

HB

132

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
Title: Minimum penalty for joyriding BRU: Alaska State Troopers  
Sponsor: Rep's. Miller & Taylor Component: \_\_\_\_\_  
Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This bill would require a mandatory minimum sentence of three days in jail and a \$250 fine for a first offense "joy-riding" conviction. (Second and subsequent offenses are felonies.) This is the same mandatory minimum sentence imposed upon first offense drunk drivers.

Passage of this legislation would have no fiscal impact on the Department of Public Safety.

Prepared by: Gavle A. Horetski, Deputy Commissioner Phone: 465-4322  
Division: Office of the Commissioner Date: 12/19/89  
Approved by Commissioner: Arthur English Date: 1-8-90  
Agency: Department of Public Safety Page 1 of 1

*Handwritten:*  
Date: 12/22/89

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "An Act amending the penalty...  
 ...taking of a propelled vehicle."  
 Sponsor: Repr. Miller  
 Requestor: Repr. Miller

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

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

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

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

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**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: February 13, 1989  
 Approved by Commissioner: Richard I. Pegues / FOR  
Grace Berg Schauble, Atty. Gen. Date: February 13, 1989  
 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. HB 132

This bill amends AS 11.46.484 by adding a new subsection that imposes a mandatory minimum sentence for joyriding of a term of imprisonment of not less than 72 hours, a fine of not less than \$250, and restitution. These sentencing provisions will not have a fiscal impact on the Department of Law. It should be noted that some additional prosecutor time will be needed because defendants can be expected to offer a more vigorous defense in the face of a mandatory jail term. Prosecutor workload in most of the state's district attorney offices is currently at or near the saturation point. Consequently, adoption of this bill and other similar measures, that do not individually have a fiscal impact, will cumulatively diminish the department's ability to handle more serious offenses. Lastly, the bill could have a substantial impact on the Department of Corrections.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
 Title: Amending the penalty for the BRU: Alaska State Troopers  
taking of a propelled vehicle  
 Sponsor: Rep. Miller & Taylor Component: \_\_\_\_\_  
 Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This bill would require a mandatory minimum sentence of three days in jail and a \$250 fine for a first offense "joy-riding" conviction. (Second and subsequent offenses are felonies.) This is the same mandatory minimum sentence imposed upon first offense drunk drivers.

Passage of this legislation would have no fiscal impact on the Department of Public Safety.

Prepared by: Gavle A. Horetski, Deputy Commissioner Phone: 465-4322  
 Division: Office of the Commissioner Date: 2/13/89

Approved by Commissioner: J.A.H. Arthur English Date: 2/13/89  
 Agency: Department of Public Safety

\*\*\*\*\*  
\*  
\* DELIVER TO: LIOGGLA \*  
\* \*  
\* ORIGINAL \*  
\* SENT: 02/17/85 TIME: 13:22 \*  
\* FROM: LIOCP3G \*  
\* SUBJECT: JOY RIDER \*  
\* PRINT DATE: 02/17/85 TIME: 14:27 \*  
\*  
\*\*\*\*\*

PARTICIPANT LIST FROM PETERSBURG \*:

1. GAYLE EASTWOOD - EMT
2. MARVIN ROMINGUS - ACTING CHIEF OF POLICE
3. ARLENE PENCE - MAYOR OF PETERSBURG
4. DOUG WELDE - FIRE CHIEF







ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

P.O. Box Y, State Capitol  
Juneau, Alaska 99811-3100  
Mail Stop 3100  
(907) 465-3991

April 21, 1989

MEMORANDUM

TO: Representative Peter Goll  
FROM: Brad Pierce *BP*  
Legislative Analyst  
RE: Joyriding Cases in Southeast  
Research Request 89.359

You asked that we provide information on the disposal of joyriding cases (criminal mischief) by the courts in Ketchikan, Wrangell and Petersburg during the past five years. Specifically, you wanted to know the number of cases charged, convictions and sentences. You are interested in determining if the disposition of cases in these three courts is consistent with other jurisdictions in the state.

Attached is a Department of Law printout of criminal misdemeanor joyriding cases--involving 60 individuals during the past five years--recorded by the courts in these three cities. The printout entries are self-explanatory. (Apparently the department has not yet received the paperwork for the five cases with missing disposition entries.) According to Dean Guaneli, assistant attorney general, the disposition of these cases is quite similar to those in other courts around the state. The vast majority of those convicted (or who plead guilty or no contest) served at least some jail time--14 of the 19 individuals convicted in Ketchikan went to jail, three of the four in Petersburg and nine of the ten in Wrangell also received jail sentences.

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I hope this is enough information for your purposes. Please call if you have questions.

