

**HB**

**75**

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES SANDERS, Finkelstein, Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to vehicle theft and the consequences of vehicle theft, including  
 2 revocation of a driver's license, privilege to drive, or privilege to obtain a license;  
 3 amending Rule 32.1, Alaska Rules of Criminal Procedure; and providing for an  
 4 effective date."

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

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

7 ARTICLE 2A. VEHICLE THEFT.

8 Sec. 11.46.360. VEHICLE THEFT IN THE FIRST DEGREE. (a) A person  
 9 commits the crime of vehicle theft in the first degree if, having no right to do so or  
 10 any reasonable ground to believe the person has such a right, the person drives, tows  
 11 away, or takes

12 (1) the propelled vehicle of another, other than a snow machine or all-  
 13 terrain vehicle;

14 (2) the snow machine or all-terrain vehicle of another and the machine

1 or vehicle or any other property of another is damaged, or the owner incurs reasonable  
2 expenses as a result of the loss of use of the vehicle, in a total amount of \$500 or  
3 more;

4 (3) the propelled vehicle of another and the vehicle is marked as a  
5 police or emergency vehicle; or

6 (4) the propelled vehicle of another and, within the preceding seven  
7 years, the person was convicted under

8 (A) this section or AS 11.46.365;

9 (B) former AS 11.46.482(a)(4) or (5);

10 (C) former AS 11.46.484(a)(2);

11 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft  
12 of a propelled vehicle; or

13 (E) a law or ordinance of this or another jurisdiction with  
14 elements substantially similar to those of an offense described in (A) - (D) of  
15 this paragraph.

16 (b) A person,

17 (1) 18 years of age or older at the time of the offense who is convicted  
18 of vehicle theft in the first degree is guilty of a class C felony;

19 (2) less than 18 years of age at the time of the offense who is convicted  
20 of vehicle theft in the first degree is guilty of a class A misdemeanor.

21 (c) In this section, "all-terrain vehicle" means a three, four, or six wheeled  
22 propelled vehicle less than 75 inches in width and having a dry weight of 800 pounds  
23 or less, equipped with low pressure tires, and designed primarily for travel over  
24 unimproved terrain.

25 Sec. 11.46.365. VEHICLE THEFT IN THE SECOND DEGREE. (a) A  
26 person commits the crime of vehicle theft in the second degree if, having no right to  
27 do so or a reasonable ground to believe the person has such a right,

28 (1) the person drives, tows away, or takes the snow machine or all-  
29 terrain vehicle of another; or

30 (2) having custody of a propelled vehicle under a written agreement  
31 with the owner of the vehicle that includes an agreement to return the vehicle to the

1 owner at a specified time, the person knowingly retains or withholds possession of the  
2 vehicle without the consent of the owner for so long a period beyond the time  
3 specified as to render the retention or possession of the vehicle an unreasonable  
4 deviation from the agreement.

5 (b) Vehicle theft in the second degree is a class A misdemeanor.

6 (c) In this section, "all-terrain vehicle" has the meaning given in AS 11.46.360.

7 \* Sec. 2. AS 11.46.484(b) is amended to read:

8 (b) Criminal [EXCEPT AS PROVIDED IN (c) OF THIS SECTION,  
9 CRIMINAL] mischief in the third degree is a class A misdemeanor.

10 \* Sec. 3. AS 11.46.486(a) is amended to read:

11 (a) A person commits the crime of criminal mischief in the fourth degree if,  
12 having no right to do so or any reasonable ground to believe the person has such a  
13 right,

14 (1) with reckless disregard for the risk of harm to or loss of the  
15 property or with intent to cause substantial inconvenience to another, the person  
16 tampers with property of another;

17 (2) with intent to damage property of another, the person damages  
18 property of another in an amount less than \$50; or

19 (3) the person rides in a propelled vehicle knowing it has been stolen  
20 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1)  
21 [AS 11.46.482(a)(4) or 11.46.484(a)(2)].

22 \* Sec. 4. AS 12.55.045(e) is amended to read:

23 (e) If a defendant is convicted of vehicle theft in the first degree in violation  
24 of AS 11.46.360 or vehicle theft in the second [CRIMINAL MISCHIEF IN THE  
25 THIRD] degree in violation of AS 11.46.365(a)(1) [AS 11.46.484(a)(2)], and the  
26 victim of the offense incurs damage or loss as a result of the offense, the court shall  
27 order the defendant to pay restitution.

28 \* Sec. 5. AS 12.55.135(e) is amended to read:

29 (e) If [EXCEPT AS PROVIDED IN AS 12.55.055(f), If] a defendant is  
30 sentenced under (c) or [,] (d) [, OR (f)] of this section,

31 (1) execution of sentence may not be suspended and probation or parole

1 may not be granted until the minimum term of imprisonment has been served;

2 (2) imposition of a sentence may not be suspended except upon  
3 condition that the defendant be imprisoned for no less than the minimum term of  
4 imprisonment provided in the section; and

5 (3) the minimum term of imprisonment may not otherwise be reduced.

6 \* Sec. 6. AS 12.55.135(f) is amended to read:

7 (f) A defendant convicted of vehicle theft in the second degree in violation  
8 of AS 11.46.365(a)(1) [CRIMINAL MISCHIEF IN THE THIRD DEGREE IN  
9 VIOLATION OF AS 11.46.484(a)(2), WHOSE CONVICTION IS NOT A FELONY  
10 UNDER AS 11.46.484(c),] shall be sentenced to a definite term of imprisonment of  
11 at least 72 hours but not more than one year.

12 \* Sec. 7. AS 28.15.181(a) is amended to read:

13 (a) Conviction of any of the following offenses is grounds for the immediate  
14 revocation of a driver's license, privilege to drive, or privilege to obtain a license:

15 (1) manslaughter or negligent homicide resulting from driving a motor  
16 vehicle;

17 (2) a felony in the commission of which a motor vehicle is used;

18 (3) failure to stop and give aid as required by law when a motor  
19 vehicle accident results in the death or personal injury of another;

20 (4) perjury or making a false affidavit or statement under oath to the  
21 department under a law relating to motor vehicles;

22 (5) operating a motor vehicle or aircraft while intoxicated;

23 (6) reckless driving;

24 (7) using a motor vehicle in unlawful flight to avoid arrest by a peace  
25 officer;

26 (8) refusal to submit to a chemical test authorized under  
27 AS 28.33.031(a) or AS 28.35.031(a) while under arrest for operating a motor vehicle,  
28 commercial motor vehicle, or aircraft while intoxicated, or authorized under  
29 AS 28.35.031(g);

30 (9) driving while license, privilege to drive, or privilege to obtain a  
31 license, canceled, suspended, or revoked, or in violation of a limitation;



1 AS 41.21; and

2 (5) AS 04.16.050, relating to possession or consumption.

3 \* Sec. 10. Rule 32.1(a), Alaska Rules of Criminal Procedure, is amended to read:

4 (a) Scheduling. At the time guilt in a felony case is established by verdict or  
5 plea, the judge shall establish the date for a sentencing hearing and a presentencing  
6 hearing, if appropriate, and except as provided in paragraph (f) of this rule shall  
7 order a presentence investigation by the Department of Corrections. If the judge elects  
8 to schedule a single hearing, all of the procedures for the presentencing and sentencing  
9 hearings shall be applicable at the single hearing.

