

S B

26

JAN 25 1989

COPY TO R4Y

STATE OF ALASKA
THE LEGISLATURE

POLICE STATE CAPITOL
BUREAU ALASKA 99811
977 465 3830

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 25, 1989

SUBJECT: Amending the penalty for misdemeanor
joyriding (Senate Bill 26)

TO: Senator Lloyd Jones, Chair
Senate Transportation Committee

FROM: Jack Chenoweth
Legislative Counsel

The legislation imposes a mandatory minimum sentence for a first conviction for the offense of misdemeanor joyriding ("criminal mischief in the third degree") involving the taking of a propelled vehicle in which the damage or expenses are less than \$500. A first conviction for the offense is defined as a class A misdemeanor, with normal maximum penalties of a \$5000 fine and one year in jail. Under this bill, one convicted would face a mandatory sentence of

- imprisonment for a minimum of 72 hours;
- a minimum fine of \$250; and
- payment of restitution as the court may order.

The court would be precluded from suspending imposition or execution of sentence and would be precluded from admitting the convicted defendant to probation unless the minimum sentence was served.

In essence, the penalty incorporates the content of the penalty for first offense Driving While Intoxicated (AS 28.35.030(c)).

As we learned during last year's review of SB 497, although the Senate Bill 26 suggests a "go to jail" approach, under AS 33.30.151 - 33.30.161, the mandatory sentence required by the bill may be served in a correctional restitution center.

Senator Lloyd Jones
Page 2
January 25, 1989

The penalty for felony joyriding, involving damage to the vehicle of \$500 or more--a class C felony--is unchanged: a maximum fine of \$50,000 and maximum term of imprisonment of five years.

JC:lmb
L6/156



City of Petersburg
P. O. Box 320
Petersburg, Alaska 99833

February 29, 1988

Senator Lloyd Jones
Pouch V
Juneau, Alaska 99811

Dear Senator Jones:

A petition has been circulated by Petersburg residents calling for the crime of Criminal Mischief in the Third Degree (a Class A misdemeanor) (for vehicle theft) be increased to a felony offense category.

The Petersburg Police Chief has advised the City Manager that the District Attorney's office has been reluctant to charge persons stealing cars in Petersburg with Theft in the Second Degree, a C Felony, because one of the elements of that offense is that the person taking the vehicle has the intent to deprive the owner of the property indefinitely. In that Petersburg is on an island, the District Attorney's office feels that proving that element would be difficult or impossible and have elected to charge under the criminal Mischief statutes. Unless there is damage done over \$500 to the vehicle taken, Criminal Mischief statutes require that the person be charged with Criminal Mischief in the Third Degree, an A Misdemeanor.

It seems somewhat incongruent that a person in Petersburg can enter a home and take a \$600 VCR and be later apprehended and charged with Burglary in the Second Degree, a C Felony, and that another person can take a \$10,000 vehicle from the street or a driveway and when apprehended only be charged with Criminal Mischief in the Third Degree, an A Misdemeanor.

During 1987, registered owners reported ten vehicles stolen and the investigations into these thefts showed the registered owners suffered a property damage loss totaling \$481.30. These losses did not include losses such as inconvenience to the owners such as towing, etc. So far in 1988, the police department has had three vehicles reported stolen and property damage has amounted to \$15,771.72 which should result in one to two felony charges due to the excessive damages.

Most other states classify auto theft as a felony and with the increasing cost of vehicles and the inconvenience of such a loss, it seems appropriate that the State of Alaska increase the penalty and level of this offense so that it is consistent with the theft of other valuable property.

Sincerely,

Patricia Curtis
Jas.

Doug Barber, Mayor
City of Petersburg



Petersburg Vol. Fire Dept.

P.O. Box 75
Petersburg, Alaska 99833
Ph. 907-772-3355



Lloyd Jones
Alaska State Senate
P.O.Box V
State Capitol
Juneau, Alaska 99811

Dear Senator Jones;

We, of the Petersburg Volunteer Fire Department, are in accord with the proposed compromised legislation, on joy-riding. We feel that the person who takes an automobile without permission must have a deterrent, in order to make him think twice about it in the first place.

By making the punishment, a mandatory three days in jail, a minimum fine of Two Hundred and Fifty Dollars, and restitution to the vehicle owner, we feel that justice will have been served.

Thank you in your efforts to help us.

Sincerely,

Norm Fredricksen
Chief



City of Petersburg

Police Department
P.O. Box 328
Petersburg, Alaska 99833
(907) 772-3838

January 31, 1989

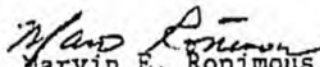
Senator Lloyd Jones
P.O. Box V
State Capital Building
Juneau, Alaska 99811

Dear Senator Jones:

The Petersburg Police Department is in support of the change in the joyriding law currently before the Senate.

We believe the compromise reached over last year's proposed legislation is excellent, and that what is currently before you will make a very workable, effective law.