Attachment

*All members +  
M9  
HJUD Bill file  
m Joyriding  
Sen to Goll  
BB 26*

## CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS		COURT LOC	: KETCHIKAN					
1)	CHARGE TRANS		DISP TRANS		TOTAL JAIL TIME	TOTAL FINE	SUS IMPOS SENT	
1)	DOB	CHARGE	DISPOSITION					
2)	CHARGE TRANS		REASON TRANS					
2)	CHARGE CONVICTED		AMENDMENT REASON		TIME SUSPENDED	FINE SUSPENDED		DATE CAS
1)	02/15/56	CRIM MISC III						02/10
2)								
1)	06/06/56	CRIM MISC III						02/10
2)								
1)	10/31/65	CRIM MISC III						01/17
2)								
1)	07/28/64	CRIM MISC III	PROS DECL/DISM REQ					12/16
2)			ESSENTIALLY A CIVIL MATTER					
1)	01/27/66	CRIM MISC III	PROS DECL/NO DISM RQ					10/30
2)			ESSENTIALLY A CIVIL MATTER					
1)	01/04/58	CRIM MISC III	PROS DECL/NO DISM RQ					01/16
2)			VICTIM DECLINES TO PROSECUTE					
1)		CRIM MISC III	PROS DECL/NO DISM RQ					10/01
2)			INSUFF EVID-OTHER ESS ELEMENT					
1)		CRIM MISC III	PROS DECL/NO DISM RQ					11/01
2)			INADEQUATE CORROBORATION					
1)	12/31/65	CRIM MISC III	PROS DECL/NO DISM RQ					11/21
2)			ESS WITNESS NOT CREDIBLE					
1)	08/05/70	CRIM MISC III	PROS DECL/NO DISM RQ					11/11
2)			INSUFF EVID-OTHER ESS ELEMENT					
1)	12/30/66	CRIM MISC III	JT-GUILTY AS CHARGED		30D	500+		12/21
2)					27D	400+		
1)	07/16/63	CRIM MISC III	JT-GUILTY AS CHARGED		1Y	+		02/11
2)						+		
1)		CRIM MISC III	JT-GUILTY AS CHARGED		1Y	+		02/11
2)						+		
1)		CRIM MISC III	JT-GUILTY AS CHARGED		1Y	+		02/11
2)						+		

## CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS		COURT LOC	: KETCHIKAN				
1)	CHARGE TRANS		DISP TRANS		TOTAL JAIL TIME	TOTAL FINE	SUS IMPOS SENT
1)	DOB	CHARGE	DISPOSITION				
2)	CHARGE TRANS		REASON TRANS				
2)	CHARGE CONVICTED		AMENDMENT REASON		TIME SUSPENDED	FINE SUSPENDED	DATE CAS
1)	02/27/62	CRIM MISC III	PROS DECL/NO DISM RQ				08/20
2)			OTHER DISCRETIONARY REASONS				
1)	11/10/42	CRIM MISC III	PROS DECL/NO DISM RQ				08/20
2)			OTHER DISCRETIONARY REASONS				
1)	02/03/69	CRIM MISC III	PROS DECL/NO DISM RQ				08/11
2)			REFERRED TO JUVENILE AUTH				
1)	03/12/61	CRIM MISC III	PLED AS CHARGED		360D	500+	08/05
2)					300D	500+	
1)	09/26/69	CRIM MISC III	PLED AS CHARGED		30D	+	01/03
2)					29D	+	
1)	10/30/62	CRIM MISC III	NOLO PLEA AS CHARGED		30D	500+	01/08
2)					27D	200+	
1)	10/28/53	CRIM MISC III	DISM BY PROSECUTOR				02/12
2)			OTHER DISCRETIONARY REASONS				
1)	07/06/61	CRIM MISC III	NOLO PLEA AS CHARGED		60D	+	07/08
2)					50D	+	
1)	08/29/57	CRIM MISC III	NOLO PLEA AS CHARGED			+	08/20
2)						+	
1)	03/01/62	CRIM MISC III	NOLO PLEA AS CHARGED			75+	09/03
2)						+	
1)	03/09/63	CRIM MISC III	DISM BY PROSECUTOR				09/09
2)			ESS WITNESS NOT CREDIBLE				
1)	12/01/60	CRIM MISC III	DISM BY PROSECUTOR				01/06
2)			OTHER DISCRETIONARY REASONS				
1)	10/13/64	CRIM MISC III	NOLO PLEA AS CHARGED		60D	+	02/03
2)					40D	+	
1)	05/22/67	CRIM MISC III	NOLO PLEA AS CHARGED		120D	500+	03/28
2)					100D	500+	

## CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS		COURT LOC	: KETCHIKAN		TOTAL JAIL TIME	TOTAL FINE	SUS IMPOS SENT
1)	CHARGE TRANS		DISP TRANS				
1)	DOB		DISPOSITION		TIME SUSPENDED	FINE SUSPENDED	DATE CAS
2)	CHARGE TRANS		REASON TRANS				
2)	CHARGE CONVICTED		AMENDMENT REASON				
1)	12/15/63	CRIM MISC III	NOLO PLEA AS CHARGED		60D	500+	
2)					60D	+	06/26
1)	08/03/66	CRIM MISC III	NOLO PLEA AS CHARGED		1Y	+	
2)					6M	+	06/26
1)	07/16/63	CRIM MISC III	NOLO PLEA AS CHARGED		180D	+	
2)						+	08/07
1)	03/06/68	CRIM MISC III	NOLO PLEA AS CHARGED		20D	+	
2)					17D	+	09/02
1)	11/04/66	CRIM MISC III	NOLO PLEA AS CHARGED		120D	1,000+	
2)					113D	1,000+	10/10
1)	10/10/68	CRIM MISC III	NOLO PLEA AS CHARGED		60D	1,000+	
2)					60D	650+	04/02
1)	05/09/69	CRIM MISC III	NOLO PLEA AS CHARGED		180D	+	
2)					180D	+	06/13
1)	12/30/67	CRIMINAL MISCHIEF II	NOLO-AMENDED CHARGE			+	Y
2)		CRIM MISC III	INSUFF EVID-PROOF OF VALUE			+	12/31
1)	08/21/69	CRIM MISC III	NOLO-SENT BARGAIN		120D	1,000+	
2)					120D	1,000+	04/27
1)	09/24/64	CRIM MISC III	DISM BY PROSECUTOR				
2)			EXCULPATORY EVID DISCOVERED				07/17
1)	12/15/63	CRIM MISC III	DISM BY PROSECUTOR				
2)			EXCULPATORY EVID DISCOVERED				10/25
1)	06/20/62	CRIM MISC III	DISM BY PROSECUTOR				
2)			OTHER MISCELLANEOUS REASONS				03/05
1)	09/22/64	CRIM MISC III	DISM BY PROSECUTOR				
2)			INTEREST OF JUSTICE				03/31
1)	10/07/68	CRIM MISC III	DISM BY PROSECUTOR				
2)			DEF CONVICTED IN ANOTHER CASE				11/04

## CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS		COURT LOC	: KETCHIKAN	DISP TRANS	TOTAL JAIL TIME	TOTAL FINE	SUS IMPOS SENT
1)	CHARGE TRANS			DISPOSITION			
2)	CHARGE CONVICTED			REASON TRANS	TIME SUSPENDED	FINE SUSPENDED	DATE CA'
2)	CHARGE CONVICTED			AMENDMENT REASON			
1)	10/07/68	CRIM MISC III		DISM BY PROSECUTOR			11/0'
2)				INTEREST OF JUSTICE			
1)	07/16/63	CRIM MISC III		DISM BY PROSECUTOR			12/2'
2)				DEF CONVICTED IN ANOTHER CASE			
1)	12/29/64	CRIM MISC III		DISM BY PROSECUTOR			05/1'
2)				RESTITUTION MADE/IN PROGRESS			
1)	12/28/66	CRIM MISC III		DISM BY PROSECUTOR			02/0'
2)				DEF CONVICTED IN ANOTHER CASE			
1)	08/08/62	CRIM MISC III		DISM BY PROSECUTOR			12/2'
2)				OTHER DISCRETIONARY REASONS			
1)	12/25/64	CRIM MISC III		DISM BY PROSECUTOR			05/1'
2)				OTHER EVIDENTIARY REASONS			
1)	07/27/66	CRIM MISC III		DISM BY PROSECUTOR			05/2'
2)				VICTIM DECLINES TO PROSECUTE			
1)	09/22/70	CRIM MISC III		DISM BY PROSECUTOR			12/2'
2)				REFERRED TO JUVENILE AUTH			

DATE 04/19/89

ALASKA VERSION OF ON-LINE PROMIS

PAGE 05  
NAME CODE: CRIM3D

CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS COURT LOC : PETERSBURG

1) 2)	DOB	CHARGE TRANS CHARGE CHARGE TRANS CHARGE CONVICTED	DISP TRANS DISPOSITION REASON TRANS AMENDMENT REASON	TOTAL JAIL TIME TIME SUSPENDED	TOTAL FINE FINE SUSPENDED	SUS IMPOS SENT DATE CAS
1) 2)	07/02/65	CRIM MISC III				02/06
1) 2)	07/13/53	CRIM MISC III	PLED AS CHARGED		+	Y 09/06
1) 2)	05/08/67	CRIM MISC III	NOLO PLEA AS CHARGED	90D 65D	+	08/28
1) 2)	06/08/66	CRIM MISC III	NOLO PLEA AS CHARGED	90D 45D	+	07/22
1) 2)	12/01/65	CRIM MISC III	NOLO PLEA AS CHARGED	90D 90D	+	11/10
1) 2)	10/31/67	CRIM MISC III	NOLO PLEA AS CHARGED	60D 40D	+	02/08
1) 2)	08/18/60	CRIM MISC III	DISM BY PROSECUTOR OTHER DISCRETIONARY REASONS			08/01

## CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS		COURT LOC	: WRANGELL	DISP TRANS	TOTAL JAIL TIME	TOTAL FINE	SUS IMPOS SENT
1)	CHARGE TRANS			DISPOSITION			
2)	CHARGE			REASON TRANS	TIME SUSPENDED	FINE SUSPENDED	DATE CAS
2)	CHARGE TRANS			AMENDMENT REASON			
2)	CHARGE CONVICTED						
1)	02/18/57	CRIM MISC III					10/30
2)							
1)	07/22/62	CRIM MISC III		NOLO PLEA AS CHARGED	60D	+	03/05
2)					30D	+	
1)		CRIM MISC III		NOLO PLEA AS CHARGED	60D	+	03/05
2)					30D	+	
1)	11/09/67	CRIM MISC III		NOLO PLEA AS CHARGED	5D	+	02/25
2)						+	
1)	11/04/66	CRIM MISC III		NOLO PLEA AS CHARGED	10D	+	07/31
2)					10D	+	
1)	12/20/64	CRIM MISC III		NOLO PLEA AS CHARGED	3Y	+	12/25
2)					1Y	+	
1)	02/23/68	CRIM MISC III		NOLO PLEA AS CHARGED	20D	+	02/25
2)					15D	+	
1)	10/27/68	CRIM MISC III		NOLO PLEA AS CHARGED	30D	+	07/15
2)					27D	+	
1)	05/15/61	CRIM MISC III		NOLO PLEA AS CHARGED		100+	07/15
2)						+	
1)	10/04/67	CRIM MISC III		NOLO PLEA AS CHARGED	20D	300+	11/15
2)					10D	200+	
1)	08/10/66	CRIM MISC III		NOLO PLEA AS CHARGED	180D	+	12/05
2)					120D	+	
1)	09/19/62	CRIM MISC III		NOLO-AMENDED CHARGE	5D	+	06/25
2)	CRIMINAL MISCHIEF IV			OTHER WITNESS PROBLEM	3D	+	

EXTRACT SELECT COUNT IS 69

STEVE COWPER, GOVERNOR

**PUBLIC DEFENDER AGENCY**

900 W. 5TH AVENUE  
SUITE 200  
ANCHORAGE, ALASKA 99501-2090  
PHONE: (907) 279-7541

February 13, 1989

Representative Max F. Gruenberg, Jr.  
House Judiciary Committee  
P.O. Box V  
Juneau, Alaska 99811

RE: HB 132 - "An Act amending the penalty for unauthorized taking of a propelled vehicle"

Dear Representative Gruenberg:

Thank you for the opportunity to comment on the above-referenced proposed legislation. HB 132 seeks to amend what is commonly called the "joyriding" statute. Section 11.46.484, which is affected by the proposed amendment involves the temporary taking of a propelled vehicle of another without that person's permission. In other words, if I leave my car warming up in the driveway and Mr. Smith enters it and drives it away, later leaving it at a location across town, he has committed criminal mischief in the third degree. Criminal mischief in the third degree involves no damage to the vehicle or damage of an amount less than \$500.00. It is a Class A misdemeanor and carries substantial penalties, those being a maximum sentence of one year in prison and up to a \$5,000 fine. A term of up to five years probation can also be imposed.

This amendment contemplates imposing a mandatory jail sentence of not less than 72 hours and a fine of not less than \$250.00 for an individual convicted of this offense. Additionally, the court may not suspend imposition of sentence, even for a first offender.

I believe it is ill advised to adopt the proposed amendment contained in HB 132. Criminal mischief in the third degree already carries substantial penalties, mentioned above. There are a large number of misdemeanor offenses which fall into the Class A misdemeanor category, including everything from drunk driving to assault in the fourth degree to misconduct involving weapons in the second degree to promoting prostitution in the third degree. None of those I mentioned, with the exception of D.W.I., carry mandatory jail sentences. The judge is given the discretion to fashion an appropriate sentence.

The problem I see with singling out this offense for different treatment is that such action skews the overall sentencing scheme. In 1980 the Criminal Code was completely restructured in part to cure the disparity in the sentencing of individuals. The new Code was adopted with special care given to a uniform approach to sentencing.

By this amendment the crime of criminal mischief in the third degree is elevated in terms of its seriousness, being made comparable with first offender D.W.I. prosecutions. I do not believe that "special" treatment

can be justified based on the nature of the offense or the frequency with which it occurs. It must be remembered that joyriding is only a temporary taking, and often an impetuous act. This amendment would make joyriding more serious than all other misdemeanor thefts, which involve the intent to permanently deprive an individual of his or her property. There are many misdemeanor offenses in the Class A category which are arguably more serious than criminal mischief in the third degree.

As anomalous as the mandatory sentence and fine, is the proscription against giving a suspended imposition of sentence. Suspended impositions of sentence are typically given to youthful property offenders whose criminal act was of an impulsive nature. An S.I.S. is usually given to a person so that he or she can be placed on probation for the purpose of monitoring subsequent conduct and efforts at rehabilitation. An S.I.S. provides an additional incentive to "walk the straight and narrow" because a judge has the ability at the end of the term of probation to set aside the conviction. Thus the offender can apply for employment, schooling, etc. without the criminal conviction being a part of the record. If the person violates any condition of the probationary term after having received an S.I.S., the offender can be brought before the court and sentenced to any term of imprisonment up to the maximum sentence. Therefore an S.I.S. is not lenient treatment so much as an additional lever with which the court can influence behavior.

