO BELIEVE THAT BY MAKING THE THIRD TIME OFFENSE A CLASS C FELONY THIS WOULD AFFECT AND IN FACT DETTER THIER ACTIVITY. SOMEONE WHO IS ARRESTED FOR THIER THIRD OFFENSE WOULD BE IN FACT ON THIER SIXTYWITH SHOPLIFT ATTEMPT (FIGURES

Lamonts

THE FAMILY CLOTHING STORE

SHOW THAT YOU WILL ARREST SOMEONE ONLY ONE IN TWENTY SHOPLIFT ATTEMPTS).
THAT I THINK WOULD CONSITUTE A PROBLEM SHOPLIFTER, AND MAYBE BY SEEING
SOME TYPE OF REAL DETERNT IN FRONT OF THEM SUCH AS YOUR INTENT ON MAKING
THE THIRD TIME OFFENSE A CLASS C FELONY, WE AS MERCHANTS MIGHT SEE OUR
SHRINKAGE FIGURES SHRINK.

SINCERELY

A handwritten signature in cursive script that reads "Frederick C. Becker". The signature is written in dark ink and is positioned to the right of the word "SINCERELY".

FREDERICK C. BECKER V
LOSS PREVENTION MANAGFR
LAMONTS CLOTHING APPAREL



PAY 'n SAVE STORES INC.

A Subsidiary of PAY 'n SAVE INC.

Alaska Regional Offices: Woodland Business Park

3710 Woodland Drive • Suite 2100

ANCHORAGE, ALASKA 99517-2564

Phone (907) 243-4498

October 23, 1987

Anchorage Police Department
Officer LT. Johnson
4501 S. Bragaw
Anchorage, Alaska 99507

Dear Officer Johnson,

Pay'n Save Stores Incorporated, like any other retailer has felt the adverse impact on profitability that shoplifting has. By nature of our volume and numerous locations throughout the state, we probably have felt it worse than most.

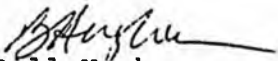
Especially damaging are those adults who are repeat shoplifters. The adult men and women who have been repeatedly caught are the same adults who are repeatedly successful at causing losses. Although the actual percentage of adult repeat offenders is low, this single group is, in my opinion, the most damaging. This group does not seem to be attracted toward small dollar items, rather these folks seem to be attracted toward TV's, VCR's and shopping bags full of compact disc recordings. Additionally, there appears to be a tendency for repeat offenders to be more violent. Although I can not site an exact figure which Pay'n Save loses due to undetected shoplifters, however, based upon my experiences I would estimate a figure in excess of \$200,000.00 annually.

Pay'n Save gives full support to your efforts to amend the criminal code to make it a felony offence for shoplifting based upon repeat convictions.

Should you need additional information, have questions or require additional support, please feel free to contact me.

Best wishes for your success.

Sincerely,


Bill Hughes
Loss Prevention Manager
Pay'n Save/Alaska

CARRS

QUALITY CENTERS

1341 Fairbanks Street

Anchorage, Alaska 99501

(907) 277-6639

November 25, 1987

Officer L. T. Johnson
Misdemeanor Follow-Up
Anchorage Police Department
4501 South Bragaw
Anchorage, Alaska 99507

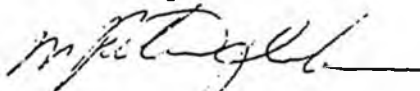
Dear Sir:

It is my understanding that a proposal has been made to draft legislation making third-time shoplift offenses a felony. We at Carrs wholeheartedly support such a proposal.

We have arrested over 1,000 shoplifters so far this year. Literally dozens of these people are repeat offenders back on the street after receiving relatively minor sentences. It is our belief that third time and greater offenders should receive stiffer sentences.

Our estimated shoplifting losses are in the neighborhood of a million dollars a year. Repeat offenders comprise a disproportionate share of that dollar loss. Consumers should not be made to bear the burden. Let's send the message that shoplifting is a serious property crime offense and repeaters will face serious sanctions.

Sincerely,



M. Peter Johnson, Jr.
Director of Loss Prevention

MPJ/tb

CRIMINAL HISTORY OF:
SUBJECT #1

P 0300P TERMID: YAV3 BASIC PERSON RECORD 12/03/87 17:26:13.8

PERSON NAME: [REDACTED]
DOB: 06/12/1950 SSN: 574-30-4242 * SEX: M
HEIGHT: 6.02 WEIGHT: 160 HAIR: BRO EYE COLOR: BLU
BIRTH PLACE CITY: NEW YORK CITY STATE: NY COUNTRY:
STREET/EXTRA LINE CITY/COUNTRY ST LAST CHG
MAILING ADDR: 339 S FLOWER ANCHORAGE AK 05/11/1987
RES ADDR: 4110 DEBARR #21 ANCHORAGE AK 05/19/1987
ID/LIC NUM: 6263474 STATUS: SUSPEND SR22
CLASS EXPIRES CLASS EXPIRES
A 06/12/1989 ID 06/12/1992