Sincerely,


Marvin E. Ronimus
Acting Chief of Police

MER/ko



**National
Car Rental**

National Car Rental
Alaska Sales and Service, Inc.
1300 East Fifth Avenue
Anchorage, Alaska 99501
(907) 274-3695

1/29/89
Alaska State Legislature
Ray Matiashowski
Assistant to Senator Lloyd Jones
PO Box V
Juneau, Alaska 99811

Dear Mr. Matiashowski,

In regard to SB 26, Joyriding Legislation.

National Car Rental is the largest car rental in the State of Alaska. We are pleased and we do support SB 26 which amends the penalty of joyriding.

National can cite many cases in which our vehicles have been used for "joyriding" and we are then left helpless because of a lean joyride law.

We strongly urge a stiff sentence to those individuals who use an automobile for joyriding purposes. It costs everyone in the long run and it seems the person who is not affected is the joyrider himself.

Please do what you can to pass SB 26.

Sincerely yours,

Courtland E. Marchant
Courtland E. Marchant
General Manager
National Car Rental
also
President of CATRALA

Licensee
3730 Spenard Rd.
Anchorage AK 99517-2876
907 276 2855
Fax 907 279 1328

Out of Town Reservations
1-800-FOR-CARS



FAX TRANSMISSION COPY

DATE: 1-30-89
TO : Ray Matrasowski RE Senate Lloyd Jones Rm 9
Clair Floyd Capitol Bld.
FROM : Clair Floyd
REGARDING RE House Bill #26 Joyriding

THIS TRANSMISSION CONSISTS OF 5 PAGES IF YOU DID NOT
RECEIVE THE COMPLETE TRANSMISSION PLEASE CALL

(907) 276-2855

OFFICE HOURS OF 6AM TO 10PM ALASKA STANDARD TIME

THE CAR YOU WANT... AT A RATE YOU'LL LOVE



SUBCOMPACT
Dodge Colt or similar



COMPACT
Dodge Shadow or similar



MIDSIZE
Plymouth Reliant or similar



FULLSIZE 2-DOOR
Chrysler LeBaron Coupe or similar



FULLSIZE 4-DOOR
Dodge Dynasty or similar



LUXURY
Chrysler New Yorker or similar



MINI-VAN
Plymouth Voyager or similar



PASSENGER VAN
12 passengers
Dodge Van or similar

Licensee
3730 Scenic Rd
Anchorage, AK 99517-2675
907 276 8844
Fax 907 279 1025

Thrifty Car Rental
1-800-FOR-CARS



January 30, 1989

Attn: Senator Lloyd Jones

RE: BILL #26 JOYRIDING

Please accept my support for Senate Bill #26. I would like to show what has happened to me, because of the lax of the present law.

On December 1, 1986 the lock on my security fence was broken and 4 cars stolen by John Weber and friends. One 1987 Chrysler 5TH Avenue was torched a total loss of \$15000.00, one 1987 Chrysler 5TH Avenue wrecked a loss of \$7,500.00, one 1987 Plymouth Reliant left damaged stuck in the ice on Campbell Creek a loss of \$1,211.61, one 1986 Dodge Colt abandoned minor damage of \$10.

The prosecuting attorney in Anchorage would not prosecute, when these men were caught and admitted to the thefts. Because the "Jails are to full" the judge will let them go on account of the way the law reads.

You can see from the attached subpoena from Palmer's District Attorneys Office. We finally found someone who was willing to do something as Mr. Weber was involved in several separate thefts in that area.

We need some relief from these people who have no responsibility for damages they cause with and to a stolen vehicle. In my grandfather's days they hung horse thieves.

Sincerely,

A handwritten signature in cursive script that reads "Clair A. Floyd".

CLAIR A. FLOYD
Alaska Franchise Owner
Thrifty Car Rental

CAF:lah

License
2730 Stearns Rd
Anchorage, AK 99517-2575
207 376 2855

Out of Town Reservations
1-800-808-0888



March 28, 1988

Joe Alutius
Department of Corrections
809 Chugiak
Palmer, Ak. 99645

RE: Case # 86-108647

To whom it may concern,

The damage breakdown for the December 1, 1986 break in is as follows:

1982 Chrysler Fifth Avenue replaced the vehicle on fire. \$ 15,000.00

1987 Chrysler Fifth Avenue involved in a Hit and Run accident. \$ 7,500.00

1986 Plymouth Reliant found in Campbell Creek with car broke through ice. \$ 1,211.61

1986 Dodge Colt damaged fuse link when car found. \$ 10.00

Total loss amount* \$ 23,721.61

* This is the amount of repairs not accounting for interest on the money from the date of the repairs. Loss of use has not been included in these figures also.

The above damages can be documented with repair estimates or copies of the invoices on the total loss car.

All license plates were removed and the cars were being operated on Temporary License Plates.