10 \* Sec. 11. Rule 32.1, Alaska Rules of Criminal Procedure, is amended by adding a new  
11 subsection to read:

12 (f) When Presentence Investigation Not Required. Unless a person may be  
13 sentenced to a presumptive term of imprisonment under AS 12.55.125(e)(1) or (2), a  
14 presentence investigation by the Department of Corrections is not required for a  
15 defendant convicted of vehicle theft in the first degree in violation of AS 11.46.360.

16 \* Sec. 12. AS 11.46.482(a)(4), 11.46.482(a)(5), 11.46.484(a)(2), 11.46.484(a)(3),  
17 11.46.484(c); and AS 12.55.055(f) are repealed.

18 \* Sec. 13. This Act applies to offenses committed on or after the effective date of this Act.

19 \* Sec. 14. This Act takes effect immediately under AS 01.10.070(c).

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 30, 1996

FURTHER REFERRALS:

2/7/96  
Finance

Date of Committee Action: 2/5/96

The JUDICIARY Committee considered:

SSHB 75

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75

INCREASED PENALTIES FOR JOYRIDING

"An Act relating to vehicle theft and the consequences of vehicle theft, including revocation of a driver's license, privilege to drive, or privilege to obtain a license; amending Rule 32.1, Alaska Rules of Criminal Procedure; and providing for an effective date."

recommends it be replaced with the following committee substitute \_\_\_\_\_ [ ] the same title [ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee [ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[X] fiscal note(s) Courts

[X] fiscal note(s) P.S. (a), Admin, Doc (a)

H&SS(3), Law, 1/30/96

[ ] zero fiscal note(s)

[X] zero fiscal note(s) Law

P.S. 1/30/96

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>[Signature]</i>	Verzey	✓			
<i>[Signature]</i>	Finkelstein	X			
<i>[Signature]</i>	B. Davis	X			
<i>[Signature]</i>	Green	✓			
<i>[Signature]</i>	Bundo	✓			
<i>[Signature]</i>	Toohy	✓			
<i>[Signature]</i>	Porter	✓			
		(7)			

CHAIR'S SIGNATURE Brian Porter  
Porter

# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO. SSB 75**

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Vehicle Theft BRU: Trial Courts  
 Component: \_\_\_\_\_  
 Sponsor: Rep. Sanders  
 Requestor: House Judiciary COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 87	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	35.4	35.4	35.4	35.4	35.4	35.4
TRAVEL						
CONTRACTUAL	49.8	49.8	49.8	49.8	49.8	49.8
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	86.7	86.7	86.7	86.7	86.7	86.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>

Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time	3.0	3.0	3.0	3.0	3.0	3.0
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CC* Phone: 284-8228  
 Agency: Alaska Court System Date: 02/05/96

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 02/05/96  
 Agency: Alaska Court System

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

**Alaska Court System**  
**Fiscal Analysis**  
**SSHB 75**

SSHB 75 removes vehicle theft and joyriding from the criminal mischief statutes, and establishes the crime of vehicle theft in the first degree, a class C felony, and vehicle theft in the second degree, a class A misdemeanor. Most of the conduct which the current law classifies as misdemeanor joyriding is reclassified by SSHB 75 as felony theft.

According to the Department of Law, existing vehicle thefts committed by adults and treated as felonies will increase from 100 to 363, or an increase of 263 felonies statewide (these numbers are based upon actual arrests in FY 95). Handling these as felony cases rather than misdemeanor cases will substantially increase the court costs associated with the offense. A misdemeanor joyriding trial can be expected to last one day and is tried before a six member jury. A felony joyriding trial can be expected to average three days in length and will be tried before a 12 member jury. The extra trial time results from the more serious consequences of a felony conviction; attorneys for both sides spend more time on matters such as jury selection, examination of witnesses, and motion practice. In addition, approximately 30 of these cases can be expected to involve defendants subject to presumptive sentencing because of prior convictions, thus bringing up the average trial time and rate. Unlike most misdemeanor joyriding cases, sentence will not be imposed at the time the guilty plea is entered or the verdict is returned; instead, there will be a separate sentencing hearing. This is less efficient and requires additional court time.

Because of the more serious consequences of a felony conviction, the trial rates can be expected to increase substantially. This note assumes that the trial rate will increase from five percent to ten percent (note that the trial rate for misdemeanor joyriding is generally higher than the trial rate for other class A misdemeanors because of the 72 hour minimum sentence and loss of drivers license associated with the offense).

Unlike misdemeanor cases, felony cases require presentment to a grand jury. SSHB 75 will increase the number of cases presented to grand juries each year by approximately 10 percent. There are also grand jury transcript preparation costs associated with indictments.

**Alaska Court System**  
**Fiscal Analysis**  
**SSHB 75**

**Personal Services**

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior court Judge, 50% vested, Anchorage, PPT, 3 months	\$12,075	\$6,169	\$18,244
In-Court Clerk, range 12A, Anchorage, PPT, 3 months (petit jury trials)	6,777	1,799	8,576
In-Court Clerk, range 12A, Anchorage, PPT, 3 months (grand juries)	6,777	1,799	8,576
			35,395
Increase in Personal Services Costs (net of existing costs)			35,395

**Contractual**

Increase in petit jury costs:

*Estimated number of trials for the crime as a felony:*

<i>Estimated number of cases to be filed as a felony</i>	263
<i>Estimated trial rate for crime as a felony</i>	10%
<i>Estimated number of felony trials</i>	26

Estimated jury costs for 26 felony trials using 13 jurors for three days with a jury fee of \$25 a day per juror 25,350

*Less estimated number of trials for the crime as a misdemeanor:*

<i>Cases filed as a misdemeanor 1995</i>	263
<i>Estimated trial rate for crime as a misdemeanor</i>	5%
<i>Estimated number of misdemeanor trials</i>	13

Estimated jury costs for 13 misdemeanor trials using 6 jurors for one day with a jury fee of \$25 a day per juror 1,950 23,400

Increase in grand jury costs:

Estimated 10% increase in grand jury costs - fees and expenses 21,400

Estimated increase in transcription costs 5,000

Total Increase in Contractual Costs 49,800

**Supplies**

Cassette tapes, trial forms, juror forms and in-court supplies 1,500

Total Estimated Costs \$86,695

Date of Committee Action: \_\_\_\_\_

The JUDICIARY Committee considered:

SSHB 75

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75

INCREASED PENALTIES FOR JOYRIDING

"An Act relating to vehicle theft and the consequences of vehicle theft, including revocation of a driver's license, privilege to drive, or privilege to obtain a license; amending Rule 32.1, Alaska Rules of Criminal Procedure; and providing for an effective date."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>Betty [Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>Brian Porter</i>	✓			

CHAIR'S SIGNATURE Brian Porter



*Rick Mystrom,  
Mayor*

# ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500



*Service since 1921*

FEB 5 1996

January 31, 1996

Representative Brian Porter  
Alaska State Legislature  
State Capitol (MS 3000)  
Juneau, Alaska 99801-1182

Dear Representative Porter,

I appreciate your interests in raising the penalty for the unlawful taking of a motor vehicle. We think taking someone's car without permission is felony behavior and should be charged as such.

Undoubtedly in your deliberations, there will be discussions about how to handle juveniles. Should they be waived into Adult Court, or should they remain under the jurisdiction of the Juvenile Justice system. I would like to offer some opinion that I hope will help in your decisions.