RESTRICTIONS:

PF2 MULT PER PF7 DRIV HST PF8 CRIM HST PF9 CITN UPD PF10 NCIC W/W PF12 DIS W/W

P0300P TERMID: YAV3 PERSON ALIAS NAMES 12/03/87 17:26:24.0

PERSON NAME: [REDACTED]
DOB: 06/12/1950
SSN: 574-30-4242

AKA: 1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]

* AT END *

F ID400P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:26:41.5

PERSON NAME: [REDACTED]

DOB: 06/12/1950

SSN: 574-30-4242

SEX: M

WEIGHT: 180

HEIGHT: 6 02

HAIR: BRO

EYE COLOR: BLU

RACE: W

SKIN: MED

MEDICAL:

TEMPERAMENT:

MARKS:

BIRTH CITY: NEW YORK CITY

STATE: NY

COUNTRY:

AST NUMBER: 122290

FBI NUMBER: 191436H

CITIZEN:

MAILING ADDR:	STREET/EXTRA LINE	CITY/COUNTRY	STATE	LAST CHGD
339 S FLOWER		ANCHORAGE	AK	05/11/1987

RES ADDR:	STREET/EXTRA LINE	CITY/COUNTRY	STATE	LAST CHGD
4110 DEBARR #21		ANCHORAGE	AK	05/19/1987

OCCUPATION: DRYWALLER

EMPLOYMT: DAVE NOAH

ID/LIC NUM: 6263474

UPDATED:

CRIMINAL HISTORIES MAY EXIST IN: NV AZ CA OR FL

PF2 MULT PERSON

PF8 CONVICTIONS

MORE...

FETD4J0P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:26:49.6

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: DCCA DATE: 08/09/1984 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 12/11/1985 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 84-9011 POS ID: Y DISPOSITION: GUILTY

CONDITION: 8 HR3 CWS

6-29-86 1 DY JAIL IN LIEU OF CWS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		57		
PROBATION	2			

PF8 CONVICTIONS

MORE...

FST2410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:27:02.7

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 09/03/1985 CHARGE: 2303 SHOPLIFTING
 CONVICTING COURT: DAN DATE: 12/11/1985 CHARGE: 2303 SHOPLIFTING
 COURT DOCKET: 85-6109 FOS ID: Y DISPOSITION: GUILTY
 CONDITION: 16 HRS CWS

4-29-86 2 DYS JAIL IN LEIU OF CWS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		35		
PROBATION	2			

PFS CONVICTIONS

MORE...

F D410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:27:22.6

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: DAN DATE: 08/27/1984 CHARGE: 5015 FAILURE TO APPEAR
 CONVICTING COURT: DAN DATE: 12/11/1985 CHARGE: 5015 FAILURE TO APPEAR
 COURT DOCKET: 84-6376 FOS ID: N DISPOSITION: GUILTY
 CONDITION: 12 HRS CWS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		57		
PROBATION	2			

PFS CONVICTIONS

MORE...

STD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:27:35.0

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 06/11/1986 CHARGE: 2303 SHOPLIFTING
CONVICTING COURT: DAN DATE: 10/08/1986 CHARGE: 2303 SHOPLIFTING
COURT DOCKET: 86-4506 POS ID: Y DISPOSITION: GUILTY
CONDITION: FTA

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		28		
PROBATION	3			

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:27:53.6

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 08/30/1986 CHARGE: 4801 RESISTING ARREST
CONVICTING COURT: DAN DATE: 08/31/1986 CHARGE: 4801 RESISTING ARREST
COURT DOCKET: 86-5930 POS ID: Y DISPOSITION: GUILTY
CONDITION: NSCV

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 100.00	
FINE SUSP			\$ 100.00	
JAIL		30		
JAIL SUSP		28		
PROBATION	1			

PFS CONVICTIONS

MORE...

PST0410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:28:13.1

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 08/30/1986 CHARGE: 5707 CRIMINAL TRESPASS
CONVICTING COURT: DAN DATE: 09/31/1986 CHARGE: 5707 CRIMINAL TRESPASS
COURT DOCKET: 84-5931 POS ID: Y DISPOSITION: GUILTY
CONDITION: NSCV

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 100.00	
FINE SUSP			\$ 100.00	
JAIL		30		
JAIL SUSP		28		
PROBATION	1			

PF8 CONVICTIONS MORE...