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA AT PALMER

SUBPOENA TO APPEAR/PRODUCE

To: Darrell Floyd or designee
DOB:
Home Phone:
Home Address:

Other Info:
SSN:
Work Phone: 276-2855
Work Address: Thrifty Car Rental
3730 Spanard Rd, Anchorage

You are commanded to appear and testify in court or before the grand jury
RESTITUTION HEARING

Date: 6/27/88 Court Address: 268 E. Fireweed, Palmer, Alaska
Time: 3:30 p.m. Courtroom: superior

In the case of STATE v. JOHN WEBER Court No. 887-288/1555 CR

This subpoena shall remain in effect from the date you appear until you are granted leave to depart by the court or by an officer acting at the direction of the court. If you fail to appear and testify as ordered, a warrant may be issued for your arrest.

You are ordered to bring with you documentation/receipts of damage to vehicles

RUSH

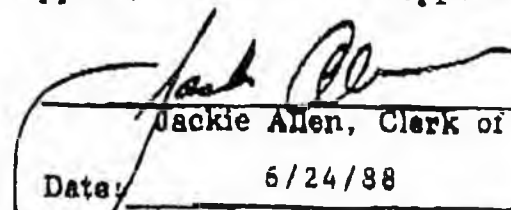
This subpoena is issued at the request of the State of Alaska. You are entitled to witness fees from the District Attorney and (if you live more than 30 miles from the court) travel and living expenses. You must contact the District Attorney's Office before you travel if you want to be paid travel expenses. Failure to make prior contact may make you ineligible for payment of travel and witness fees.

Witnesses subpoenaed for court can call 745-8423 after 4:30 p.m. on weekdays (and all day on weekends and holidays) for taped witness information about trials scheduled the next business day. Both grand jury and court witnesses must call the District Attorney's office on the day before your scheduled appearance to find out whether you are still required to appear, the time to appear and any other instructions.

Telephone: 745-5027

Contact person: cindy belcher
Gene Cyrus, DA

District Attorney's Office
809 S. Chugach Street, Suite 3
Palmer, Alaska 99645
745-5027 8:00-4:30 weekdays
745-8423 recorded message after 4:30



Jackie Allen, Clerk of Court
Date: 6/24/88



RETURN

I served the above subpoena on _____
the person to whom it is addressed, on _____ in _____
Alaska. (date)

Signature Title Type or Print Name
CR-340 PALMER DA (7/87) (st.3) Crim. R. 17, Admin. R. 7



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 goes 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
Page 2

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</u> <u>OFFENSES</u>	<u>% CHANGE</u>	<u>RATE PER 100,000</u> <u>% 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
GRAND TOTAL	32,315	702	31,613	9,342	2,050

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

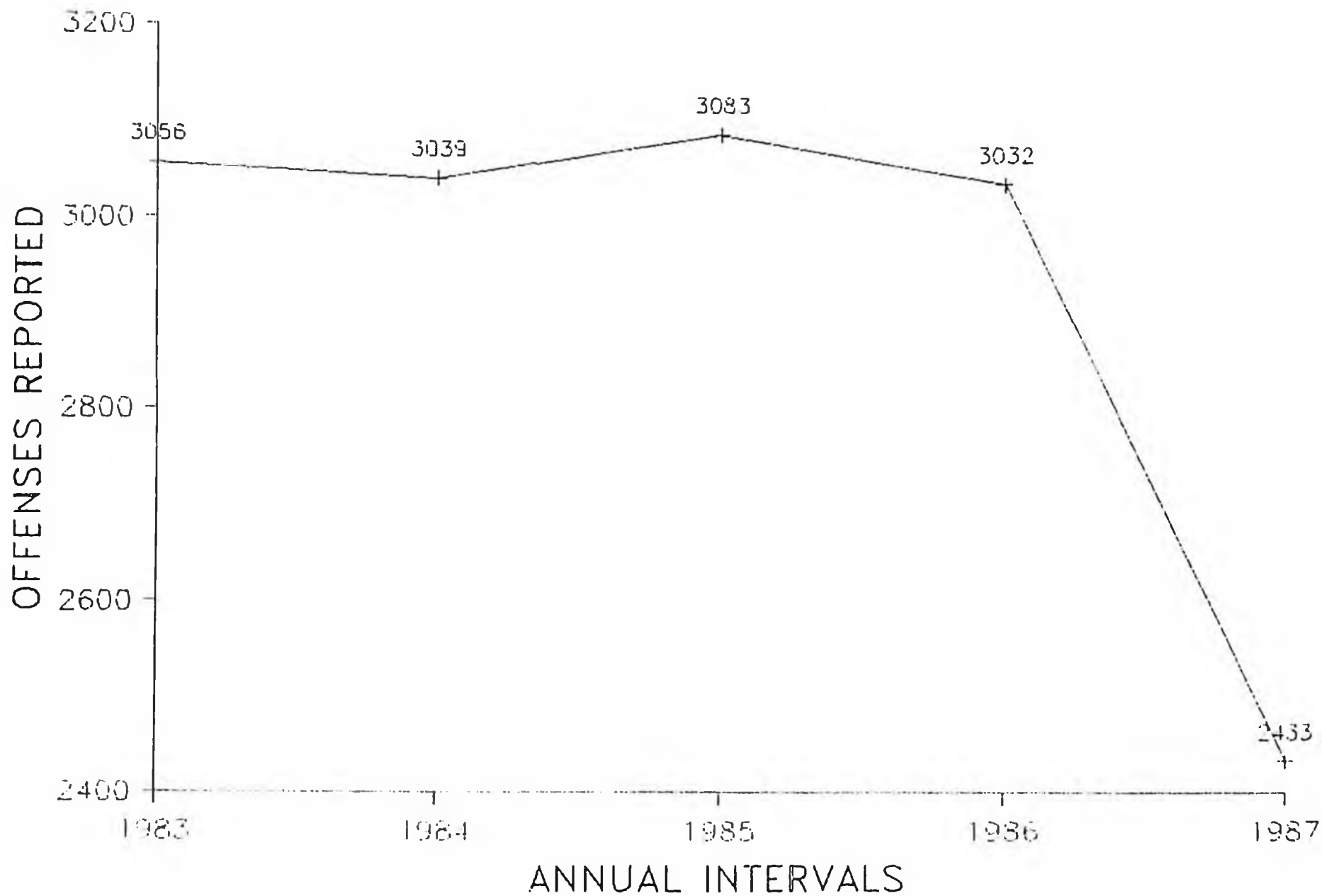
12 and under	M	14
	F	1
13-14	M	21
	F	8
15	M	19
	F	7
16	M	46
	F	8
17	M	34
	F	8
18	M	29
	F	0
19	M	20
	F	0
20	M	15
	F	1
21	M	9
	F	1
22	M	13
	F	0
23	M	10
	F	1
24	M	9
	F	1
25-29	M	18
	F	3
30-34	M	16
	F	3
35-39	M	6
	F	5
40-44	M	5
	F	0