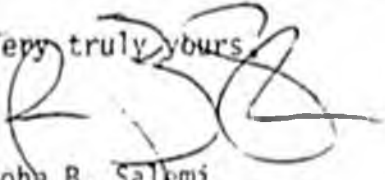
It is my impression that this amendment is really a response to a local problem in Southeast. I think it is bad public policy to change the Criminal Code on a statewide basis because of a perceived problem in one area. It seems the better solution would be to sensitize the prosecutors and court in that area to the "problem". There may, in fact, not be a problem. Oftentimes it is just a matter of the public not having accurate information concerning the law and/or treatment of offenders.

With this letter I also enclose a memo from a staff attorney (Scott Taylor) which gives his perspective on the proposal before you.

Finally, enactment of this proposal will have an undetermined fiscal impact on the Public Defender Agency. If the Department of Law anticipates a fiscal impact, it is likely we would likewise experience the need to increase our resources. I note that when a similar bill was introduced in 1988 (CS SB 497) the Public Defender Agency submitted a fiscal note of 95.8. This included a request for one Attorney III and a halftime Clerk Typist III.

Thanks again for allowing my input regarding HB 132. Please contact me if you have further questions.

Very truly yours,

  
John B. Salemi  
Acting Public Defender

JBS:sh

Enclosure

# MEMORANDUM

# State of Alaska

TO John Salemi

DATE 2/10/89

FILE NO

TELEPHONE NO

THRU

SUBJECT SB 26/HB 132

FROM Scott

The bill amends AS 11.46.484 (criminal mischief in the third degree) to add a mandatory minimum sentence of 72 hours imprisonment, a \$250 fine, and restitution. The mandatory minimum would only apply to a first offense of AS 11.46.484(a)(2): "the person drives, tows away, or takes the propelled vehicle of another." A second conviction under this paragraph is already classified as a class C felony.

Dana's fiscal note on last year's substitute bill (CS SB 497) is a good comment and should be repeated. The legislature needs to be aware of the following points:

1. Currently, a first offense of joyriding is a class A misdemeanor with an authorized sentence of imprisonment up to one year, a fine up to \$5,000, restitution and community work service. First offenders are not getting off "scot-free." A second offense is a class C felony.

2. SB 26 removes discretion from the sentencing judge for first convictions of a crime that is often an 18-year-old taking the family car without permission. Mandatory jail time is not appropriate in all situations.

3. A mandatory minimum 72-hour jail term will encourage trials and crowd the jails. SB 26 will engender significant consequential costs in prosecution, defense, court time, jail reporting and processing, and incarceration.

4. If the perceived problem is that current sentencing practices are not a sufficient deterrent, then it is the job of the prosecuting attorneys to educate the courts to sentence more appropriately. That is the purpose of sentencing remarks.

5. The "unauthorized taking of a propelled vehicle" is an impulse crime of opportunity. Offenders take the vehicle because they need to get somewhere or because they see the keys in the ignition. They do not pause to consider the penalties. The 1982 amendment classifying a second conviction as a class C felony has not reduced joyriding recidivism. There is no reason to believe that SB 26 would have any effect other than to increase the costs of criminal justice.



ALASKA STATE LEGISLATURE  
 HOUSE OF REPRESENTATIVES  
 RESEARCH AGENCY

P.O. Box Y, State Capitol  
 Juneau, Alaska 99811-3100  
 Mail Stop 3100  
 (907) 465-3991

January 27, 1989

MEMORANDUM

TO: Representative Mike Miller  
 ATTN: Gene Therriault  
 FROM: Karla Hart *KH*  
 Legislative Analyst  
 RE: Motor Vehicle Theft in Alaska  
 Research Request 88.213 Revised

You requested that House Research Memorandum 88.213, motor vehicle theft in Alaska, be updated to include 1987 figures (the latest available).

Motor Vehicle Theft in Alaska

There were 19,970 actual motor vehicle thefts, including autos, trucks and buses, and other vehicles, in Alaska between 1981 and 1986. Figures for 1988 are not yet available. Table 1 presents the number of thefts year by year.

Table 1  
 Motor Vehicle Thefts

<u>Year</u>	<u>Total</u>	<u>Auto</u>	<u>Bus/Truck</u>	<u>Other</u>
1981	2,822	1,097	703	1,022
1982	2,544	991	623	930
1983	3,017	1,167	822	1,028
1984	3,039	1,322	794	923
1985	3,083	1,348	763	972
1986	3,032	1,319	702	1,011
1987	2,433	1,297	535	601
Total	19,970	8,541	4,942	6,487

The Department of Public Safety does not require that municipalities break down motor vehicle theft into categories, such as joyriding and grand auto theft. These data represent actual thefts; reported thefts which proved to be false or baseless are not included.

Representative Miller  
January 27, 1989  
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The number of people arrested for motor vehicle theft is broken down by year and by adults and juveniles (under 18 years of age). A breakdown of arrests by type of motor vehicle stolen is not available. Arrests for the years 1981 through 1987 are shown in Table 2.

