

HB

79

(7)

Date Referred: February 10, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-12-93

The JUDICIARY Committee considered:

HB 79

HOUSE BILL NO. 79

DAMAGE TO PROPERTY BY MINORS

"An Act relating to recovery from a parent or legal guardian of wilful or malicious destruction of property by a minor."

- RECOMMENDATIONS: the same title
 be replaced with _____ 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 _____ zero fiscal note(s) LAW, ADMIN, HESS

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Janetta James</i>	<input checked="" type="checkbox"/>	<i>Pete East</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>		<i>Gail [Signature]</i>		<input checked="" type="checkbox"/>	
<i>Brian Porter</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
		<i>[Signature]</i>		<input checked="" type="checkbox"/>	

Brian Porter

 CHAIRMAN'S SIGNATURE

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: March 12, 1993
 Place: Capitol Room 120

*HB 86 Sanctions for Property-Related Offenses
 HB 79 Damage of Property by Minors

Subject of Meeting: HB 152 Magistrate Jurisdiction
 HB 58 Admin. of Budget Reserve Fund

Please Print Name	Representing	Business/Personal Mailing Address	Zip	(H) Phone	(W) Phone	Do you Want to Testify?	Which Subject/ Which Bill?
Margot Knuth	Law - Crim	Box 110300 9981			5-4049	(Y) N	HB 86
✓ Jay Frank	State Farm Allstate	431 N. Franklin St Junction			586-5777	(Y) N	HB 79
✓ E. S. CHRISTENSEN	COURT SYSTEM	303 K ST TRUCK	99501		264-8228	(Y) N	HB 152
Randall Harris	DHSS	Box 110630 Junction	99811		465-3187	Y (N)	HB 86
✓ Jim Baldwin						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

House of Representatives

MEMORANDUM

To: Representative Brian Porter
House Judiciary Committee

From Representative Con Bunde

Date: February 8, 1993

Re: House Bill 79 - relating to recovery from a parent or legal guardian of wilful or malicious destruction of property by a minor.

I respectfully request that House Bill 79 be scheduled for a hearing at your earliest convenience.

House Bill 79 would increase the current cap for parental liability from \$2000.00 to what is allowable in district court, \$50,000.00. This bill would allow owners of property that had been wilfully or maliciously damaged by minors to recover monetarily from the minor's parents for the total sum of damages incurred, as long as those damages total less than \$50,000.00.

A sponsor statement and accompanying back-up will follow.

If you have any questions please do not hesitate to contact my office at x4843.



House of Representatives

Sponsor Statement

House Bill 79

Relating To Recovery From A Parent Or Legal Guardian Of Willful
Or Malicious Destruction Of Property By A Minor.

Within recent years, the nation's legislatures have begun using their legislative powers to encourage parental responsibility through statute.

The following are examples of parental liability legislation that have been instituted within the past few years:

- California: Parents can be fined or jailed for allowing their children to participate in gangs.
- Wisconsin: Parents can be forced to pay child support when their children have babies.
- Arkansas: Parents can be fined when their children skip school.
- Florida: Parents can be jailed if a child hurts another with a gun left accessible by the parent.

In light of the legislation in other states, I am requesting we update AS 34.50.020. It was last updated in 1967. The states of Washington and Delaware also have statutes similar to Alaska's; however, the maximum recoverable is higher than what is currently allowed in Alaska's statute.

The primary purpose of this bill is to revise the current version of the law by increasing the amount recoverable from \$2000.00 to the maximum amount recoverable in district court, which is presently \$50,000.00.

Under the current terms of the law, owners of property damaged by minors, regardless of the amount of damage can claim a maximum of \$2000.00 from

the parents or legal guardians. If damages are in excess of \$2000.00, the amount above this limit is not recoverable.

Therefore, with the passage of HB 79, property owners victimized by minors will be able to recover a greater portion of their damages.

I have included a copy of the bill, a copy of the statute and several accompanying departmental fiscal notes.

Sec. 34.50.010. Action for injury to the inheritance. A person seized of an estate in remainder or reversion may maintain a civil action for an injury done to the inheritance, notwithstanding an intervening estate for life or years. (§ 22-1-5 ACLA 1949)

Collateral references. — 51 Am. Jur. 31 C.J.S., Estates, §§ 85, 107, 111.
2d. Life Tenants and Remaindermen,
§§ 2, 3, 22, 98.

Sec. 34.50.020. Liability for destruction of property by minors. (a) A person, municipal corporation, association, village, school district, or religious or charitable organization, incorporated or unincorporated, may recover damages in a civil action in an amount not to exceed \$2,000 and court costs, from either parent or both parents or the legal guardian or person having the legal custody of an unemancipated minor under the age of 18 years, who maliciously or wilfully destroys real or personal property belonging to the person, municipal corporation, association, village, school district, or religious or charitable organization.

(b) A state agency or its agents, including a person working in or responsible for the operation of a foster, receiving, or detention home, or children's institution, is not liable for the acts of unemancipated minors in its charge or custody. (§ 1 ch 98 SLA 1957; am § 1 ch 107 SLA 1967)

Collateral references. — 59 Am. Jur. Parents' liability for injury or damage
2d. Parent and Child, § 123. intentionally inflicted by minor child. 54
67A C.J.S., Parent and Child, §§ 123, ALR3d 974.
163.

Chapter 55. Uniform Land Sales Practices Act.