M/V THEFT ARRESTS - 1987 (cont.)

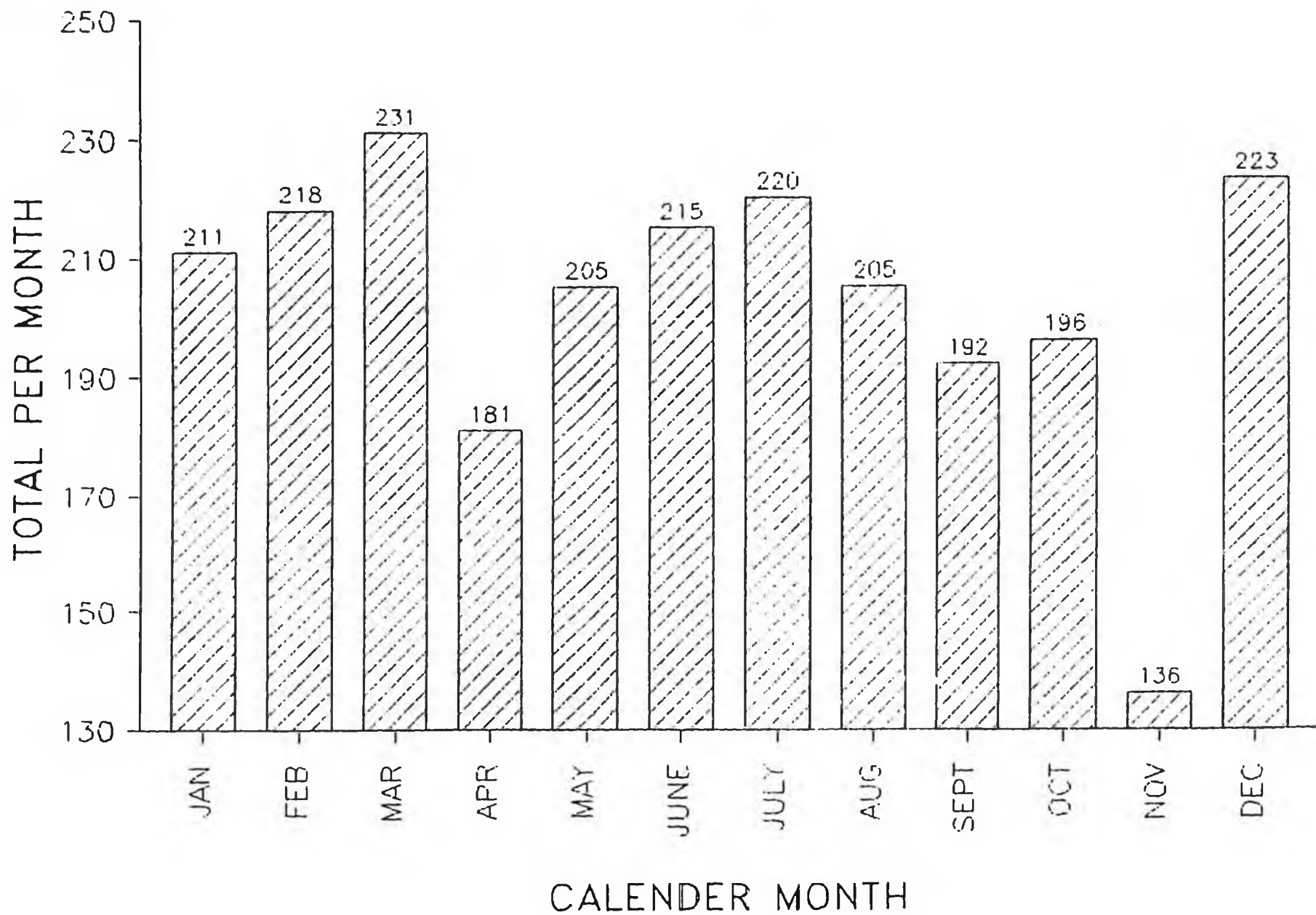
45-49	M	0
	F	0
50-54	M	0
	F	0
55-59	M	1
	F	0
60-64	M	0
	F	0
65 and over	M	0
	F	0
TOTAL	M	284
	F	47
White		215
Black		20
Indian		92
Asian		4