Table 2  
Arrests for Motor Vehicle Thefts

<u>Year</u>	<u>Adults</u>	<u>Juveniles</u>
1981	160	137
1982	172	146
1983	196	172
1984	153	156
1985	143	138
1986	146	154
1987	165	166
Total	1,135	1,069

Attached is information on motor vehicle thefts as reported in Crime in Alaska 1987, Uniform Crime Reporting, Department of Public Safety.

\* \* \*

I hope this information is helpful. If you have questions, please call.

Attachment

M/V THEFTS

TREND

	<u>NUMBER OF OFFENSES</u>	<u>% CHANGE</u>	<u>RATE PER 100,000 % CHANGE</u>
1983	3056		
1984	3039	-0.6%	-2.9%
1985	3083	+1.4%	-0.8%
1986	3032	-1.7%	-2.9%
1987	2433	-19.8%	-19.2%

Motor vehicle theft is defined as the theft or attempted theft of a motor vehicle.

1987 SUMMARY

A total of 2433 motor vehicles were stolen in 1987. This is a 19.8% decrease compared to 1986.

Motor vehicle thefts accounted for 9.8% of the property crimes and 9.0% of the total crime index. Motor vehicle theft rate per 100,000 people was 452.2.

Automobile had the highest percentage of motor vehicle thefts with 53%, followed by trucks and buses with 22%, and other vehicles making up 25%.

Sixteen year-olds had 16% of the arrests made for motor vehicle thefts followed by 17 year-olds having 13%.

The most motor vehicle thefts occurred in March, 231, and November had the least, 136.

1987 STATEWIDE TOTALS  
OFFENSES KNOWN TO POLICE

CLASSIFICATION OF OFFENSES	OFFENSES REPORTED OR KNOWN	UNFOUNDED FALSE OR BASELESS	NUMBER OF ACTUAL OFFENSES	TOTAL OFFENSES CLEARED BY ARREST OR EXCEPT	NUMBER OF CLEARANCES PERSONS UNDER 18
1. Criminal Homicide	TOTAL 56	1	55	39	
A. Murder & Nonneg Mansl	51		51	36	
B. Mansl By Negligence	5	1	4	3	
2. Forcible Rape	TOTAL 377	44	333	152	8
A. Rape By Force	303	41	262	117	8
B. Attempts To Commit Forc. Rape	74	3	71	35	
3. Robbery	TOTAL 380	4	376	94	6
A. Firearm	120	1	119	28	2
B. Knife Or Cutting Instrument	48		48	20	1
C. Other Dangerous Weapon	29	1	28	10	
D. Strong-Arm (Hands, Fist, Feet)	183	2	181	36	3
4. Assault	TOTAL 5,945	90	5,855	3,761	228
A. Firearm	415	8	407	255	15
B. Knife Or Cutting Instrument	298	2	296	198	14
C. Other Dangerous Weapon	360	3	357	210	14
D. Hands, Fist, Feet - aggravated	521	12	509	330	23
E. Other Assaults - simple	4,351	65	4,286	2,768	161
5. Burglary	TOTAL 5,008	75	4,933	699	276
A. Forcible Entry	3,188	38	3,150	467	171
B. Unlawful Entry-No Force	1,510	34	1,476	201	89
C. Attempted Forcible Entry	310	3	307	31	15
6. Larceny - Theft (Except Motor Veh)	TOTAL 17,637	239	17,398	4,097	1,397
7. Motor Vehicle Theft	TOTAL 2,679	246	2,433	465	128
A. Autos	1,464	167	1,297	293	74
B. Trucks And Buses	603	68	535	75	26
C. Other Vehicles	612	11	601	97	28
8. Arson	TOTAL 233	3	230	35	7
<b>GRAND TOTAL</b>	<b>32,315</b>	<b>702</b>	<b>31,613</b>	<b>9,342</b>	<b>2,050</b>