I was in whole hearted support of the sweeping Juvenile Waiver Bill that passed the legislature two years ago. Juvenile Waiver for the most violent of crimes was supported by myself and others, in part, because of our belief that the Juvenile Justice System is not designed to deal with certain violent offenders. We believe that the needs of society are best served by using the Adult System when extreme violence is used. Juvenile Waiver was an idea whose time had come, and I think history will prove that the Legislature made a wise decision.

This does not mean the entire Juvenile Justice System is a failure, nor does it mean that the Adult System is better at treating juveniles in all cases. Certainly, most violent offenders belong in the Adult System. However, we should be cautious in assuming that the Adult System is the appropriate place for all young people to be dealt with. The Juvenile system has more tools available to it for treating youthful, non-violent offenders than the Adult System, provided that it is afforded the appropriate budgetary levels.

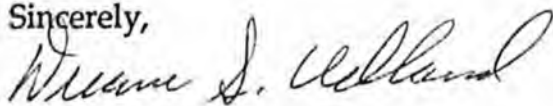
There is no evidence I am aware of to suggest that the Adult Court System is better at treating juveniles than the Juvenile System is. I have seen statistics that indicate

that the Juvenile System has a very low recidivism rate for non-violent offenders. They must be doing something right. The heart of the problem is that stealing a car is only a misdemeanor and both the Adult and Juvenile Justice Systems treat it as a low priority.

I ask that you keep the bill simple. Let's raise the penalty to a felony to help ensure that both systems of justice treat vehicle theft as a serious crime. Let's also eliminate the term "joy riding" from our vocabulary and call it what it is. It is stealing, it is dangerous behavior, and it should be treated more severely than we have in the past.

If I can offer anything else, or if you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Duane S. Udland".

Duane S. Udland  
Deputy Chief of Police

cc; Senator Loren Leman

# STATE OF ALASKA

## DEPARTMENT OF PUBLIC SAFETY

### OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 111200  
JUNEAU, ALASKA 99811-1200  
PHONE: (907) 465-4322  
FAX: (907) 465-4362

February 5, 1996

The Honorable Brian Porter, Chairman  
House Judiciary Committee  
Capitol Building, #118  
Juneau, Alaska 99801

Dear Mr. Chairman:

This is to reiterate our position concerning Committee Substitute for House Bill 419 (State Affairs) "Disposal of Firearms" which was brought forth in the House State Affairs Committee meeting on Thursday, January 25, by my Special Assistant, Ms. Gretchen Pence.

It is the Administration's position that this legislation is unnecessary. The disposal of handguns is addressed in policy as follows:

1. Weapons which, according to state law, are deemed unsafe, unlawful, or potentially harmful to the public will be destroyed.
2. Every effort will be made to return stolen or unclaimed firearms to their rightful owners.
3. Long-barreled rifles and shotguns will be sold to licensed firearms dealers for sale to the public. Such guns have always been made available to the public.
4. Antiques, curios, and collectibles, as defined by federal firearms regulations, will be held for display purposes.
5. The Department of Public Safety and local law enforcement agencies in Alaska will be allowed to obtain any needed weapons.
6. Other state agencies, like the Departments of Fish and Game, Natural Resources and Corrections will be allowed to obtain any needed weapons.


The Honorable Brian Porter, Chairman  
February 5, 1996  
Page 2

7. Certified gun safety programs will be allowed to obtain firearms useful for their purposes.
8. All remaining firearms will be offered by bid to licensed firearms dealers, provided they are sold only to certified law enforcement officers or law enforcement organizations.

It is our belief that the above policy is a good one, and is one that works to ensure the streets of Alaska are safer for all residents.

Thank you for affording me the opportunity to address this legislation.

Sincerely,

  
for Ronald L. Otte  
Commissioner

cc: Mark Boyer, Commissioner, DOA  
House Judiciary Committee Members  
Sandy Perry-Provost, Special Assistant, DPS

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSHB 75

Revision Date: \_\_\_\_\_  
Title: Vehicle Theft  
Sponsor: Rep. Sanders  
Requestor: House Judiciary

Dept. Affected: Alaska Court System  
BRU: Trial Courts  
Component: \_\_\_\_\_  
COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	35.4	35.4	35.4	35.4	35.4	35.4
TRAVEL						
CONTRACTUAL	49.8	49.8	49.8	49.8	49.8	49.8
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	86.7	86.7	86.7	86.7	86.7	86.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>	<b>86.7</b>

Estimate of any current year (FY 98) cost: None

Positions

Full-Time						
Part-Time	3.0	3.0	3.0	3.0	3.0	3.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CC*  
Agency: Alaska Court System

Approved by: Arthur H. Snowden, II, Administrative Director *AS*  
Agency: Alaska Court System

Phone: 264-8228  
Date: 02/05/96  
Date: 02/05/96

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**Alaska Court System**  
**Fiscal Analysis**  
**SSHB 75**

SSHB 75 removes vehicle theft and joyriding from the criminal mischief statutes, and establishes the crime of vehicle theft in the first degree, a class C felony, and vehicle theft in the second degree, a class A misdemeanor. Most of the conduct which the current law classifies as misdemeanor joyriding is reclassified by SSHB 75 as felony theft.

According to the Department of Law, existing vehicle thefts committed by adults and treated as felonies will increase from 100 to 363, or an increase of 263 felonies statewide (these numbers are based upon actual arrests in FY 95). Handling these as felony cases rather than misdemeanor cases will substantially increase the court costs associated with the offense. A misdemeanor joyriding trial can be expected to last one day and is tried before a six member jury. A felony joyriding trial can be expected to average three days in length and will be tried before a 12 member jury. The extra trial time results from the more serious consequences of a felony conviction; attorneys for both sides spend more time on matters such as jury selection, examination of witnesses, and motion practice. In addition, approximately 30 of these cases can be expected to involve defendants subject to presumptive sentencing because of prior convictions, thus bringing up the average trial time and rate. Unlike most misdemeanor joyriding cases, sentence will not be imposed at the time the guilty plea is entered or the verdict is returned; instead, there will be a separate sentencing hearing. This is less efficient and requires additional court time.

Because of the more serious consequences of a felony conviction, the trial rates can be expected to increase substantially. This note assumes that the trial rate will increase from five percent to ten percent (note that the trial rate for misdemeanor joyriding is generally higher than the trial rate for other class A misdemeanors because of the 72 hour minimum sentence and loss of drivers license associated with the offense).

Unlike misdemeanor cases, felony cases require presentment to a grand jury. SSHB 75 will increase the number of cases presented to grand juries each year by approximately 10 percent. There are also grand jury transcript preparation costs associated with indictments.