PST0410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:28:30.7

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 09/18/1986 CHARGE: 2399 LARCENY
CONVICTING COURT: DAN DATE: 10/08/1986 CHARGE: 2399 LARCENY
COURT DOCKET: 86-4507 POS ID: Y DISPOSITION: GUILTY
CONDITION: 12-16-86 REMANDED TO SERVE SENTENCE
NSCV

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	3			

PF8 CONVICTIONS MORE...

F3TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:28:44.9

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: DAN DATE: 01/07/1987 CHARGE: 9892 DRIV WHILE LIC SUSP
 CONVICTING COURT: DAN DATE: 01/08/1987 CHARGE: 9892 DRIV WHILE LIC SUSP
 COURT DOCKET: 87-193 POS ID: N DISPOSITION: GUILTY
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		20		
PROBATION	2			
LIC RET/SU	1			

FFS CONVICTIONS

MORE...

F3TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:29:04.9

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: AND DATE: 12/10/1986 CHARGE: 5404 DWI - ALCOHOL
 CONVICTING COURT: DAN DATE: 01/08/1987 CHARGE: 5404 DWI - ALCOHOL
 COURT DOCKET: 86-8909 POS ID: Y DISPOSITION: GUILTY
 CONDITION: FTA 1.7.87

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		27		
FINE			\$ 250.00	

FFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:29:21.1

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 01/08/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 05/06/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-342 POS ID: Y DISPOSITION: GUILTY

CONDITION: 8-21-87 RE MANDED TO SERVE TIME

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		80		
FINE			\$ 100.00	
PROBATION	5			

FFB CONVICTIONS

MORE...

D410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:29:42.2

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 04/20/1987 CHARGE: 2399X LARCENY

CONVICTING COURT: DAN DATE: 05/01/1987 CHARGE: 2399X LARCENY

COURT DOCKET: 87-3138 POS ID: Y DISPOSITION: GUILTY

CONDITION: 4TH DEGREE

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		75		
PROBATION	5			

FFB CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:29:55.4

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: DAN DATE: 02/11/1987 CHARGE: 4899 OBSTRUCT POLICE

CONVICTING COURT: DAN DATE: 05/06/1987 CHARGE: 4899 OBSTRUCT POLICE

COURT DOCKET: 87-1224 FOS ID: N DISPOSITION: GUILTY

CONDITION: 082187 REMANDED TO SERVE JAIL

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		80		
PROBATION	5			

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:30:11.8

PERSON NAME: [REDACTED]

AST NUMBER: 122250

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: ANC DATE: 04/02/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 05/06/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-2697 FOS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		180		
JAIL SUSP		140		
FINE			\$ 200.00	
ALCOHOL SC				
PROBATION	5			

FFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:30:29.3

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: DAN DATE: 01/25/1987 CHARGE: 2399 LARCENY
 CONVICTING COURT: DAN DATE: 05/06/1987 CHARGE: 2399 LARCENY
 COURT DOCKET: 87-996 POS ID: N DISPOSITION: GUILTY
 CONDITION: 2 CTS

08-21-87 REMANDED TO SERVE SENTENCE

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		60		
FINE			\$ 200.00	
PROBATION	5			

FFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:30:46.6

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: DCCA DATE: 08/20/1987 CHARGE: 1299 ROBBERY
 CONVICTING COURT: DATE: CHARGE:
 COURT DOCKET: POS ID: Y DISPOSITION:
 CONDITION: ARMED ROBBERY

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE

FFS CONVICTIONS

MORE...

F I410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:31:00.5

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: DOCA DATE: 08/20/1987 CHARGE: 9892 DRIV WHILE LIC SUSP
CONVICTING COURT: DATE: CHARGE:
COURT DOCKET: POS ID: Y DISPOSITION:
CONDITION:

SENTENCE YEARS DAYS AMOUNT DATE TO COMPLETE

PF8 CONVICTIONS MORE...

FSTD410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 17:31:15.2

PERSON NAME: [REDACTED]

AST NUMBER: 122290 ID/LIC NUMBER: 6263474 FBI NUMBER: 191436H

ARRESTING AGENCY: DOCA DATE: 08/20/1987 CHARGE: 2399 LARCENY
CONVICTING COURT: DATE: CHARGE:
COURT DOCKET: POS ID: Y DISPOSITION:
CONDITION:

SENTENCE YEARS DAYS AMOUNT DATE TO COMPLETE

PF8 CONVICTIONS MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 17:31:26.9

PERSON NAME: [REDACTED]

AST NUMBER: 122290

ID/LIC NUMBER: 6263474

FBI NUMBER: 191436H

ARRESTING AGENCY: DOCA DATE: 08/20/1987 CHARGE: 4899 OBSTRUCT POLICE

CONVICTING COURT: DATE: CHARGE:

COURT DOCKET: POS ID: Y DISPOSITION:

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
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* CONTACT R&I. SOME CRIMINAL RECORDS DO NOT MEET OCH CRITERIA *

FF8 CONVICTIO:IS

* AT END *

CRIMINAL HISTORY OF
SUBJECT #2

PSTD300P TERMID: YAV3 BASIC PERSON RECORD 12/03/87 12:41:03.3

PERSON NAME: [REDACTED]
AKA: [REDACTED]
DOB: 11/16/1954 SSN: 401-65-0264 * SEX: M
HEIGHT: 6 01 WEIGHT: 175 HAIR: BLK EYE COLOR: BRO
BIRTH PLACE CITY: COLUMBUS STATE: GA COUNTRY:
STREET/EXTRA LINE CITY/COUNTRY ST LAST CHG
MAILING ADDR: 1200 COLUMBINE -C-17 ANCHORAGE AK 11/02/1981
RES ADDR: 1200 COLUMBINE -C-17 ANCHORAGE AK 09/24/1987
ID/LIC NUM: 1001613 STATUS: SUSPEND/SR/TEST
CLASS EXPIRES CLASS EXPIRES
RESTRICTIONS:

PF2 MULT PER PF7 DRIV HST PF8 CRIM HST PF9 CITN UPD PF10 NCIC W/W PF12 DIS W/W

PSTD200P TERMID: YAV3 WANT/WARRANT INFORMATION 12/03/87 12:41:11.0

PERSON NAME: [REDACTED]
(MORE) AKA: [REDACTED]
DOB: 11/16/1954 SSN: 401-65-0264 * SEX: M
WEIGHT: 175 HEIGHT: 6 01 HAIR: BLK
EYE COLOR: BRO RACE: B SKIN: MED
ID/LIC NUM: 1001613 MARKS:
FBI NO: 313167NS AST NO: 99912 TEMPERAMENT:
DR LIC NO: STATE: COUNTRY:

***** WANTS/WARRANTS *****
C.O. NUM./ WARRANT SUB TYPE/ OFFENSE DESCRIPTION
C.O. DATE BAIL AMT AGENCY ID (& OPTIONAL COMMENTS)
3AN87-727 LOCATE LOC-NOTIFY AGENCY
03/25/87 ANCH CORR 411 W 4TH SUITE 1 D
ON DEP OF CORR SUPERVISION UNTIL 032489
FLS NOTIFY LAZO OF CONTACT RESULTS ASAP

PF2 MULT PERSON PF10 NCIC INQUIRY PF12 DISPLAY ALIAS MORE...

FSTD200P TERMID: YAV3 WANT/WARRANT INFORMATION 12/03/87 12:41:23.2

PERSON NAME: [REDACTED]
(MORE) AKA: [REDACTED]

DOB: 11/16/1954 SSN: 401-65-0264 * SEX: M

***** WANTS/WARRANTS *****

C.O. NUM./	WARRANT SUB TYPE/	OFFENSE DESCRIPTION
C.O. DATE	BAIL AMT AGENCY ID	(& OPTIONAL COMMENTS)
INFO	LOCATE ONLY - NO CONTACT	MISSING PERSON-ADULT

08/20/87 ANCH POLICE DEPT
AKA CLAUDE CLAYTON SEN 800 65 0264 ID 1001613 HAS FELONY
WARRANT AND 2 MISD WARRANTS

PF2 MULT PERSON

PF10 NCIC INQUIRY

* AT END *
PF12 DISPLAY ALIAS

PSUD700P TERMID: YAV3 PERSON ALIAS NAMES 12/03/87 12:41:47.8

PERSON NAME: [REDACTED]

DOB: 11/16/1954
SSN: 401-65-0264

- AKA:
1. [REDACTED]
 2. [REDACTED]
 3. [REDACTED]
 4. [REDACTED]
 5. [REDACTED]
 6. [REDACTED]
 7. [REDACTED]
 8. [REDACTED]

PF2 MULT PERSON

* AT END *

PSTD400P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:42:12.8

PERSON NAME: [REDACTED]

AKA: [REDACTED]

DOB: 11/16/1954

SSN: 401-65-0264

SEX: M

WEIGHT: 175

HEIGHT: 6 01

HAIR: BLK

EYE COLOR: BRO

RACE: B

SKIN: MED

MEDICAL:

TEMPERAMENT:

MARKS:

BIRTH CITY: COLUMBUS

STATE: GA

COUNTRY:

AST NUMBER: 99912

FBI NUMBER: 313167NS

CITIZEN:

MAILING ADDR:	STREET/EXTRA LINE 1200 COLUMBINE -C-17	CITY/COUNTRY ANCHORAGE	STATE AK	LAST CHGD 11/02/1981
---------------	---	---------------------------	-------------	-------------------------

RES ADDR:	1200 COLUMBINE -C-17	ANCHORAGE	AK	09/24/1987
-----------	----------------------	-----------	----	------------

OCCUPATION: JANITOR

EMPLOYMT: TIMSONS JANITORIAL

ID/LIC NUM: 1001613

UPDATED:

CRIMINAL HISTORIES MAY EXIST IN: KY

PF2 MULT PERSON

PF8 CONVICTIONS

MORE...

