

HPB

21

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 25, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 1-30-91

The JUDICIARY Committee considered:

SSHB 21

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 21

THEFT OF POLICE CARS

"An Act relating to the crime of criminal mischief."

RECOMMENDATIONS:

be replaced with _____ [] the same title
[] a new title

[] have attached amendments(s)

do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

[] fiscal impact _____

[] fiscal note(s) _____

zero fiscal note LAW, Courts, Pub. Safety, Corrections] zero fiscal note(s) _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
<i>David G. Souley</i>				
<i>Larry Martin</i>				
<i>Mark Hamlen</i>				
<i>John P. ...</i>				
<i>H. Eells</i>				
<i>William P. ...</i>				
<i>Michael W. ...</i>				

David G. Souley
Chairman's Signature

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SSHB 21

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act relating to the crime of BRU: Prosecution
criminal mischief." Component: Criminal Justice Litigation
 Sponsor: Representative Barnes
 Requestor: Representative Barnes COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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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						

Estimate of current year impact: _____

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 25, 1991
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: January 25, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSHB 21

The sponsor substitute for HB 21 amends AS 11.46.482(a) to add a another offense to the crime of criminal mischief in the second degree, to provide that a person commits this crime if, having no right to do so or any reasonable ground to believe the person has such a right, the person drives, tows away, or takes that propelled vehicle of another and the vehicle is marked as a police or emergency vehicle. This offense is already punishable as a misdemeanor and the bill therefore has the effect of raising the offense to a felony. The department does not believe that enactment of the bill will cause a fiscal impact because this offense occurs infrequently, perhaps just once or twice a year.

FISCAL NOTE

**STATE OF ALASKA
1991 LEGISLATIVE SESSION**

Bill No. 8SHB 21

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to the crime of BRU: Trial Courts
criminal mischief Components: _____
 Sponsor: Barnes, Donley, Ulmer
 Requestor: Barnes COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *[Signature]* Phone: 264-8228
 Division: Alaska Court System Date: 01/28/91

Approved by: Arthur H. Snowden, II, Administrative Director *[Signature]* Date: 01/28/91
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SSHB 21

Revision Date: _____
Title: An Act Relating to the Crime
of Criminal Mischief
Sponsor: Rep. Barnes
Requestor: H. Judiciary

Department Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachment

COMPONENT SERIAL NO.

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

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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						
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

Estimate of current year impact None

ANALYSIS: (Attach a separate page if necessary)

This bill is not expected to have any fiscal impact upon the Alaska State Troopers.

Prepared by: Gavle A. Horetski Phone: 465-4322
Division: Commissioner's Office Date: 1/28/91

Approved by Commissioner: *Gavle A. Horetski* Richard L. Burton
Agency: Department of Public Safety Date: 1/28/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

BILL NO: SSB 21

DATE: 1/28/91

TITLE: An Act Relating to the
Crime of Criminal Mischief

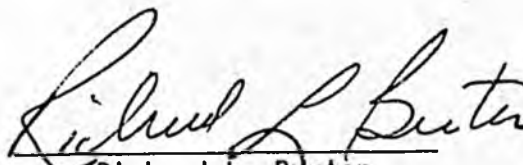
CONTACT: Gayle A. Horetski
Deputy Commissioner

DEPARTMENT OF
PUBLIC SAFETY

This bill would make it a Class C felony offense for a person to drive, tow, or take a police or other marked emergency vehicle. Although there are only a few such cases per year, the serious nature of the conduct and the danger presented to the public justify felony-level classification.

The Department of Public Safety supports this bill.

POSTUM PHILA /


Richard L. Burton
Commissioner

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. S.S. HB 21

Revision Date: _____ Department Affected: Corrections
 Title: "An Act Relating to the Crime of Criminal Mischief" BRU: _____
 Sponsor: Rep. Barnes, Donley, & Ulmer Component: _____
 Requestor: Bill Sponsor COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

Per discussion with Public Safety personnel, very few of these violations have occurred.

