

SB

17

STATE OF ALASKA
THE LEGISLATURE

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POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
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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. 4-25-88 1:30p.m.

DATE: April 25, 1988

The Judiciary Committee has considered SB 17

"An Act relating to unlawful possession and vandalism of official traffic control devices, disregard of a highway obstruction, and damages to highways."

RECOMMENDS:

- replace with HCS CS SB 17 (JL) 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:

[Handwritten signatures]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signature]

 Chairman's signature

Original sponsors: Faiks and Sturgulewski

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 17 (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 relating to unlawful possession and vandalism
7 of official traffic control devices, disregard of a
8 highway obstruction, and damages to highways."

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

10 * Section 1. AS 11.46 is amended by adding new sections to read:

11 Sec. 11.46.460. DISREGARD OF A HIGHWAY OBSTRUCTION. (a) A
12 person commits the crime of disregard of a highway obstruction if,
13 without the right to do so or a reasonable ground to believe the
14 person has the right, the person

15 (1) drives a vehicle through, over, or around an obstruc-
16 tion erected upon a highway under authority of AS 19.10.100; or

17 (2) opens an obstruction erected upon a highway under
18 authority of AS 19.10.100.

19 (b) Violation of this section is a class B misdemeanor.

20 Sec. 11.46.462. UNLAWFUL POSSESSION OF OFFICIAL TRAFFIC CONTROL
21 DEVICE. (a) A person commits the crime of unlawful possession of an
22 official traffic control device if, without the right to do so or a
23 reasonable ground to believe the person has the right, the person pos-
24 sesses an official traffic control device.

25 (b) Unlawful possession of an official traffic control device is
26 a violation and is punishable by a fine of

27 (1) not less than \$100 for the first offense; or

28 (2) not less than \$300 for each subsequent offense.

29 * Sec. 2. AS 11.46.484(a) is amended to read:

1 (a) A person commits the crime of criminal mischief in the third
2 degree if, having no right to do so or any reasonable ground to be-
3 lieve the person has such a right

4 (1) with intent to damage property of another, the person
5 damages property of another in an amount of \$50 or more but less than
6 \$500;

7 (2) the person drives, tows away, or takes the propelled
8 vehicle of another;

9 (3) having custody of a propelled vehicle under a written
10 agreement with the owner of the vehicle that includes an agreement to
11 return the vehicle to the owner at a specified time, the person know-
12 ingly retains or withholds possession of the vehicle without the
13 consent of the owner for so long a period beyond the time specified as
14 to render the retention or possession of the vehicle an unreasonable
15 deviation from the agreement;

16 (4) the person tampers with a fire protection device in a
17 building that is a public place;

18 (5) the person knowingly accesses a computer, computer
19 system, computer program, computer network, or [ANY] part of a com-
20 puter system or network; [OR]

21 (6) the person uses a device to descramble an electronic
22 signal that has been scrambled to prevent unauthorized receipt or
23 viewing of the signal unless the device is used only to descramble
24 signals received directly from a satellite or unless the person owned
25 the device before September 18, 1984; or

26 (7) the person knowingly removes, relocates, defaces,
27 alters, obscures, shoots at, destroys, or otherwise tampers with an
28 official traffic control device or damages the work upon a highway
29 under construction.

1 * Sec. 3. AS 11.46 is amended by adding a new section to read:

2 Sec. 11.46.487. FORFEITURE OF PROPERTY UPON CONVICTION. Fire-
3 arms and other personal property, except a motor vehicle, used in aid
4 of a violation of AS 11.46.460, 11.46.462, or 11.46.484(a)(7) may be
5 forfeited to the state upon conviction of the offender for the crime.

6 * Sec. 4. AS 11.46.490 is amended by adding new paragraphs to read:

7 (5) "highway" has the meaning given in AS 19.45.001;

8 (6) "motor vehicle" has the meaning given in AS 28.40.100;

9 (7) "official traffic control device" means a traffic
10 control device that has been placed on a highway by authority of a
11 state or municipal agency, a utility, or a contractor employed by a
12 state or municipal agency or a utility;

13 (8) "traffic control device" includes a sign, signal, road
14 marker, barricade, flare, warning light, reflector, railroad sign or
15 signal, shield, insignia, milepost, or similar device intended to
16 warn, inform, or control the flow of pedestrian, equestrian, bicycle,
17 or motor vehicle traffic.

18 * Sec. 5. AS 19.25.030 and 19.25.040 are repealed.
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Alaska State Legislature

PRESIDENT
907-465-3755

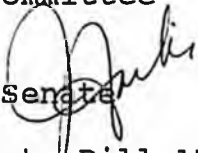
JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

May 9, 1987

MEMORANDUM

TO: Representative John Sund, Chairman
House Judiciary Committee

FROM: Senator Jan Faiks 
President of the Senate

SUBJECT: Background to Senate Bill 17
An Act relating to vandalism of official
traffic control devices and damages to highways
and roads.