P 2410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:42:23.8

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167NS

ARRESTING AGENCY: ANC DATE: 05/20/1981 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 06/02/1981 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 81-2934 POS ID: Y DISPOSITION: SIS/DIS

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		1		
FINE			\$ 050.00	
SIS				06/02/1982
RESTITUTIO				
PROBATION	1			

PF8 CONVICTIONS

MORE...

F D410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 12:42:37.3

PERSON NAME: [REDACTED]
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DOCA DATE: 02/07/1983 CHARGE: 2303 SHOPLIFTING
CONVICTING COURT: DAN DATE: 03/22/1983 CHARGE: 2303 SHOPLIFTING
COURT DOCKET: 83-820 POS ID: Y DISPOSITION: GUILTY
CONDITION:

8-3-84: PROB REV - PROB EXT 8-3-88;
SENTENCE YEARS DAYS AMOUNT DATE TO COMPLETE
JAIL 60
JAIL SUSP 45
PROBATION 2

PFS CONVICTIONS MORE...

PSTD410P TERMID: YAV3 CRIMINAL HISTORY 12/03/87 12:42:58.5

PERSON NAME: [REDACTED]
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 08/03/1984 CHARGE: 5012 PROBATION VIOLATION
CONVICTING COURT: DAN DATE: 08/03/1984 CHARGE: 5012 PROBATION VIOLATION
COURT DOCKET: 83-820 POS ID: DISPOSITION: GUILTY
CONDITION: PROBATION EXTENDED TO CONCIDE W/84-6451 AND 84-5148

SENTENCE YEARS DAYS AMOUNT DATE TO COMPLETE

PFS CONVICTIONS MORE...

P .0410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:43:11.3

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 06/18/1984 CHARGE: 9741 CONCEALMNT OF MERCH
 CONVICTING COURT: DAN DATE: 09/20/1984 CHARGE: 9741 CONCEALMNT OF MERCH
 COURT DOCKET: 84-4652 POS ID: N DISPOSITION: GUILTY
 CONDITION: 96 HRS CWS; CONC W/83-6451 & 84-5148

6-16-85: REASS TO ALC SCR; 10-22-86 TO SERVE 12 DYS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		120		
JAIL SUSP		90		
PROBATION	4			08/03/1988

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:43:29.2

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: ANS DATE: 12/26/1984 CHARGE: 2303 SHOPLIFTING
 CONVICTING COURT: DAN DATE: 04/04/1985 CHARGE: 2303 SHOPLIFTING
 COURT DOCKET: 85-42 POS ID: Y DISPOSITION: GUILTY
 CONDITION: 96 HRS CWS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		180		
JAIL SUSP		90		
FINE			\$ 100.00	
PROBATION	5			

PFS CONVICTIONS

MORE...

FETD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:43:42.6

PERSON NAME: [REDACTED]
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: ANC DATE: 07/14/1984 CHARGE: 2303 SHOPLIFTING
CONVICTING COURT: DAN DATE: 08/03/1984 CHARGE: 2303 SHOPLIFTING
COURT DOCKET: 84-5148 POS ID: Y DISPOSITION: GUILTY
CONDITION: 96 HRS CWS;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
10-22-86 TO SERVE 12 DYS				
JAIL		120		
JAIL SUSP		90		
PROBATION	4			

PFS CONVICTIONS

MORE...

D410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:01.4

PERSON NAME: [REDACTED]
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 10/07/1983 CHARGE: 9741 CONCEALMNT OF MERCH
CONVICTING COURT: DAN DATE: 08/03/1984 CHARGE: 9741 CONCEALMNT OF MERCH
COURT DOCKET: 83-6451 POS ID: N DISPOSITION: GUILTY
CONDITION: 96 HRS CWS;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
10-22-86 PETITION TO REVOKE TO SERVE 12 DY				
JAIL		120		
JAIL SUSP		90		
PROBATION	4			08/03/1988

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:15.1

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: ANC DATE: 11/06/1982 CHARGE: 3532 COCAINE-POSSESS
 CONVICTING COURT: DAN DATE: 04/07/1983 CHARGE: 3532 COCAINE-POSSESS
 COURT DOCKET: 82-XXX POS ID: Y DISPOSITION: GUILTY
 CONDITION: 90 HRS CWS;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL	1			
JAIL SUSP	1			