**Alaska Court System**  
**Fiscal Analysis**  
**SSHB 75**

**Personal Services**

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior court Judge, 50% vested, Anchorage, PPT, 3 months	\$12,075	\$6,169	\$18,244
In-Court Clerk, range 12A, Anchorage, PPT, 3 months (petit jury trials)	6,777	1,799	8,576
In-Court Clerk, range 12A, Anchorage, PPT, 3 months (grand juries)	6,777	1,799	8,576
			<hr/>
Increase in Personal Services Costs (net of existing costs)			<u>35,395</u>

**Contractual**

Increase in petit jury costs:

*Estimated number of trials for the crime as a felony:*

<i>Estimated number of cases to be filed as a felony</i>	263
<i>Estimated trial rate for crime as a felony</i>	10%
<i>Estimated number of felony trials</i>	26

Estimated jury costs for 26 felony trials using 13 jurors for three days with a jury fee of \$25 a day per juror	25,350
--	--------

*Less estimated number of trials for the crime as a misdemeanor:*

<i>Cases filed as a misdemeanor 1995</i>	263
<i>Estimated trial rate for crime as a misdemeanor</i>	5%
<i>Estimated number of misdemeanor trials</i>	13

Estimated jury costs for 13 misdemeanor trials using 6 jurors for one day with a jury fee of \$25 a day per juror	<u>1,950</u>	23,400
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Increase in grand jury costs:

Estimated 10% increase in grand jury costs – fees and expenses	21,400
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Estimated increase in transcription costs	<u>5,000</u>
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Total Increase in Contractual Costs	<u>49,800</u>
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**Supplies**

Cassette tapes, trial forms, juror forms and in-court supplies	<u>1,500</u>
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Total Estimated Costs	<u><u>\$86,695</u></u>
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Official Business

COMMITTEES  
Labor and Commerce  
Transportation

# Alaska State Legislature

Chairman - Economic Development Committee

REPRESENTATIVE  
**JERRY SANDERS**  
District 19

Anchorage  
716 W 4th Ave  
Anchorage -- 99501  
(907) 258-3199

State Capitol  
Juneau, AK 99801-1182  
(907) 485-4945

## SPONSOR STATEMENT

### SPONSOR SUBSTITUTE FOR HOUSE BILL 75

#### VEHICLE THEFT

**Sponsor Substitute for House Bill 75** labels those who take cars belonging to others as what they are -- thieves -- not joy riders or pranksters. It increases the penalty for the crime of vehicle theft to a C Felony with one minor exception (first offense snow machines).

This bill provides a strong deterrent for those who might otherwise commit vehicle theft. Generally, under current law, those caught "joy riding" can only be convicted of a Class A Misdemeanor. The current law ties the hands of police and provides no deterrent for the car thief unless they cause \$500 damage or it is their second offense.

By increasing the crime of "joy riding" to a felony, SSHB 75 provides a strong deterrent necessary to prevent Alaska's youth from participating in vehicle theft and it gives the justice system the tools with which to make car thieves responsible for their actions.

There are other bills currently under consideration regarding vehicle theft issues. However, I feel that SSHB 75 best serves the public interest because it is a compromise bill that stands the best chance of addressing the concerns of both the legislature and the administration.

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES SANDERS, Finkelstein, Kott

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to vehicle theft and the consequences of vehicle theft, including  
2 revocation of a driver's license, privilege to drive, or privilege to obtain a license;  
3 amending Rule 32.1, Alaska Rules of Criminal Procedure; and providing for an  
4 effective date."

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

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

7 ARTICLE 2A. VEHICLE THEFT.

8 Sec. 11.46.360. VEHICLE THEFT IN THE FIRST DEGREE. (a) A person  
9 commits the crime of vehicle theft in the first degree if, having no right to do so or  
10 any reasonable ground to believe the person has such a right, the person drives, tows  
11 away, or takes

12 (1) the motor vehicle of another;

13 (2) the propelled vehicle of another and the vehicle or any other  
14 property of another is damaged, or the owner incurs reasonable expenses as a result

1 of the loss of use of the vehicle, in a total amount of \$500 or more;

2 (3) the propelled vehicle of another and the vehicle is marked as a  
3 police or emergency vehicle; or

4 (4) the propelled vehicle of another and, within the preceding seven  
5 years, the person was convicted under

6 (A) this section or AS 11.46.365;

7 (B) former AS 11.46.482(a)(4) or (5);

8 (C) former AS 11.46.484(a)(2);

9 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft  
10 of a propelled vehicle; or

11 (E) a law or ordinance of this or another jurisdiction with  
12 elements substantially similar to those of an offense described in (A) - (D) of  
13 this paragraph.

14 (b) Vehicle theft in the first degree is a class C felony.

15 Sec. 11.46.365. VEHICLE THEFT IN THE SECOND DEGREE. (a) A  
16 person commits the crime of vehicle theft in the second degree if, having no right to  
17 do so or a reasonable ground to believe the person has such a right,

18 (1) the person drives, tows away, or takes the propelled vehicle of  
19 another that is not a motor vehicle; or

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

26 (b) Vehicle theft in the second degree is a class A misdemeanor.

27 Sec. 11.46.370. DEFINITIONS. In AS 11.46.360 - 11.46.370,

28 (1) "aircraft" has the meaning given in AS 02.15.260;

29 (2) "commercial motor vehicle" has the meaning given in  
30 AS 28.40.100;

31 (3) "motorcycle" has the meaning given in AS 28.40.100;

1 (4) "motor vehicle" means a propelled vehicle that is a passenger car,  
2 truck, motorcycle, watercraft, aircraft, or commercial motor vehicle;

3 (5) "passenger car" means a vehicle designed or used primarily for the  
4 transportation of persons;

5 (6) "truck" means a vehicle designed, used, or maintained primarily for  
6 the transportation of property;

7 (7) "watercraft" means a vessel used or capable of being used as a  
8 means of transportation, for recreational or commercial purposes, on water.

9 \* Sec. 2. AS 11.46.484(b) is amended to read:

10 (b) Criminal [EXCEPT AS PROVIDED IN (c) OF THIS SECTION,  
11 CRIMINAL] mischief in the third degree is a class A misdemeanor.

\* Sec. 3. AS 11.46.486(a) is amended to read:

13 (a) A person commits the crime of criminal mischief in the fourth degree if,  
14 having no right to do so or any reasonable ground to believe the person has such a  
15 right,

16 (1) with reckless disregard for the risk of harm to or loss of the  
17 property or with intent to cause substantial inconvenience to another, the person  
18 tampers with property of another;

19 (2) with intent to damage property of another, the person damages  
20 property of another in an amount less than \$50; or

21 (3) the person rides in a propelled vehicle knowing it has been stolen  
22 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1)  
23 [AS 11.46.482(a)(4) or 11.46.484(a)(2)].

24 \* Sec. 4. AS 12.55.045(e) is amended to read:

25 (e) If a defendant is convicted of vehicle theft in the first degree in violation  
26 of AS 11.46.360 or vehicle theft in the second [CRIMINAL MISCHIEF IN THE  
27 THIRD] degree in violation of AS 11.46.365(a)(1) [AS 11.46.484(a)(2)], and the  
28 victim of the offense incurs damage or loss as a result of the offense, the court shall  
29 order the defendant to pay restitution.

30 \* Sec. 5. AS 12.55.135(e) is amended to read:

1 (e) If [EXCEPT AS PROVIDED IN AS 12.55.055(f), IF] a defendant is  
2 sentenced under (c) or [,] (d) [, OR (f)] of this section,

3 (1) execution of sentence may not be suspended and probation or parole  
4 may not be granted until the minimum term of imprisonment has been served;

5 (2) imposition of a sentence may not be suspended except upon  
6 condition that the defendant be imprisoned for no less than the minimum term of  
7 imprisonment provided in the section; and

8 (3) the minimum term of imprisonment may not otherwise be reduced.

9 \* Sec. 6. AS 12.55.135(f) is amended to read:

10 (f) A defendant convicted of vehicle theft in the second degree in violation  
11 of AS 11.46.365(a)(1) [CRIMINAL MISCHIEF IN THE THIRD DEGREE IN  
12 VIOLATION OF AS 11.46.484(a)(2), WHOSE CONVICTION IS NOT A FELONY  
13 UNDER AS 11.46.484(c),] shall be sentenced to a definite term of imprisonment of  
14 at least 72 hours but not more than one year.