Section	Section
04. Administration	24. Cease and desist orders
06. Fraudulent and prohibited practices	26. Revocation
08. Prohibitions on dispositions of interests in subdivisions	28. Penalties
10. Application for registration	30. Civil remedy
12. Public offering statement	32. Jurisdiction
14. Inquiry and examination	34. Interstate rendition
16. Notice of filing and registration	36. Service of process
18. Annual report	38. Uniformity of interpretation
20. General powers and duties	42. Exemptions
22. Investigations and proceedings	44. Definitions
	46. Short title

Pranksters purloin holiday decorations

ANCHORAGE DAILY NEWS
By DONNA FREEDMAN
Daily News reporter
12/17/92

More than two dozen Anchorage teen-agers took part in what police called a holiday season scavenger hunt early Wednesday, vandalizing several homes around Dimond High School before they were caught in the school parking lot.

Police found 25 juveniles at the school piling up plastic Nativity scenes, snowmen, Santa Clauses and other Christmas ornaments

lifted from area yards. City street signs, advertising banners and construction barricades were also among the stolen decorations. Other youths involved in the hunt got away, police said.

The holiday pilfering came just two days after local furniture dealer Jim Lowe was convicted of manslaughter in the shooting death of another teen involved in a scavenger hunt in May. The youth was with a group trying to steal an

advertising balloon from the roof of Lowe's downtown store.

Police did not identify the youths caught in Wednesday's scavenger hunt.

"It was reported as a theft in progress, but once the officers got out there and found cars running all over the place, it was clearly a scavenger hunt," said police spokeswoman JoAnn Brandlen. "The officers described it as a scavenger hunt, and they got the

students to say as much."

Dimond High principal Gail Opalinski disagreed, calling the event an early senior prank. She said she had talked with some students who were believed to have been involved.

"They decided they were going to decorate the high school with Christmas decorations," Opalinski said. "I would imagine some of

Please see Page B-3, PRANK

PRANK: Teen-agers steal decorations during a holiday scav

Continued from Page B-1

them picked up street signs while they were at it."

She stressed that the hunt was not sanctioned or approved by the school district.

"We very much regret it," she said. "We're concerned about the safety of the kids, and about the property damage done. Kids this age don't always use their best judgment."

It isn't known how many homes were hit, since not all of the decorations had been claimed by late Wednesday afternoon.

For David and Carol Jensen, this was the second time their home on Greenhill Way had been vandalized this holiday season.

The Jensen yard is famous in the neighborhood for its elaborate decorations, which include a trio of penguins warming themselves by a

campfire, several snowmen and Santa Clauses, a small wooden Santa's Workshop filled with toy animals, thousands of lights, and signs with rhymes like the old Burma Shave ads.

David Jensen said a large toy soldier was stolen from the yard last week. After that, they tied all their decorations together with steel cable and installed motion detectors around the displays.

Those detectors woke them early Wednesday. The couple turned on the lights and saw teens piling into a pickup truck.

The Jensens found two plastic Santa Clauses and a homemade wooden sleigh, with electric lights, missing. They later retrieved them at Dimond High.

The youths had apparently tried to take the penguins and some gingerbread men, but "they were wired in so

well they couldn't have done it without taking a tree along with them," David Jensen said.

The vandals also destroyed strings of lights, extension cords and two handmade wooden moose. Jensen said it will cost about \$350 to fix or replace the damaged decorations.

Another Dimond area resident, Arthur Anderson, was luckier. He found a plastic candy cane and snowman

scavenger hunt

stolen from his yard at the high school.

The theft was an inconvenience. But what chilled Anderson was that police told him it was part of a scavenger hunt.

"The Jim Lowe case just got decided. Evidently these kids aren't familiar with what's happening around town," Anderson said. "They're setting themselves up for another incident like that."

NEWS CLIPPING

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 79

Revision Date: January 26, 1993
Title: "...relating to recovery from a parent or legal guardian
...destruction of property by a minor."
Sponsor: Representative Bunde
Requestor: Representative Bunde

Department Affected: Department of Law
BRU: Legal Services
Component: Operations

COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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 FUND SOURCE:						
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FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director
Division: Administrative Services Division

Phone: 465-3672
Date: January 26, 1993

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law

Date: January 26, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 79

ANALYSIS (Continued):

This bill amends AS 34.50 to provide that a person, municipal corporation, association, village, school district, or religious or charitable organization may recover damages in an amount not to exceed \$50,000, plus costs, interest and attorney fees, from either parent or both parents or the legal guardian or person having legal custody of an unemancipated minor under the age of 18 years, who maliciously or wilfully destroys real or personal property belonging to the above parties seeking recovery. Currently, the maximum amount that may be recovered is \$2,000. This bill deals with the recovery remedies of parties other than the state and, consequently, there will not be a fiscal impact for the Department of Law.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 79

Revision Date: _____
Title: "An Act relating to recovery from a parent or
legal guardian . . ."
Sponsor: Representatives Bunde, Toohy
Requestor: (H) HES

Department Affected: Administration
BRU: Risk Management
Component: Risk Management
COMPONENT SERIAL NO. 71

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
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 (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Donald J. Hitchcock, Director
Division: Risk Management

Phone: 465-2180
Date: 1-28-93

Approved by Commissioner: Nancy Bear Usera
Agency: Administration

Date: 1/29/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

FEB 02 1993
BILL NO. HB79

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: "An Act relating to recovery from a parent or legal guardian of damages by minor" BRU: Purchased Services
 Sponsor: Representative Bunde Component: Foster Care & Residential Child Care
 Requestor: _____ COMPONENT SERIAL NO. 0252 & 0253

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no program or fiscal impact for the Department if this bill were to become law.

Prepared by: Deborah R. Wing, Director
 Division: Department of Health & Social Services
 Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 01/27/93
 Date: 2/2/93

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