MOTOR VEHICLE THEFT TREND

1983 through 1987

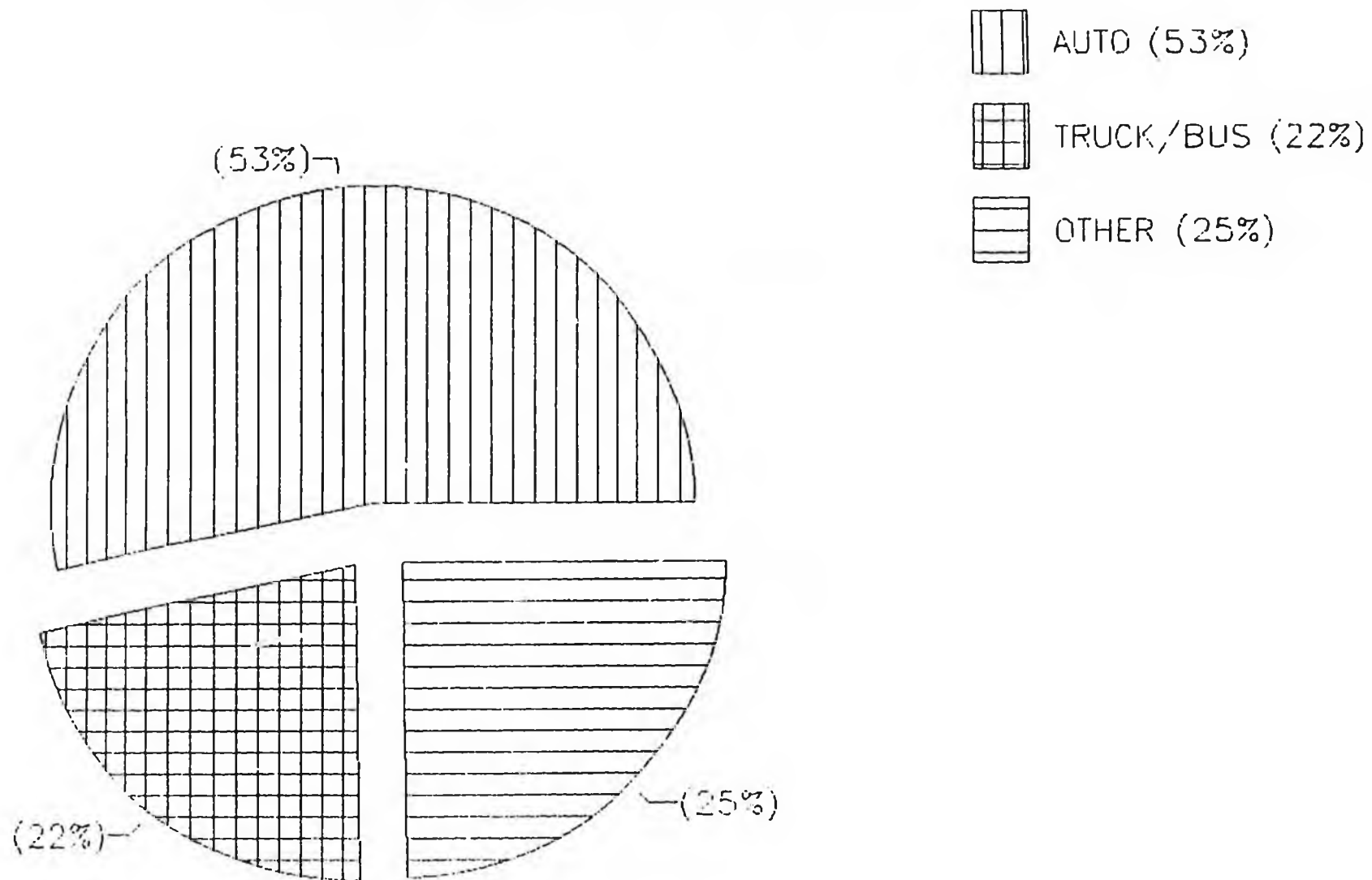


MOTOR VEHICLE THEFT BY MONTH 1987



MOTOR VEHICLE THEFTS 1987

PERCENTAGE DISTRIBUTION



damaged and is not required to know that the damage exceeds \$500 in value in order to be liable under this section. Ortberg v. State, Ct. App. Op. No. 792 (File No. A-1863), 751 P.2d 1368 (1988).