15 \* Sec. 7. AS 28.15.181(a) is amended to read:

16 (a) Conviction of any of the following offenses is grounds for the immediate  
17 revocation of a driver's license, privilege to drive, or privilege to obtain a license:

18 (1) manslaughter or negligent homicide resulting from driving a motor  
19 vehicle;

20 (2) a felony in the commission of which a motor vehicle is used;

21 (3) failure to stop and give aid as required by law when a motor  
22 vehicle accident results in the death or personal injury of another;

23 (4) perjury or making a false affidavit or statement under oath to the  
24 department under a law relating to motor vehicles;

25 (5) operating a motor vehicle or aircraft while intoxicated;

26 (6) reckless driving;

27 (7) using a motor vehicle in unlawful flight to avoid arrest by a peace  
28 officer;

29 (8) refusal to submit to a chemical test authorized under  
30 AS 28.33.031(a) or AS 28.35.031(a) while under arrest for operating a motor vehicle,  
31 commercial motor vehicle, or aircraft while intoxicated, or authorized under

1 AS 28.35.031(g);

2 (9) driving while license, privilege to drive, or privilege to obtain a  
3 license, canceled, suspended, or revoked, or in violation of a limitation;

4 (10) vehicle theft in the first degree in violation of AS 11.46.360 or  
5 vehicle theft in the second degree in violation of AS 11.46.365.

6 \* Sec. 8. AS 28.15.181(b) is amended to read:

7 (b) A court convicting a person of an offense described in (a)(1) - (4), (6),  
8 [OR] (7), or (10) of this section shall revoke that person's driver's license, privilege  
9 to drive, or privilege to obtain a license for not less than 30 days for the first  
10 conviction, unless the court determines that the person's ability to earn a livelihood  
11 would be severely impaired and a limitation under AS 28.15.201 can be placed on the  
12 license that will enable the person to earn a livelihood without excessive danger to the  
13 public. If a court limits a person's license under this subsection, it shall do so for not  
14 less than 60 days. Upon a subsequent conviction of a person for any offense described  
15 in (a)(1) - (4), (6), [OR] (7), or (10) of this section occurring within 10 years after a  
16 prior conviction, the court shall revoke the person's license, privilege to drive, or  
17 privilege to obtain a license and may not grant the person limited license privileges for  
18 the following periods:

19 (1) not less than one year for the second conviction; and

20 (2) not less than three years for a third or subsequent conviction.

21 \* Sec. 9. Rule 32.1(a), Alaska Rules of Criminal Procedure, is amended to read:

22 (a) Scheduling. At the time guilt in a felony case is established by verdict or  
23 plea, the judge shall establish the date for a sentencing hearing and a presentencing  
24 hearing, if appropriate, and, except as provided in paragraph (f) of this rule, shall  
25 order a presentence investigation by the Department of Corrections. If the judge elects  
26 to schedule a single hearing, all of the procedures for the presentencing and sentencing  
27 hearings shall be applicable at the single hearing.

28 \* Sec. 10. Rule 32.1, Alaska Rules of Criminal Procedure, is amended by adding a new  
29 subsection to read:

30 (f) When Presentence Investigation Not Required. Unless a person may be  
31 sentenced to a presumptive term of imprisonment under AS 12.55.125(e)(1) or (2), a

1 presentence investigation by the Department of Corrections is not required for a  
2 defendant convicted of vehicle theft in the first degree in violation of AS 11.46.360.

3 \* Sec. 11. AS 11.46.482(a)(4), 11.46.482(a)(5), 11.46.484(a)(2), 11.46.484(a)(3),  
4 11.46.484(c); and AS 12.55.055(f) are repealed.

5 \* Sec. 12. AS 11.46.360(a)(1), enacted by sec. 1 of this Act, applies to an act committed  
6 on or after the effective date of this Act.

7 \* Sec. 13. This Act takes effect immediately under AS 01.10.070(c).

# Alaska Association Chiefs of Police



February 2, 1996

**Representative Sanders  
House of Representatives  
State Capital, Juneau AK 99801-1182**

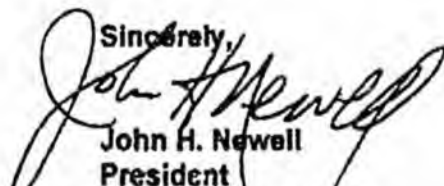
**Honorable Representative Sanders,**

**I am writing on behalf of Alaska law enforcement in support of HB 75. We believe making vehicle theft in Alaska a class C felony is long overdue.**

**We have heard of some discussion about an automatic waiver of juveniles into adult court for felony vehicle theft. While law enforcement would agree there are times when that would be appropriate, we ask that you not make it automatic by legislation.**

**The current system will allow us to move those specific cases into adult court when it is appropriate. In a majority of instances, it will still be appropriate to deal with juvenile offenders within the juvenile system.**

**Thank you for being concerned and providing the laws necessary to deal with those who choose to violate the rights and property of another.**

Sincerely,  
  
**John H. Newell  
President  
Chief of Police, Sitka**

# Victims for Justice

619 East Fifth Avenue, Anchorage, AK 99501  
 Phone: (907)278-0977 FAX: (907)258-0740

February 2, 1996

Representative Jerry Saunders  
 State Capitol  
 Juneau, Alaska 99801-1182

Re: HB 75

Dear Representative Saunders,

Victims for Justice is writing a letter of support to HB 75. It is a sad note that our society has evolved to such a state that youthful offenders steal cars at the rate that they do. It is also a sad note that our laws do not provide a consequence to these youthful offenders who choose to steal cars. Of course the persons who always lose are the victims of the theft. They are the ones who must absorb the financial loss which often puts them into a major financial crisis. Such a law will provide a consequence which I am sure will be a deterrent for other youthful offenders which will prevent future victims. I encourage the legislators to please support such a bill.

Sincerely, ,

*Janice Lienhart*

Janice Lienhart  
 Executive Director

Crisis Intervention  
 Short and Long Term  
 Emotional Support  
 Grief Education  
 Victim Advocacy  
 Assault Support  
 Group  
 Homicide Survivors  
 Support Group  
 Court Accompaniment  
 CourtWatch Program  
 Annual Victims Rights  
 Week Observance  
 Member - National  
 Association of Victim  
 Advocacy  
 Member - National  
 Organization Victim  
 Assistance

*Serving victims of violent crimes and the families and friends of murder victims.*

SECTION 7 adds vehicle theft to those offenses which may be grounds for immediate driver's license revocation by the court.

SECTION 8 provides for mandatory driver's license revocation by the court for conviction of vehicle theft. For a first offense, the revocation must be 30 days; for a second conviction, at least one year; and for a third conviction, at least three years.

SECTION 9 and 10 amend Rule 32.1, Alaska Rules of Criminal Procedure by excepting vehicle theft from cases where a presentence report by the Department of Corrections is required. If a defendant is subject to presumptive sentencing for the offense, a presentence report is still required.

SECTION 11 repeals the existing statute allowing substitution of community service for jail time, and other provisions replaced by the new statutes.

SECTION 12 and 13 provide the effective date for the bill.

**Fiscal Note**  
**"An Act relating to Vehicle Theft"**  
**Page 2 of 2**

*(Continued from page 1 of 2)*

assumed they will average 3 months in prison and 12 months in a CRC.