Senate Bill 17 has been referred to the House Judiciary Committee for consideration. This bill expands the current statutes relating to vandalism of official traffic control devices and damages to highways and roads.

Safety on our highways and roads has long been of prime concern to all Alaskans. In recent years, the increase in the number of vehicles on our roads, along with an increase in major highway construction projects has lead to an alarming rate of accidents.

Vandalism to traffic signs, barricades, warning lights, and other safety devices contributes greatly to the deaths, personal injuries, and property damages suffered each year on our highways, roads, waterways, and other public and private property. The intent of this legislation is to provide criminal sanctions for vandalism to and theft of traffic control devices which have been utilized to protect or warn of dangers to real or personal property.

Senate Bill 17 strengthens the current provisions found in AS 19.25.30-40 by incorporating language of the Model Statute on Vandalism as developed by the American Traffic Safety Services Association. The criminal sanctions specified by this bill

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

conform with those currently provided under the Alaska Statutes.

Since filing, and upon further review of this bill, various concerns were raised, which the CS from the Senate Transportation Committee effectively answers. The particular provisions of that CS are as follows:

Section 1. DISREGARD OF A HIGHWAY OBSTRUCTION/UNLAWFUL POSSESSION OF OFFICIAL TRAFFIC CONTROL DEVICE. AS 11.46 is amended by adding new sections (11.46.460 - 11.46.462) which provide criminal sanctions for the disregard of a highway obstruction or the unlawful possession of official traffic control devices by any person who neither has the right to do so nor a reasonable ground to believe that he does. Disregard of a highway obstruction is a class A misdemeanor (up to one year in prison and \$5,000 fine). Unlawful possession of official traffic control is punishable by not less than \$100 for the first offense, and not less than \$300 for subsequent offenses.

Section 2. CRIMINAL MISCHIEF IN THE 3RD DEGREE. AS 11.46.484(a) is amended by adding a new section (7) which creates the crime of criminal mischief in the third degree for a person who knowingly removes, destroys, or otherwise tampers with an official traffic control device or damages work upon a highway under construction. Section (1) of this statute as presently enacted would cover those situations in which damage is done to the traffic control devices utilized by private persons to protect their property or warn others of possible dangers.

Section 3. FORFEITURE OF PROPERTY UPON CONVICTION. Amends AS 11.46 by adding a new section, 11.46.489, which provides for forfeiture to the state, upon conviction, of firearms and other personal property, excluding motor vehicles, which are used to aid the commission of these acts.

Section 4. DEFINITIONS. Adds new definitions to AS 11.46.490, including "highway", "motor vehicle", "official traffic control device", and "traffic control device".

Section 5. DAMAGES TO STATE HIGHWAYS AND ROADS. AS 19.25.040 presently requires the commissioner of administration to separately account for money deposited in the general fund that is derived from damages to property related to state-owned highways and roads that are recovered from vehicle owners, drivers, or insurance companies. Such related property includes bridges, overpasses, signal poles, street lights and poles, traffic signals, guardrails, or fences.

SB 17 expands AS 19.25.040 to include "other person" in the class of persons from whom damages to property may be recovered. Additionally, it replaces the phrase "traffic signals" with the broader term "traffic control devices". The purpose of these amendments is to increase the amount of money deposited in the general fund for damages to state highways and roads.

Section 6. Repeals AS 19.25.030, which is provided for in Section 1 and Section 2 of this bill. This is the language which makes it a crime to disregard a highway obstruction or to unlawfully possess an official traffic control device.

I would appreciate the committee's consideration of this legislation at its earliest convenience. Should you need any additional information, please let me know.

Thank you.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSSB 17 (Trsp)

Publish Date: _____

Agency Affected: Public Safety

BRU: Alaska State Troopers

Components: Detachments & CIB

REQUEST

Revision Date: _____

Title: "An Act relating to vandalism of official traffic control devices.."

Sponsor: Sen. Faiks

Requestor: House Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL		0	0	0	0	0
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691

Date: 4/08/87

Approved by Commissioner: William R. Nix
Agency: Public Safety

Date: 4/8/87

Distribution (by preparer):

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

page ____ of ____

Jick
4/3/87

BILL NO: CSSB 17 (Trsp)

DATE: 4/08/87

TITLE: "An Act relating to unlawful possession and vandalism of official traffic control devices, disregard of a highway obstruction, and damage to highways."