Conviction and sentence upheld. — See Andrejko v. State, Ct. App. Op. No.

444 (File No. A-205), 695 P.2d 246 (1985).

Quoted in Shewey v. State, Ct. App. Op. No. 723 (File No. A-1924), 739 P.2d 196 (1987).

Cited in Crouse v. State, Ct. App. Op. No. 704 (File No. A-1800), P.2d (1987).

Sec. 11.46.484. Criminal mischief in the third degree. (a) A person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe the person has such a right

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

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

(3) having custody of a propelled vehicle under a written agreement with the owner of the vehicle that includes an agreement to return the vehicle to the owner at a specified time, the person knowingly retains or withholds possession of the vehicle without the consent of the owner for so long a period beyond the time specified as to render the retention or possession of the vehicle an unreasonable deviation from the agreement;

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

(5) the person knowingly accesses a computer, computer system, computer program, computer network, or part of a computer system or network;

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

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

(b) Except as provided in (c) of this section, criminal mischief in the third degree is a class A misdemeanor.

(c) A person convicted under (a)(2) of this section is guilty of a class C felony if, within the preceding seven years, the person was convicted under

(1) the provisions of (a)(2) of this section;

(2) former AS 28.35.010;

(3) the provisions of AS 11.46.482(a)(4);

(4) an offense involving the theft of a propelled vehicle under AS 11.46.120 — 11.46.140; or

(5) a law or ordinance of this or another jurisdiction with elements substantially similar to those of the offenses described in (1) — (4) of this subsection. (§ 4 ch 166 SLA 1978; am § 1 ch 18 SLA 1979; am §§ 7, 8 ch 143 SLA 1982; am § 2 ch 79 SLA 1984; am § 2 ch 114 SLA 1984; am § 1 ch 15 SLA 1985; am § 2 ch 52 SLA 1988)

Revisor's notes. — Paragraph (6) of subsection (a) of this section was enacted as paragraph (a)(5). Renumbered in 1994. Also, minor word changes were made in subsection (a) in 1984.

Effect of amendments. — The first 1984 amendment, in subsection (a), added paragraph (5) and made related technical changes in paragraphs (3) and (4).

The second 1984 amendment, in subsec-

tion (a), deleted "or" at the end of paragraph (3) and added paragraph (6).

The 1985 amendment rewrote subsection (c).

The 1988 amendment, in subsection (a), substituted "or part of a computer system or network" for "or any part of a computer system or network; or" in paragraph (5), added "or" at the end of paragraph (6), and added paragraph (7).

NOTES TO DECISIONS

Lesser included offense of robbery. — Under the cognate approach, joyriding was a lesser included offense of robbery, since an element of robbery is the unauthorized taking or attempted taking of property; and joyriding is the unauthorized taking of a vehicle. *Minano v. State*, Ct. App. Op. No. 420 (File Nos. 7812, 7868), 690 P.2d 28 (1984), rev'd on other grounds, Sup. Ct. Op. No. 3006 (File No. S-736), 710 P.2d 1013 (1985).

Joyrider characterized as worst offender. — The district court judge was not clearly mistaken in characterizing a defendant as a worst offender, and in imposing the maximum sentence of one year for third-degree criminal mischief (joyriding). Despite the limited period of time in which defendant committed the offenses,

the defendant's record, coupled with the especially serious nature of the particular joyriding offense, i.e., that it was committed in order to perpetrate a felony, justified the sentence imposed. *Plant v. State*, Ct. App. Op. No. 640 (File No. 7734/A-37), 724 P.2d 536 (1986).

Quoted in *Shewey v. State*, Ct. App. Op. No. 723 (File No. A-1924), 739 P.2d 196 (1987).

Stated in *Shoemaker v. State*, Ct. App. Op. No. 605 (File No. A-1011), 716 P.2d 391 (1986).

Cited in *Plant v. State*, Ct. App. Op. No. 640 (File No. 7734/A-37), 724 P.2d 536 (1986); *Ortberg v. State*, Ct. App. Op. No. 792 (File No. A-1863), 751 P.2d 1368 (1988); *Jerrel v. State*, Ct. App. Op. No. 815 (File No. A-1627), P.2d (1988).