Prepared By: Tom L. Sutton *Tom L. Sutton* Director Phone: 465-3376
 Division: Administrative Services Date: January 29, 1991
 Approved by Commissioner: *Henry H. Barnes*
 Agency: Department of Corrections Date: January 29, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



OFFICIAL BUSINESS

Alaska State Legislature

House of Representatives

REPRESENTATIVE
RAMONA L. BARNES
DISTRICT 14

ANCHORAGE
2230 PAXSON
ANCHORAGE, ALASKA 99504
(907) 337-7737
(907) 561-2036
BOX V
JUNEAU, ALASKA 99811
(907) 465-3438

TO: Representative Dave Donley, Chair
House Judiciary Committee

FROM: Representative Ramona Barnes

DATE: January 24, 1991

RE: SSHB 21

A handwritten signature in cursive script that reads "Ramona L. Barnes".

Please schedule hearing on SSHB21 as soon as possible. I believe this is very important legislation which should deter potential offenders and hopefully help minimize risk of injury to our police officers, other emergency services personnel, and the public at large.

Sponsor statement, fiscal notes, position papers, and additional backup material are attached.

Thank you for help and assistance, and your co-sponsorship.



OFFICIAL BUSINESS

Alaska State Legislature

House of Representatives

REPRESENTATIVE
RAMONA L. BARNES
DISTRICT 14

ANCHORAGE
2230 PAXSON
ANCHORAGE, ALASKA 99504
(907) 337-7737
(907) 561-2036
BOX V
JUNEAU, ALASKA 99811
(907) 465-3438

January 29, 1991

SPONSOR STATEMENT

Sponsor Substitute for House Bill NO. 21

Sponsor Substitute for House Bill 21 changes the Criminal Mischief statutes by adding a sub-section to AS 11.56.320(a) which would make driving, towing, or taking of a vehicle that is marked as a police or emergency vehicle a class C felony. Under existing statutes, this act would be a misdemeanor.

At least three times since 1986, police vehicles have been unlawfully taken. Each time, serious consequences resulted. I have attached a letter from Officer Linda Branchflower, Anchorage Police Department which outlines these incidents. I believe that because of the nature of the vehicles, this act is much more serious than taking of other vehicles. Police vehicles typically contain weapons as well as radio and other emergency equipment. Additionally, the taking of an emergency vehicle could be the difference between life and death to innocent parties. Therefore, I believe that unlawfully driving, towing or taking of a police or emergency vehicle should be a felony rather than a misdemeanor.



TOM FINK
MAYOR

ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET • ANCHORAGE, ALASKA 99507-1599
TELEPHONE (907) 788-8500



January 29, 1991

Representative Ramona Barnes
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Barnes,

I would like to take this opportunity as Deputy Chief of the Anchorage Police Department and President of the Alaska Association of Chiefs of Police to express our support for House Bill 21. There is no question in our minds that the taking of a police car should be treated as a serious offense.

The Anchorage Police Department alone has had some very serious incidents involving the theft of a police car. Hopefully, this small change in the law would have the effect of deterring such crimes.

If I can be of any assistance in the passage of this bill, please contact me.

Sincerely,

Duane S. Udland
Deputy Chief of Police

DSU:vka

P.O. Box 222
Anchorage , AK 99510
November 2, 1990

Rep. Ramona Barnes
Alaska State Legislature
3111 C Street, Suite 420
Anchorage, AK

Dear Ramona,

Thank you for taking the time to talk to me yesterday about my idea to make the taking of a marked emergency vehicle a felony. I know that you have been very supportive of law enforcement in the past. There are many people running now and in the past that pay lip service to law enforcement but do little to back up their claims of support.

Three times since I have been on APD officer's vehicles have been taken with tragic results. The first time was in 1986 when someone took Officer Tanaka's vehicle and later shot and killed Officer Harry Hansen. In 1988 someone took my vehicle and tried to run me down and he was shot in the head. Yesterday an officer tried to stop a person from taking his vehicle and was crushed when the driver pinned him between the police vehicle and another car.

The wording of the law that I proposed was simple, but the idea isn't that complex. I hope that it gives you something to work with.

I really appreciate your assistance. Thank you again for protecting the protectors. What you do for us is very important and we all thank you.

Sincerely,

Linda Blanchflower