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:33.6

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 09/08/1986 CHARGE: 2303 SHOPLIFTING
 CONVICTING COURT: DAN DATE: 11/08/1986 CHARGE: 2303 SHOPLIFTING
 COURT DOCKET: 86-6169 POS ID: N DISPOSITION: NOLO CONTENDRE
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		120		
JAIL SUSP		95		
PROBATION	1			

PFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:47.0

PERSON NAME: [REDACTED]
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/12/1986 CHARGE: 9741 CONCEALMNT OF MERCH

CONVICTING COURT: DAN DATE: 08/1986 CHARGE: 9741 CONCEALMNT OF MERCH

COURT DOCKET: 26-4839 POS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		18		
PROBATION	1			

PF8 CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:05.2

PERSON NAME: [REDACTED]
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/07/1986 CHARGE: 5015 FAILURE TO APPEAR

CONVICTING COURT: DAN DATE: 11/08/1986 CHARGE: 5015 FAILURE TO APPEAR

COURT DOCKET: 86-4096 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	1			

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:18.2

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 06/05/1986 CHARGE: 9896 DRIV W/O LICENSE

CONVICTING COURT: DAN DATE: 11/08/1986 CHARGE: 9896 DRIV W/O LICENSE

COURT DOCKET: 86-4096 POS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 200.00	
FINE SUSP			\$ 150.00	
JAIL		10		
JAIL SUSP		10		
PROBATION	1			

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:34.6

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: ANC DATE: 01/26/1987 CHARGE: 2399B LARCENY

CONVICTING COURT: SAN DATE: 03/25/1987 CHARGE: 2399B LARCENY

COURT DOCKET: 87-727 POS ID: Y DISPOSITION: GUILTY

CONDITION: PROB REV 11-13-1987 SUSP PORTION OF SENT TO BE SRVD

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL	2			
JAIL SUSP	1	305		
PROBATION	2			

PF8 CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:49.8

PERSON NAME: [REDACTED]
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 11/07/1986 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 03/04/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 86-8218 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		180		
JAIL SUSP		120		
PROBATION	2			

PFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:46:06.7

PERSON NAME: [REDACTED]
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DOCA DATE: 07/13/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-5394 POS ID: Y DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:46:20.2

PERSON NAME: [REDACTED]
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DOCA DATE: 06/23/1987 CHARGE: 9890 RECKLESS DRIVING
CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 9890 RECKLESS DRIVING
COURT DOCKET: 87-4858 POS ID: Y DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		80		
PROBATION	2			
LIC RST/EU		30		

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:46:37.2

PERSON NAME: [REDACTED]
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DOCA DATE: 06/23/1987 CHARGE: 9896 DRIV W/O LICENSE
CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 9896 DRIV W/O LICENSE
COURT DOCKET: 87-4858 POS ID: Y DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:46:49.6

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/01/1987 CHARGE: 9741 CONCEALMNT OF MERCH

CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 9741 CONCEALMNT OF MERCH

COURT DOCKET: 87-5312 POS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		70		

PF8 CONVICTIONS

MORE...

TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:47:12.5

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/10/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-5517 POS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		110		

* CONTACT R&I. SOME CRIMINAL RECORDS DO NOT MEET CCH CRITERIA *

PF8 CONVICTIONS

* AT END *

CRIMINAL HISTORY OF
SUBJECT #3

FD300P TERMID: YAV3 BASIC PERSON RECORD 12/03/87 13:38:05.5

PERSON NAME: [REDACTED]
(MORE) DOB: 07/07/1940 (MORE) SSN: 574-14-1858 SEX: M
HEIGHT: 5 05 WEIGHT: 140 HAIR: BLK EYE COLOR: BRO
BIRTH PLACE CITY: EEK STATE: AK COUNTRY:
STREET/EXTRA LINE CITY/COUNTRY ST LAST CHG
MAILING ADDR: 1021 E 3RD ANCHORAGE AK 09/15/1986
RES ADDR: 1021 E 3RD ANCHORAGE AK 09/15/1986
ID/LIC NUM: 6005542 STATUS:
CLASS EXPIRES CLASS EXPIRES
ID 07/07/1991

RESTRICTIONS:

PF2 MULT PER
PF7 DRIV HST PF8 CRIM HST PF9 CITN UPD PF10 NCIC W/W

FD300P TERMID: YAV3 PERSON ALIAS NAMES 12/03/87 13:38:32.2

PERSON NAME: [REDACTED]
DOB: 07/07/1940 07/07/1940
SSN: 574-14-1858 574-14-1858 574-44-1858
AKA: 1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

PF2 MULT PERSON

* AT END *

PETD400P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:14.7

PERSON NAME: [REDACTED]