Sec. 11.46.487. Forfeiture of property upon conviction. Firearms and other personal property, except a motor vehicle, used in aid of a violation of AS 11.46.460, 11.46.462, or 11.46.484(a)(7) may be forfeited to the state upon conviction of the offender for the crime. (§ 3 ch 52 SLA 1988)

Sec. 11.46.490. Definitions. In AS 11.46.400 — 11.46.490, unless the context requires otherwise,

- (1) "highway" has the meaning given in AS 19.45.001;
- (2) "motor vehicle" has the meaning given in AS 28.40.100;

ALASKA PEACE OFFICERS ASSOCIATION

State APOA Office • P.O. Box 240108 • Anchorage, AK 99524-0108 • (907) 376-5481

January 31, 1989

Senator Lloyd Jones
Alaska State Legislature
Pouch V
Juneau, Alaska

Dear Senator Jones,

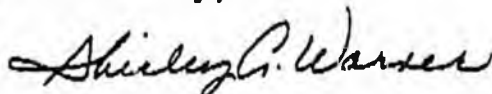
The Alaska Peace Officers Association and the Alaska Association of Chiefs of Police are very much in favor of Senate Bill 26, amending the penalty for joyriding.

When the bill was introduced, and passed, a couple of years ago making a second conviction of joyriding a felony we had expressed a very real concern. That concern was that so many times a first time offender is given a suspended imposition of sentence; no record is made on the first offense; and the offender could realistically become a repeat offender with no deterrence from this act.

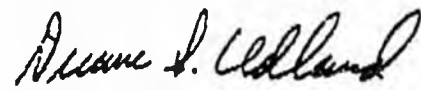
This bill would alleviate that from ever occurring. The Anchorage Police Department receives 1,500 cases per year which fit under the statute of Criminal Mischief in the Third Degree. Approximately 85% of these are repeat offenders.

There are many cases in which an offender steals one car; leaves it in the spot of the second car they steal; and on and on. We frequently handle cases where cars worth \$20,000 or more are stolen. Since it is a misdemeanor the offender is merely given a suspended imposition of sentence. Thefts in these amounts is a Class C felony and have been recognized for their seriousness. This amendment will certainly send a clear message that we are serious about the theft of our citizens' vehicles and create a stronger deterrent for the true first time offender.

Sincerely,



Shirley A. Warner
President, APOA



Duane S. Udland
Vice-President, AACP



EXECUTIVE DIRECTOR

M. James Messick

BOARD OF DIRECTORS

Shirley Warner, President
Anchorage

Dale Florian, Vice Pres.
Fairbanks

Steve Kalwara, Member
Juneau

John Shover, Member
Fairbanks

Greg Russell, Member
Kenai

Greg Hansen, Member
Anchorage

Terry Quanton, Member
Wasilla

CHAPTERS

Anchorage
Terry Marquart

Bethel
Simon Brown

Craig
James See

Fairbanks
Dale Florian

Kenai
Greg Russell

Juneau
Donald Ous

Kotzebue
Carlos Salazar

Bristol Bay
Terry Rodgers

Palmer
Greg Carpenter

Seward
Mike Chapman

Valdez
John Nealon

Ketchikan
LaRoy Mestas

Petersburg
Scott Eddy

AVIS RENT A CAR SYSTEM /

BOX 190028, ANCHORAGE, ALASKA 99519-0028 /

(907) 243-4300



LICENSED

February 1, 1989

The Honorable Senator Jones
P.O. Box V
Juneau, Alaska 99811

Dear Senator Jones:

AVIS/ALASKA RENT A CAR would like to take this opportunity to express our support of Senate Bill 26 (increasing the penalty for "joyriding" in the State of Alaska).

We are sure our experience with stolen vehicles are similar to many - not only to other businesses but also to the general public. Frustration and a sense of helplessness is felt each time one of our vehicles is involved in a "joyriding" incident. Frustration because the vehicle is usually returned to our inventory damaged from abuse; a sense of helplessness because it is extremely hard to obtain restitution; and knowing that the people involved will walk away with barely a slap on the wrist even though in many instances the perpetrators had no intention of ever returning the vehicle.

For many people an automobile is their largest investment. The average cost of a new automobile has reached \$15,000.00. This is a lot of money. People are sitting in jail for stealing far less.

The time has come to act on this. We believe by increasing the penalty for the unauthorized taking of a vehicle there would be a clear message to would-be thieves that the State of Alaska is getting tough on crime.

Cordially,

AVIS/ALASKA

A handwritten signature in black ink, appearing to read "Gary Zimmerman", written over a horizontal line.

Gary Zimmerman
Director of Operations

:cm



PRACTICAL[®]
used car rental

2/1/89

Senator Lloyd Jones
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: Joyriding Legislation

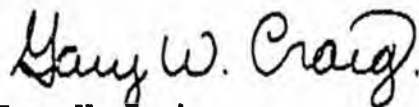
Dear Senator Jones:

As owner and Manager of a Car Rental Agency in Anchorage, Alaska,
do support your efforts to strengthen the Joyriding Legislation.

On many occasions we have reported this instance to the local
authorities; but complaints go to naught. Last year, 1988, on three
different occasions, automobiles were taken from our lot on a "joyride"
we reported as stolen but were not able to prosecute, only if we wanted
to file a civil suit at our expense.

Please help us all in the Rental Business.