32 Offenders X 90 days X \$107 per day	= \$ 308,160
32 Offenders X 365 days X \$57 per day	= \$ 665,760
32 Offenders X 240 days X \$4.25 per day	= \$ <u>32,940</u>
<b>TOTAL NEW</b>	<b>= \$1,006,560</b>

Forty-three (43) new "C" Felons will be convicted and sentenced to an average of 30 days in CRC's and 6 months probation. These first time offenders would have been serving an average of 5 days which would have been served in a CRC under the old statute. An average net of 25 additional days will be served per offender and the sentence will be served in a CRC at an average cost of \$ 57.00 per day.

New (43 Offenders X 180 Days X \$ 4.25 per day)	=	\$ 32,895
New (43 Offenders X 25 Days X \$ 57.00 per day)	=	\$ <u>61,275</u>
<b>TOTAL NEW</b>	=	<b>\$ 94,170</b>

Eighty-five (85) additional "C" felons will be convicted and receive a suspended imposition of sentence for one year. Their conviction will be set aside if these offenders successfully complete their year's probation. The Department assumes that these will be the least serious first time offenders, to be managed at a lower level of probation supervision, and the cost per case will be about 1/2 the average cost of other probationers in this group of offenders.

New (85 Offenders X 365 days X \$ 4.25 per day) = \$ 131,856 [Probation]

Each felony conviction will require a pre-sentence investigation. While the cases would be spread across the state, the incremental equivalent is 1.4 probation officer positions.

A total of four (4) probation officers and an Administrative Clerk will be required.

P.O. II (w/benefits) \$ 52,900 X 1.4 = \$ 74,060 for presentence investigations.

**TOTAL NEW COSTS**

**\$ 1,306,646**

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. C5HB75(STA)

Revision Date: \_\_\_\_\_  
Title: Vehicle Theft

Sponsor: Representative Sanders  
Requestor: House (STA)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Southcentral Region  
COMPONENT SERIAL NO. 254  
See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	182.0	184.4	188.9	189.4	172.0	174.8
TRAVEL						
CONTRACTUAL						
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT	18.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>183.0</b>	<b>167.4</b>	<b>169.9</b>	<b>172.4</b>	<b>175.0</b>	<b>177.8</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	183.0	187.4	189.9	172.4	175.0	177.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>183.0</b>	<b>167.4</b>	<b>169.9</b>	<b>172.4</b>	<b>175.0</b>	<b>177.6</b>

**POSITIONS:**

FULL-TIME	3	3	3	3	3	3
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

The Division looks forward to an increased ability to deal with juveniles who steal cars when these offenses are elevated to felony status. However, increasing the seriousness of the offense does not, in itself, mean that juveniles will actually experience stiffer penalties unless the division has adequate resources to devote to the issue.

According to the Dept. of Public Safety's 1994 UCR, 205 juveniles were arrested for vehicle theft, and 184 of those arrests were for auto theft. There is a strong perception that auto thefts, particularly by juveniles, have increased since then. If DFYS is to take more serious action on these offenses, the division must have additional staff to supervise the penalties. We anticipate a need for two additional Juvenile Probation Officer II's in Anchorage and one in Palmer. These are the two communities with rampant increase in these juvenile offenses. The cost of these 3 positions is \$182.0. The estimated equipment cost for a new position for a desk, chair, computer and software is \$6.0 per position. The estimated annual cost of supplies per position is \$1.0.

Prepared by: L. Diane Worley, Director  
Division: Family & Youth Services

Approved by Commissioner: Karen Hardue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3702  
Date: 01/26/96

Date: 1/26/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB75(STA)

Revision Date: \_\_\_\_\_  
Title: Vehicle Theft

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services

Sponsor: Representative Sanders  
Requestor: House (STA)

Component: Southeastern Region  
COMPONENT SERIAL NO. 258  
See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	54.0	54.8	55.8	58.4	57.3	58.2
TRAVEL						
CONTRACTUAL						
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	6.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>61.0</b>	<b>55.8</b>	<b>56.6</b>	<b>57.4</b>	<b>58.3</b>	<b>59.2</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	61.0	55.8	56.6	57.4	58.3	59.2
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>61.0</b>	<b>55.8</b>	<b>56.6</b>	<b>57.4</b>	<b>58.3</b>	<b>59.2</b>

**POSITIONS:**

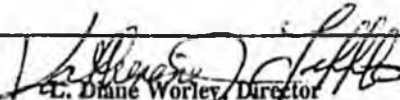
FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

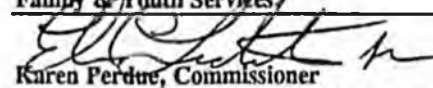
Estimate of any current year (FY96) cost:                     \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

The Division looks forward to an increased ability to deal with juveniles who steal cars when these offenses are elevated to felony status. However, increasing the seriousness of the offense does not, in itself, mean that juveniles will actually experience stiffer penalties unless the division has adequate resources to devote to the issue.

According to the Dept. of Public Safety's 1994 UCR, 205 juveniles were arrested for vehicle theft, and 184 of those arrests were for auto theft. There is a strong perception that auto thefts, particularly by juveniles, have increased since then. If DFYS is to take more serious action on these offenses, the division must have additional staff to supervise the penalties. We anticipate a need for an additional Juvenile Probation Officer II in Juneau. The cost of this Juvenile Probation Officer II position is \$54.0 with an estimated 1.5% COLA for each year thereafter. The estimated cost for a new position for a desk, chair, computer and software is \$0.0. Estimated annual supply cost is \$1.0.

Prepared by:   
C. Diane Worley, Director  
Division: Family & Youth Services

Approved by Commissioner:   
Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3702  
Date: 01/26/96

Date: 1/21/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB75(STA)

Revision Date: \_\_\_\_\_  
Title: Vehicle Theft  
Sponsor: Representative Sanders  
Requestor: House (STA)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Northern Region  
COMPONENT SERIAL NO. 255  
See also (SN#): \_\_\_\_\_

**Expenditures/Rvenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	54.0	54.8	55.6	56.4	57.3	58.2
TRAVEL						
CONTRACTUAL						
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	6.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>61.0</b>	<b>55.8</b>	<b>56.6</b>	<b>57.4</b>	<b>58.3</b>	<b>59.2</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	61.0	55.8	56.6	57.4	58.3	59.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>61.0</b>	<b>55.8</b>	<b>56.6</b>	<b>57.4</b>	<b>58.3</b>	<b>59.2</b>

**POSITIONS:**

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

The Division looks forward to an increased ability to deal with juveniles who steal cars when these offenses are elevated to felony status. However, increasing the seriousness of the offense does not, in itself, mean that juveniles will actually experience stiffer penalties unless the division has adequate resources to devote to the issue.

According to the Dept. of Public Safety's 1994 UCR, 205 juveniles were arrested for vehicle theft, and 184 of those arrests were for auto theft. There is a strong perception that auto thefts, particularly by juveniles, have increased since then. If DFYS is to take more serious action on these offenses, the division must have additional staff to supervise the penalties. We anticipate a need for an additional probation officer in Fairbanks. The cost of this Juvenile Probation Officer II position is \$54.0 with an estimated 1.5% COLA for each year thereafter. The estimated equipment cost for a new position for a desk, chair, computer and software is \$6.0. Estimated annual supply cost is \$1.0.