DOB: 07/07/1940 07/07/1940

SSN: 574-14-1858 574-14-1858 574-44-1858

SEX: M

WEIGHT: 140

HEIGHT: 5 05

HAIR: BLK

EYE COLOR: BRO

RACE: I

SKIN: MED

MEDICAL:

TEMPERAMENT:

MARKS:

BIRTH CITY: SEK

STATE: AK

COUNTRY:

AST NUMBER: 22520

FBI NUMBER: 264920E

CITIZEN:

MAILING ADDR:	STREET/EXTRA LINE	CITY/COUNTRY	STATE	LAST CHGD
1021 E 3RD		ANCHORAGE	AK	09/15/1986
RES ADDR: 1021 E 3RD		ANCHORAGE	AK	09/15/1986

OCCUPATION: FISHERMAN

EMPLOYMT: SELF

ID/LIC NUM: 6005542

UPDATED:

CRIMINAL HISTORIES MAY EXIST IN: CA

PF2 MULT PERSON

PF8 CONVICTIONS

MORE...

PETD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:19.5

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: SEW DATE: 09/03/1974 CHARGE: 5311 DISORDERLY CONDUCT

CONVICTING COURT: MSW DATE: 09/03/1974 CHARGE: 5311 DISORDERLY CONDUCT

COURT DOCKET: 74-XXX POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 025.00	

PF8 CONVICTIONS

MORE...

P5TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:32.0

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: SEW DATE: 09/03/1974 CHARGE: 9933 DRINKING IN PUBLIC
 CONVICTING COURT: MSW DATE: 09/03/1974 CHARGE: 9933 DRINKING IN PUBLIC
 COURT DOCKET: 74-XXX POS ID: Y DISPOSITION: GUILTY
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 010.00	

FFS CONVICTIONS

MORE...

P5TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:54.8

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: FPD DATE: 09/17/1975 CHARGE: 2399 LARCENY
 CONVICTING COURT: DFA DATE: 09/22/1975 CHARGE: 2399 LARCENY
 COURT DOCKET: 75-3265 POS ID: Y DISPOSITION: GUILTY
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		5		

FFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:05.7

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 07/16/1976 CHARGE: 2399 LARCENY

CONVICTING COURT: DAN DATE: 07/17/1976 CHARGE: 2399 LARCENY

COURT DOCKET: 76-XXX POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		15		

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:22.8

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DOCA DATE: 11/13/1976 CHARGE: 5311 DISORDERLY CONDUCT

CONVICTING COURT: DAN DATE: 11/14/1976 CHARGE: 5311 DISORDERLY CONDUCT

COURT DOCKET: 76-XXX POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		1		

PFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:33.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: BET DATE: 05/08/1979 CHARGE: 9932 OPEN CONTAINER
 CONVICTING COURT: DBE DATE: 05/09/1979 CHARGE: 9932 OPEN CONTAINER
 COURT DOCKET: 79-370 POS ID: Y DISPOSITION: BAIL FORFEITURE
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 025.00	

PFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:50.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: BET DATE: 08/26/1979 CHARGE: 5311 DISORDERLY CONDUCT
 CONVICTING COURT: DBE DATE: 08/29/1979 CHARGE: 5311 DISORDERLY CONDUCT
 COURT DOCKET: 79-835 POS ID: Y DISPOSITION: GUILTY
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 025.00	

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:01.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: KOD DATE: 09/27/1981 CHARGE: 2399D LARCENY

CONVICTING COURT: DKO DATE: 09/28/1981 CHARGE: 2399D LARCENY

COURT DOCKET: 81-764 POS ID: Y DISPOSITION: GUILTY

CONDITION: NO SIMILAR VIOLATION/OR ALCOHOL VIOLATION.

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		10		
JAIL SUSP		2		
PROBATION		180		
RESTITUTIO			\$ 950.00	

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:19.9

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: AND DATE: 12/23/1982 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 02/07/1983 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 82-8759 POS ID: Y DISPOSITION: GUILTY

CONDITION: NSV/NO ALCOHOL.

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	2			
ALCOHOL SC				

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:31.2

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 03/17/1984 CHARGE: 9741 CONCEALMNT OF MERCH

CONVICTING COURT: DAN DATE: 03/18/1984 CHARGE: 9741 CONCEALMNT OF MERCH

COURT DOCKET: 84-1958 POS ID: Y DISPOSITION: GUILTY

CONDITION: NSV; 24 HRS COMM WORK SERV

4-9-85 CWS SATISFIED BY 1 DY JAIL.

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	1			03/18/1985

FF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:53.0

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 04/23/1984 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 04/24/1984 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 84-3029 POS ID: Y DISPOSITION: GUILTY

CONDITION: NSCV; ALC SCR; REPORT W/I 48 HRS OF RELESE TO ALC SCR

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		10		
JAIL SUSP		8		
PROBATION	1			

FF8 CONVICTIONS

MORE...