Officers Killed or Assaulted  
Killed-Felony 0 Killed-Accident 0 Assaulted 207

1987 STATEWIDE TOTALS

PROPERTY STOLEN BY CLASSIFICATION

CLASSIFICATION OF OFFENSES	NUMBER OF ACTUAL OFFENSES	VALUE OF PROPERTY STOLEN
1. Murder/Nonneg Mansl	51	\$ 800
2. Forcible Rape (TOTAL)	333	\$ 10,835
3. Robbery		
A. Highway (Street, Alleys, Etc.)	149	\$ 76,801
B. Commercial House (Ex. C,D,F)	73	73,077
C. Gas or Service Station	16	3,300
D. Chain Store	42	7,678
E. Residence (Anywhere on Prem)	54	24,289
F. Bank	3	33,222
G. Miscellaneous	39	3,102
TOTAL ROBBERY	376	\$ 221,469
4. Assault - Not Applicable		\$
5. Burglary - Breaking or Entering		
A. Residence (Dwelling)		
1. Night (6 p.m. - 6 a.m.)	719	\$ 604,346
2. Day (6 a.m. - 6 p.m.)	754	1,349,010
3. Unknown	1,400	2,276,323
B. Non-Residence (store, off, etc.)		
1. Night (6 p.m. - 6 a.m.)	739	591,577
2. Day (6 a.m. - 6 p.m.)	272	319,229
3. Unknown	1,049	1,227,418
TOTAL BURGLARY	4,933	\$ 6,367,903
6. Larceny - Theft (Except Motor Veh)		
A. \$200 and over	5,968	\$ 7,932,803
B. \$50 to \$200	3,960	433,356
C. Under \$50	7,470	84,940
TOTAL LARCENY	17,398	\$ 8,451,099
7. Motor Vehicle Theft	2,433	\$ 9,590,899
GRAND TOTAL ALL		\$ 24,643,005
6X. Nature of Larcenies under 6		
A. Pocket - picking	70	\$ 45,477
B. Purse - snatching	48	6,831
C. Shoplifting	4,220	212,486
D. From Motor Vehicles	2,925	1,279,376
E. Motor Vehicle Parts and Acc.	1,271	563,206
F. Bicycles	1,351	268,646
G. From Buildings (except C & H)	2,998	1,552,669
H. From any Coin-Op Machines	95	11,825
I. All Other	4,420	4,510,583
TOTAL LARCENIES	17,398	\$ 8,451,099
7X. Motor Vehicles Recovered		
A. Number Stolen Locally & Recovered Locally	1,662	
B. Number Stolen Locally & Recovered Other Jurisdictions	146	
C. Total Locally Stolen Motor Vehicles Recovered	1,808	
D. Number Stolen Out of Town, Recovered Locally	6	

M/V THEFT ARRESTS - 1987

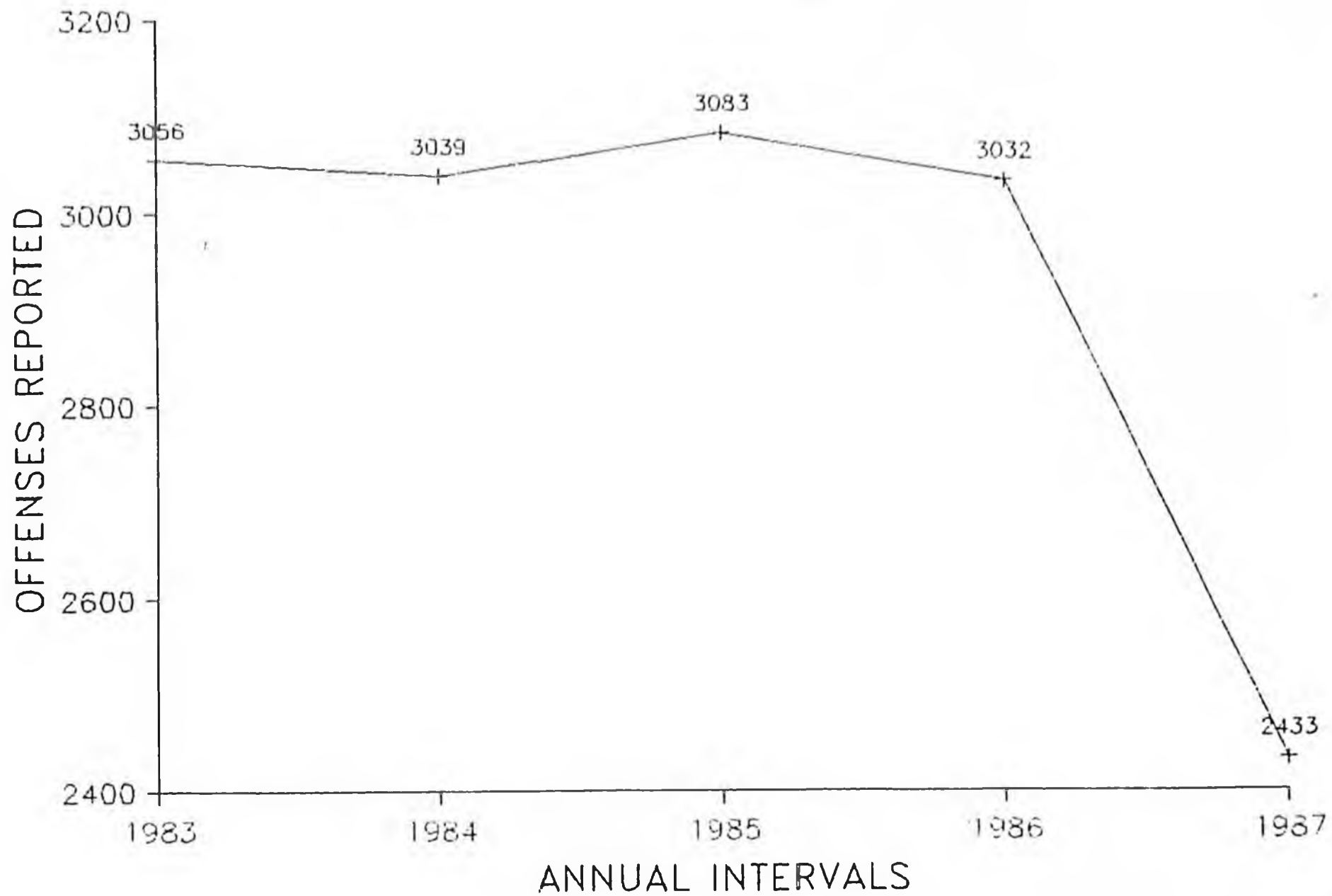
12 and under	M	14
	F	1
13-14	M	21
	F	8
15	M	19
	F	7
16	M	46
	F	8
17	M	34
	F	8
18	M	29
	F	0
19	M	20
	F	0
20	M	15
	F	1
21	M	8
	F	1
22	M	13
	F	0
23	M	10
	F	1
24	M	9
	F	1
25-29	M	18
	F	3
30-34	M	16
	F	3
35-39	M	6
	F	5
40-44	M	5
	F	0

M/V THEFT ARRESTS - 1987 (cont.)