*Signature*  
5/26/96

Prepared by: *E. Diane Worley*  
Division: Family & Youth Services

Phone: 465-3702  
Date: 01/26/96

Approved by Commissioner: *Karen Perdue*  
Agency: Department of Health & Social Services

Date: 1/26/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 75

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An act related to vehicle theft... BRU: All  
 Component: \_\_\_\_\_  
 Sponsor: Rep. Sanders  
 Requester: House State Affairs COMPONENT SERIAL NO. # 0694

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	271.5	275.6	279.7	283.9	288.2	292.5
TRAVEL						
CONTRACTUAL	727.0	727.0	727.0	727.0	727.0	727.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	308.2	308.2	308.2	308.2	308.2	308.2
<b>TOTAL OPERATING</b>	<b>1,306.7</b>	<b>1,310.8</b>	<b>1,314.9</b>	<b>1,319.1</b>	<b>1,323.4</b>	<b>1,327.7</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,306.7	1,310.8	1,314.9	1,319.1	1,323.4	1,327.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>1,306.7</b>	<b>1,310.8</b>	<b>1,314.9</b>	<b>1,319.1</b>	<b>1,323.4</b>	<b>1,327.7</b>

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

FULL-TIME	5					
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Based on data supplied by DPS and DOL, the Department of Corrections projects the following fiscal impact :

Thirty-two (32) offenders with a prior felony conviction will be convicted of vehicle theft in the first degree. They will be subject to a presumptive sentence of two years in prison. They will serve 16 months allowing for good time reduction. These people are currently serving an average of 30 days. Thus, they will serve an additional 15 months in prison and 8 months on mandatory parole. Of the additional prison time, it is

CONTINUED ON PAGE 2

Prepared by: Jerry Shriner  
 Division: Office of the Commissioner  
 Approved by Commissioner: Margaret Pugh Margaret Pugh  
 Agency: Department of Corrections

Phone: 465-4652  
 Date: 1/27/96  
 Date: 1/29/96

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# FISCAL NOTE

Work Draft  
1/24/96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 75 ( )

Revision Date: <u>1/26/96</u>	Dept. Affected: <u>Department of Law</u>
Title: <u>"An Act relating to vehicle theft and the consequences of vehicle theft..."</u>	BRU: <u>Criminal Division</u>
Sponsor: <u>Representative Sanders</u>	Component: <u>Criminal Division</u>
Requester: <u>Representative Sanders</u>	COMPONENT SERIAL NO. <u>2085</u>

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	108.5	108.5	108.5	108.5	108.0	108.5
TRAVEL	3.0	3.0	3.0	3.0	3.0	3.0
CONTRACTUAL	14.6	14.6	14.6	14.6	14.6	14.6
SUPPLIES	5.7	3.6	3.6	3.6	3.6	23.6
EQUIPMENT	15.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>146.8</b>	<b>129.7</b>	<b>129.7</b>	<b>129.7</b>	<b>129.7</b>	<b>129.7</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	146.8	129.7	129.7	129.7	129.7	129.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>146.8</b>	<b>129.7</b>	<b>129.7</b>	<b>129.7</b>	<b>129.7</b>	<b>129.7</b>

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

The work draft committee substitute for HB 75 amends various criminal laws to establish the crime of vehicle theft in the first degree, a class C felony, and vehicle theft in the second degree, a class A misdemeanor. These changes have the effect of removing vehicle theft and joyriding from the criminal mischief statutes, and reclassifying this conduct as separate crimes. Moreover, the bill does this in a way that increases the penalty when a person drives, tows away or takes the motor vehicle of another from a class A misdemeanor to a class C felony. Under existing law, this conduct is punishable as a class C felony when the owner of the vehicle incurs reasonable expenses as a result of damages or the loss of use of the vehicle in a total amount of \$500 or more, it is a second offense, or the vehicle is a police or emergency vehicle.

Based upon actual arrests that occurred in the past year, existing vehicle thefts committed by adults and treated as felonies will increase from 100 to 363, or an increase of 263 new felonies statewide, that will be referred to the Department of Law for prosecution. About one-half of these felony referrals (130) will occur

Prepared by: <u>Richard I. Pegues, Director</u>	Phone: <u>465-3672</u>
Division: <u>Administrative Services Division</u>	Date: <u>1/26/96</u>
Approved by Commissioner: <u>Bruce M. Botelho, Attorney General</u>	Date: <u>1/26/96</u>
Agency: <u>Department of Law</u>	

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FISCAL NOTE

Work Draft

1/24/96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 75 ( )

ANALYSIS CONTINUATION:

in the Anchorage area. This will result in an increase of seven or eight percent in the existing Anchorage felony caseload. As compared to misdemeanor prosecutions, felony prosecutions are far more intensive, requiring grand jury proceedings and extensive pretrial motion practice. This will particularly be the case in 30 or more new prosecutions involving presumptive (enhanced) sentencing because of prior felony convictions. The Department of Law is therefore requesting the addition of one Attorney II and one Legal Secretary I to handle the additional felony caseload that will occur in the Anchorage area if this bill is enacted. Normally, a part-time secretary would be adequate; however, in this case a large number of convictions (40 to 50) may result in a suspended imposition of sentence. When that happens the prosecution is required to prepare a lengthy written sentencing agreement. This additional work, taken together with the scheduling and normal documentation needed for this large a number of felonies, will require the services of a full-time legal secretary.

	<u>Attorney III</u>	<u>Legal Secretary I</u>	<u>Total</u>
Personal Services	71.5	37.0	108.5
Travel	3.0	0.0	3.0
Contractual	8.6	6.0	14.6
Supplies	3.3	2.4	5.7
Equipment	<u>6.5</u>	<u>8.5</u>	<u>15.0</u>
TOTAL	92.9	53.9	146.8

10/13/95

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## PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 1

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

DEPARTMENT OF LAW

SCENARIO: 1  
BRU NAME: PROSECUTION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	B U	S	R&S	MOS BUDG	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT	
03//001		ATTORNEY III		F ANCHORAGE	A	XE	AA	22A	12	53304	0	18156	71460.78		
**** JUSTIFICATION:															
This Attorney III position is required to handle the 130 or more new felony prosecutions that will occur in the Anchorage area when the penalty for vehicle theft (currently classified as criminal mischief) is raised from a class A misdemeanor to a class C felony, as a result of the passage of this bill. Felony prosecutions require substantially increased processing, including grand jury proceedings and trial motion practice, compared to misdemeanor prosecutions. This additional work represents about a seven percent increase in the Anchorage felony caseload.															
													TRAVEL COSTS	3000.00	
													CONTRACTUAL COSTS	8600.00	
													SUPPLIES COSTS	3300.00	
													EQUIPMENT COSTS	6500.00	
													OTHER COSTS	0.00	
													TOTAL COSTS	92860.78	71460.70
													*** FUNDING DETAIL:		
													1004 GENERAL FUND RECEIPTS	71460.78	
													TOTAL FUNDING		71460.78
03//002		LEGAL SECRETARY I		F ANCHORAGE	A	CG	2A	10A	13	25517	0	11447	36964.86		
**** JUSTIFICATION:															
This Legal Secretary I will be needed to provide clerical support to the new attorney handling felony prosecutions, as a result of raising the penalty for vehicle theft from a class A misdemeanor to a class C felony. Of particular note will be a large number of convictions resulting in a suspended imposition of sentence. These will all require lengthy sentencing agreements and a considerable amount of secretarial time. Taken together with the normal scheduling and documentation required by the overall felony caseload increase, full-time secretarial services are needed															
													TRAVEL COSTS	0.00	
													CONTRACTUAL COSTS	6000.00	
													SUPPLIES COSTS	2400.00	
													EQUIPMENT COSTS	8500.00	
													OTHER COSTS	0.00	
													TOTAL COSTS	53864.86	36964.86
													*** FUNDING DETAIL:		
													1004 GENERAL FUND RECEIPTS	36964.86	
													TOTAL FUNDING		36964.86
**** COMPONENT TOTALS:															
FULL TIME NEW POSITIONS													2	TOTAL PERSONAL SERVICES	108425.64
PART TIME/SEASONAL NEW POSITIONS													0		
NON PERMANENT NEW POSITIONS													0	TOTAL COSTS INC. ASSOC COSTS	146725.64
OTHER.....													0		
													====		
NUMBER OF NEW POSITIONS IN COMPONENT:													2		
													FUNDING DATA: G.F. & G.F. MATCH:		108425.64
													OTHER FUNDS:		0.00
													TOTAL FUNDING:		108425.64