FD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:06.0

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 08/10/1962 CHARGE: 5311 DISORDERLY CONDUCT
CONVICTING COURT: DAN DATE: 08/10/1962 CHARGE: 5311 DISORDERLY CONDUCT
COURT DOCKET: 62-XXX POS ID: Y DISPOSITION: GUILTY
CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		180		
JAIL SUSP		60		

PF8 CONVICTIONS

MORE...

FD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:29.5

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 04/04/1964 CHARGE: 5311 DISORDERLY CONDUCT
CONVICTING COURT: DAN DATE: 04/04/1964 CHARGE: 5311 DISORDERLY CONDUCT
COURT DOCKET: 64-XXX POS ID: Y DISPOSITION: GUILTY
CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:42.2

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 08/04/1962 CHARGE: 9613 DRUNK IN PUBLIC
 CONVICTING COURT: DJJ DATE: 08/04/1962 CHARGE: 9613 DRUNK IN PUBLIC
 COURT DOCKET: 62-XXX POS ID: Y DISPOSITION: GUILTY
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 050.00	

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:58.9

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 02/22/1985 CHARGE: 5311 DISORDERLY CONDUCT
 CONVICTING COURT: DAN DATE: 02/23/1985 CHARGE: 5311 DISORDERLY CONDUCT
 COURT DOCKET: 85-1366 POS ID: DISPOSITION: GUILTY
 CONDITION: NSCV;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		5		
JAIL SUSP		3		
PROBATION		180		

PF8 CONVICTIONS .

MORE...

PTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:43:09.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 04/23/1984 CHARGE: 5012 PROBATION VIOLATION

CONVICTING COURT: DAN DATE: 04/09/1985 CHARGE: 9845 PROBATION-REVOC

COURT DOCKET: 94-3029 POS ID: DISPOSITION: GUILTY

CONDITION: MAY SERVE ANY PART IN RESIDENT ALC PROGRAM;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		8		

PF8 CONVICTIONS

MORE...

PTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:43:26.9

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 02/03/1985 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 04/15/1985 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 85-983 POS ID: DISPOSITION: NOLO CONTENDRE

CONDITION: NSCV; STAY AWAY FROM MARKET BASKET

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		65		
JAIL SUSP		60		
PROBATION	2			
ALCOHOL SC				

PF8 CONVICTIONS

MORE...

TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:43:40.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 09/21/1986 CHARGE: 5707 CRIMINAL TRESPASS
 CONVICTING COURT: DAN DATE: 09/22/1986 CHARGE: 5707 CRIMINAL TRESPASS
 COURT DOCKET: 86-6514 POS ID: Y DISPOSITION: NOLO CONTENDRE
 CONDITION: NCV;L

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	2			

FFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:12.2

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 09/21/1986 CHARGE: 2303 SHOPLIFTING
 CONVICTING COURT: DAN DATE: 09/22/1986 CHARGE: 2303 SHOPLIFTING
 COURT DOCKET: 86-6513 POS ID: Y DISPOSITION: NOLO CONTENDRE
 CONDITION: NCV;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		80		
PROBATION	3			

FFS CONVICTIONS

MORE...

FD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:23.9

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 01/25/1987 CHARGE: 5311 DISORDERLY CONDUCT

CONVICTING COURT: DAN DATE: 01/25/1987 CHARGE: 5311 DISORDERLY CONDUCT

COURT DOCKET: 87-667 POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		10		
JAIL SUSP		8		
PROBATION	1			

FF8 CONVICTIONS

MORE...

PST410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:41.6

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 05/07/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 05/08/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-3627 POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		55		
ALCOHOL SC				
PROBATION	2			

FF8 CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:53.8

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DAN DATE: 05/07/1987 CHARGE: 5707 CRIMINAL TRESPASS

CONVICTING COURT: DAN DATE: 05/08/1987 CHARGE: 5707 CRIMINAL TRESPASS

COURT DOCKET: 87-3627 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		55		
ALCOHOL SC				
PROBATION	2			

PF8 CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:45:10.5

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DAN DATE: 07/07/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 08/26/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-5486 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		45		

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:45:36.4

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DAN DATE: 07/07/1987 CHARGE: 5707 CRIMINAL TRESPASS

CONVICTING COURT: DAN DATE: 08/26/1987 CHARGE: 5707 CRIMINAL TRESPASS

COURT DOCKET: 87-5486 POS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		45		

* CONTACT R&I. SOME CRIMINAL RECORDS DO NOT MEET OCH CRITERIA *

FFS CONVICTIONS

* AT END *