45-49	M	0
	F	0
50-54	M	0
	F	0
55-59	M	1
	F	0
60-64	M	0
	F	0
65 and over	M	0
	F	0
TOTAL	M	284
	F	47
White		215
Black		20
Indian		92
Asian		4

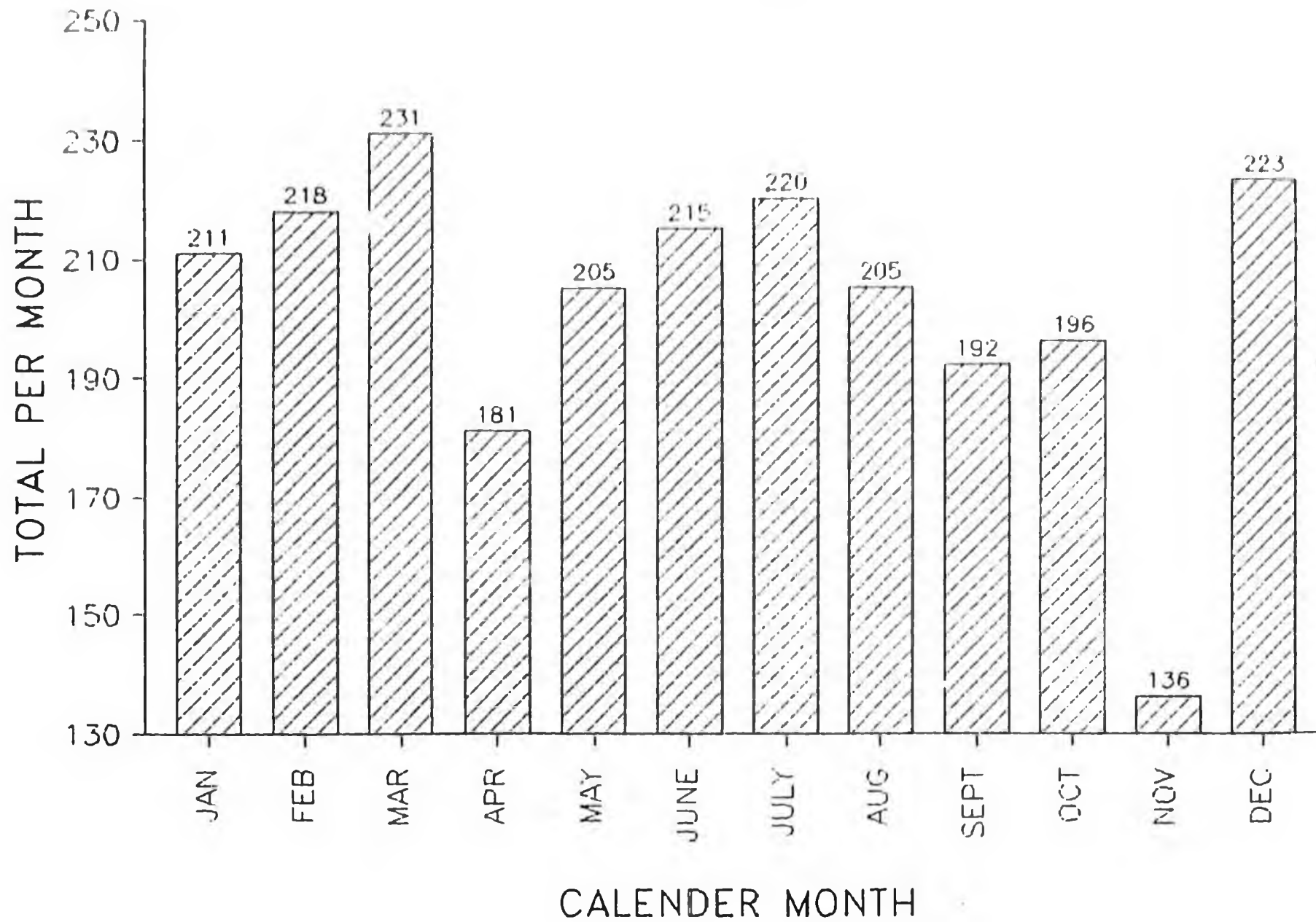
# MOTOR VEHICLE THEFT TREND

1983 through 1987



# MOTOR VEHICLE THEFT BY MONTH

1987



# MOTOR VEHICLE THEFTS 1987

## PERCENTAGE DISTRIBUTION