CONTACT: James Vaden
Deputy Commissioner

DEPARTMENT OF PUBLIC SAFETY

This bill groups these types of offenses in one area of statutes, clarifies penalties, and provides a mechanism for forfeiture of firearms and other personal property, except a motor vehicle, used in aid of a violation.

Provides penalties and/or forfeiture of property relating to unlawful possession and vandalism of official traffic control devices, disregard of erected highway obstructions, and damages to highways.

Sec. 11.46.460 provides authority to arrest or charge an individual who disregards traffic control devices and/or detours through construction zones, closed roadways, and barricaded traffic lanes.

Sec. 11.46.462 appears to be redundant to AS 11.46.190 "Theft by Receiving." However, this may be necessary to clarify forfeitures under Sec. 11.46.487 - 489 of this bill.

Sec. 11.46.484(a)(7) provides penalties for theft or vandalism of traffic control devices, etc.

Sec. 11.46.487 would allow for stiff penalties to be applied to individuals who knowingly violate the law. This would provide the Court with a mechanism to forfeit the instrumentalities of the offense to the State.

The Department of Public Safety supports this legislation.

William R. Nix
William R. Nix
Acting Commissioner

(7)

HOUSE COMMITTEE REPORT

Date referred: 4/8/87

FURTHER REFERRALS: Judiciary

DATE: May 8, 1987

The Transportation Committee has considered CSSB 17(Trsp)

"An Act relating to unlawful possession and vandalism of official traffic control devices, disregard of a highway obstruction, and damages to highways."

RECOMMENDS:

- replace with _____ 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:

Mike Miller

W. C. Linder

Heinrich Sprungel

Wm. J. Jones

Bill Hudis

Butte Oats

SIGNING OTHER RECOMMENDATIONS:

Butte Oats

 Chairman's signature

**STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: CSSB 17
Publish Date:

Revision Date: 1-6-88
Title: Unlawful possession and van-
dalism ... traffic control devices
Sponsor: Faiks & Sturgulawski
Requestor: Senate Transportation
Committee

Agency Affected: Alaska Court System
BRU: Trial Courts
Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)					
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93	
OPERATING							
Personal Services	
Travel	
Contractual	
Supplies	
Equipment	
Land & Structures	
Grants & Claims	
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	
CAPITAL	
REVENUE	

FUNDING:		(Thousands of Dollars)					
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93	
General Funds	0.0	0.0	0.0	0.0	0.0	0.0	
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS:							
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

Based on information provided by the Department of Law, it appears that enforcement of this measure will be at a level which the courts could absorb without additional fiscal resources.

Prepared by: *Jan Strandberg*
Jan Strandberg, General Counsel Phone: 264-8228
Division: Alaska Court System Date: 1-6-88
Approved by: *Stephanie Cole, for*
Arthur H. Snowden, II, Administrative Director Date: 1-6-88
Agency: Alaska Court System

- Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management & Budget
Impacted Agency(ies)
Senate Secretary

FISCAL NOTE ANALYSIS
HB 263

Applies also to SE 17

The Division of Finance did not understand the detailed accounting and reporting for revenues that this bill and the previous bill, SLA 1986 Chapter 138, intended. We, therefore, underestimated the complexity of the changes to the accounting system and the accounting procedures that would be required to implement this bill and the required reporting and accounting of revenues. The Division of Finance, over the next three fiscal years, will be able to implement the provisions of this bill.

To accomplish this we will have to make procedural and program change to AKSAS. The accounting system (AKSAS) has built-in edits segregating revenues historically identified as budgeted revenues (Restricted Revenue) and revenues not specifically appropriated (Unrestricted Revenue). This bill crosses this budgetary distinction. To comply with the statutory provision that the Commissioner of Administration shall separately account for a specific revenue that a department deposits in the general fund, we will need to create a new budgetary revenue type and establish adequate controls to ensure that the legislature can make appropriations based upon this type revenue. We will accomplish this task in three parts: first, in FY 88 we will develop a new revenue structure to accommodate general fund classified revenues; secondly, in FY 89 we will develop and make needed program changes to allow for this type revenue to be referenced as a funding source for a specific appropriation; and finally, when we close the accounting records for FY 89, we will develop procedures to ensure all revenue types are properly classified in the annual report. We will have an ongoing cost each new fiscal year ensuring that for each revenue source or estimate, a cross structure control transaction is submitted for approval. We should be able to absorb this increased workload if the agencies and the Office of Management and Budget work with us to identify the accounts where revenues are to be controlled. However, there will be a one-time cost for making needed changes next fiscal year. It will be necessary to hire one nonpermanent Accountant IV for eight months at \$39.2 and one nonpermanent Programmer IV for six months at \$30.6.