Regards,



Gary W. Craig
Owner
Practical Used Car Rental

BILL NO: SB 26

DATE: January 30, 1989

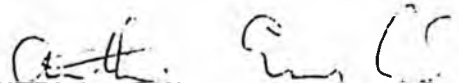
TITLE: "An Act amending the penalty for the crime of criminal mischief in the third degree involving the unauthorized taking of a propelled vehicle."

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

DEPARTMENT OF
PUBLIC SAFETY

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.

The Department of Public Safety takes no position on this bill.



Arthur English
Commissioner

ALASKA STATE LEGISLATURE

While in Ketchikan
352 Front Street
Ketchikan, AK 99901
907-225-9675



While in Juneau
P.O. Box V
Juneau, AK 99811
907-465-3743

Senator Lloyd Jones

MEMORANDUM

TO: Senator Jan Faiks, Chairman
Senate Judiciary Committee

FROM: Senator Lloyd Jones *LFJ*

DATE: February 2, 1989

SUBJECT: Senate Bill 26, relating to the crime of joyriding

Senate Bill 26 strengthens the penalty associated with the first time offense of motor vehicle theft. This bill was developed in response to requests from around the State. Under current law a thief going into a home and stealing a microwave oven worth \$600 will be charged with a felony, and yet the same person can take a \$15,000 vehicle and be let off with a misdemeanor, often with no penalty whatsoever.

SB 26 imposes a mandatory minimum sentence for the misdemeanor offense of joyriding. While the crime remains a misdemeanor, the mandatory jail time and fine will provide a greater deterrent effect. The bill also calls for restitution to be paid to the victim. This penalty provision was worked out during extensive hearings on a duplicate bill in the Senate Transportation Committee last year.

Thank you for hearing SB 26. I believe it is a law which will have a very practical, positive impact on crime in our State.

ANCHORAGE OFFICE

THE ENSERCH CENTER
550 WEST SEVENTH AVENUE, SUITE 1200
ANCHORAGE, ALASKA 99501
PHONE: (907) 277-6693
TELEX: 090-26-486
TELECOPY: 907-279-1959

**ROBERT B. BAKER
MICHAEL T. THOMAS
LEROY J. BARKER
**L. G. BERRY
HAROLD E. SNOW, JR.
JAMES K. BARNETT
**JULIA B. BOCKMON
JOSEPH D. DARNELL
JOHN R. FITZGERALD
GREGORY G. SILVEY
SUSAN M. WEST
**CARL W. WINNER

WASHINGTON OFFICE

1050 THOMAS JEFFERSON STREET N.W.
SIXTH FLOOR
WASHINGTON, D.C. 20007
PHONE: (202) 333-4400
TELECOPY: (202) 337-0940

STEVEN W. SILVER
BRADLEY D. GILMAN

ROBERTSON, MONAGLE & EASTAUGH

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
JUNEAU, ALASKA 99802

February 1, 1989

JUNEAU OFFICE

COURT PLAZA BUILDING, SUITE 800
240 MAIN STREET
P.O. BOX 21211
JUNEAU, ALASKA 99802
PHONE: (907) 586-3340
TELEX: 099-45-376
TELECOPY: 907-586-6818

OF COUNSEL
F.O. EASTAUGH

ROYAL ARCH GUNNISON (1873-1918)
R. E. ROBERTSON (1885-1961)
M. E. MONAGLE (1902-1985)
JAMES F. CLARK
PAUL M. HOFFMAN
D. ELIZABETH CUADRA**
ROBERT P. BLASCO
MARY A. NORDALE
THOMAS J. SLAGLE

ADMITTED IN WASHINGTON, D.C.
AND ALASKA

ALL OTHERS ADMITTED
IN ALASKA

The Honorable Jan Faiks, Chair
Senate Judiciary Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

RE: Senate Bill 26

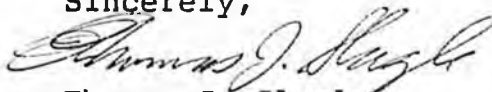
Dear Senator Faiks:

The American Insurance Association (AIA) represents more than 190 companies writing property/casualty insurance in the United States, and has a continuing concern over the impact of automobile theft on the cost of providing insurance. The AIA supports legislation which will reduce the cost of providing automobile theft coverage.

According to the Insurance Information Institute (III), motor vehicle thefts in the United States increased about 5% from 1986 to 1987. The III reports there were 2,553 motor vehicle thefts in Alaska in 1987, with an estimated dollar value of \$10,245,189.

SB 26 increases the criminal sanctions for auto theft. The AIA supports this legislation in the belief that increased penalties may decrease the number of automobile thefts.

Sincerely,



Thomas J. Slagle
Alaska Council of the American
Insurance Association

TJS:mmg/001

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act amending the penalty...
 ...taking of a propelled vehicle."
 Sponsor: Sen. Jones
 Requestor: Sen. Jones

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						
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.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: January 26, 1989
Richard I. Pegues / FOR /
 Approved by Commissioner: Grace Berg Schaible, Atty. Gen. Date: January 26, 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 26

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.