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: SSHB 75

Revision Date: January 29, 1996  
Title: Felony Vehicle Theft  
Sponsor: Representative Sanders  
Requestor: H.State Affairs

Dept. Affected: Public Safety  
BRU: Alaska State Troopers  
Component: Detachments  
COMPONENT SERIAL NO. 0799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	8.8	8.8	8.8	8.8	8.8	8.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>8.8</b>	<b>8.8</b>	<b>8.8</b>	<b>8.8</b>	<b>8.8</b>	<b>8.8</b>
<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
CHANGE IN REVENUES ( ) Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

Estimate of current year (FY 95) impact: \$ \_\_\_\_\_

**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.)

See Attached.

Prepared By: Lt. Dan Lowden  
Division: Alaska State Troopers

Phone: 465-5505  
Date: January 29, 1996

Approved by Commissioner: *Ronald L. Otte*  
Agency: Ronald L. Otte, Department of Public Safety

Date: 1/29/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: Draft CSHB 75

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety

## ANALYSIS CONTINUED:

This legislation will amend current state law so that all occurrences of taking a motor vehicle would be a felony. Under existing law the taking of a motor vehicle is only a felony if the vehicle is an emergency vehicle or \$500.00 or more in damage is done to the vehicle or other property.

This bill will have fiscal impact on the Department. Felony cases require more effort from the Department than do misdemeanor cases. That increased effort includes the court time involved by the Troopers worked on the case, increased evidence collection and processing, and increased report documentation with short time limits for report completion. It is difficult to place a precise dollar figure on this type of fiscal impact because of the many variables involved. At the very least, the passage of this bill will require the investigating trooper to attend a grand jury session.

In 1995 the Troopers arrested 89 persons for "joyriding." One third of those cases were removed assuming that the case was investigated by a trooper assigned to day shift and no additional costs would be incurred for that trooper to testify before the grand jury. This leaves about 60 cases worked by swing and graveyard shift troopers who would have to attend the grand jury on overtime with a minimum of three hours pay by contract. This adds up to \$8,820 in overtime costs, using an average figure of \$49 per hour. Note: the average cost of \$49 per hour is just that an average cost. More senior troopers being paid at a higher step, geographic differential, and travel cost for troopers to fly to court from outlying areas would all have an effect on the figures.

# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO: SSBH 75**

Revision Date: January 29, 1996 Dept. Affected: Public Safety  
 Title: An Act relating to criminal mischief BRU: Motor Vehicles  
 Component: Driver Services  
 Sponsor: Representative Sanders  
 Requestor: H. State Affairs COMPONENT SERIAL NO. 0500

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	36.1	36.1	36.1	36.1	36.1	36.1
TRAVEL						
CONTRACTUAL	2.4	2.4	2.4	2.4	2.4	2.4
SUPPLIES	1.0	1.0	1.0	1.0		
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>49.5</b>	<b>39.5</b>	<b>39.5</b>	<b>39.5</b>	<b>39.5</b>	<b>39.5</b>
<b>CAPITAL EXPENDITURES</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CHANGE IN REVENUES (1004)</b>	<b>93.8</b>	<b>93.8</b>	<b>93.8</b>	<b>93.8</b>	<b>93.8</b>	<b>93.8</b>
<small>Revenue Code</small>						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	49.5	39.5	39.5	39.5	39.5	39.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>49.5</b>	<b>39.5</b>	<b>39.5</b>	<b>39.5</b>	<b>39.5</b>	<b>39.5</b>

Estimate of current year (FY 95) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME	0	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Juanita M. Hensley Phone: 465-2650  
 Division: Motor Vehicles Date: 1/26/96  
 Approved by Commissioner: *Ronald L. Otte* Date: 1/29/96  
 Agency: Ronald L. Otte, Dept. of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: SSHB 75

Revision Date: January 29, 1996

Dept. Affected: Public Safety

## ANALYSIS CONTINUED:

Current law, AS 28.15.181 requires the revocation of a driver's license for any felony conviction in which a commission of a motor vehicle was used.

This bill requires the court to revoke a driver's license of a person who has been convicted of vehicle theft. It is estimated that there will be approximately 547 convictions a year.

This bill impacts the Division of Motor Vehicles by resulting in a minimum of 1,094 updates to the driving record of the person's whose license's are being revoked. One computer entry to add the revocation to the driving record; and another entry to end the revocation. Existing law requires the division to notify a person by certified mail any time action is taken to revoke or suspend a driver's license. Reinstating the driver's license will also impact the DMV field offices by reissuing a driver's license to the person when the revocation has ended. It is estimated 90 percent of all persons whose license is revoked will reinstate their driving privilege. A \$100 reinstatement fee is charged anytime a person has had their license revoked within 10 years preceding application for a driver's license. It is estimated 247 individual's will pay the \$100. If the license was suspended or revoked more than one time within the 10 years preceding application for a driver's license, the reinstatement fee is increased to \$250. It is estimated 247 will pay the \$250. A person will also have to pay the license reissuance fee of \$15 prior to the license being issued. The amount of additional new general fund program receipt revenue generated will is approximately \$93.8

Total number of revocations received from the courts to DMV	547
Total number of certified letters mailed	547
Total number of license reinstated 90%	494

## OPERATING

FY97

FY98

### Personal Services

### Salary and Benefits

Motor Vehicle Representative II	\$36.1	\$36.1
---------------------------------	--------	--------

### Contractual

Computer line charges (Mainframe connection) \$0.5	\$0.5	\$0.5
Postage Certified Mail 547 @ \$2.52 each	\$1.4	\$1.4
Telephone lease & line charges	\$0.5	\$0.5

### Supplies

Routine office supplies, paper, pencils, pens, etc.	\$1.0	\$1.0
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### Equipment

Complete Computer Workstation, desk, chair, file cabinet, monitor, hard drive, printer (One time costs)	\$10.0	
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<b><u>TOTAL OPERATING</u></b>	<b>\$49.5</b>	<b>\$39.5</b>
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## REVENUE

494 Reinstatements 247 @\$100, 247 @\$250	\$86.4	\$86.4
494 License reissues @\$15	\$7.4	\$7.4

<b><u>TOTAL REVENUE</u></b>	<b>\$93.8</b>	<b>\$93.8</b>
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