

HB

9

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT

Mailing Address:
119 H Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0862
Fax (907) 488-4271



White in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
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House District 23

House Of Representatives

HB 9: "An Act relating to recovery of damages from a minor's parent or legal guardian when property is destroyed by the minor."

Sponsor: Representative Gene Therriault

Sponsor Statement:

This victim's rights legislation, which updates a statute that has been on the books since 1957, is intended to encourage responsibility among parents and juveniles and to provide recourse for victims who have lost property. It is based on the principal that parents or legal guardians of juveniles who caused the damage are monetarily responsible for the loss. This legislation would increase the amount the victim may recover from \$2,000 to \$10,000, and bring Alaska more into line with the national average of \$10,000 to \$15,000.

The impetus for my interest in this bill is partly an incident that occurred last summer in which vandals caused approximately \$50,000 in damage to two schools in Fairbanks. Although the vandals were caught, the school district was able to recoup only a small fraction of its loss. This legislation would ensure that victims of property damage could recover a greater amount of their total loss.

*1/20/95 -
Called for updated
FN
Staffer in charge*

Sectional Analysis
House Bill 9

This bill amends AS 34.50.020 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 \$10,000, plus costs, interest and attorney fees. The damages are to be recovered 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 destroys real or personal property belonging to the above parties seeking recovery. Currently, the maximum amount that may be recovered is \$2,000.

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House Of Representatives

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House District 33

Explanation of Proposed Amendment House Bill 9

This would amend the permanent fund dividend law that permits the taking of part or all of a dividend to satisfy a judgment. It would increase the amount that can be recovered from a minor's permanent fund dividend for injury or damage caused by the minor from the current \$2,000 to \$10,000 to maintain the parallel recovery provision with the change being proposed in House Bill 9. Without this amendment, a victim could, arguably, recover up to \$10,000 from a parent's or guardian's dividend under subparagraph (B) but recover only \$2,000 from the dividend of the minor who caused the damage and who, under the law, would be required to make full restitution.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 25, 1995

SUBJECT: HB 9, relating to recovery of damages caused by minors -- sectional analysis (Work Order No. 9-LS0053\C)

TO: Representative Gene Therriault
ATTN: Wilda Whitaker

FROM: Jack Chenoweth
Legislative Council

The measure relates to the ability of the victim of an offense involving damage to property caused by a minor to recover for the damaged property.

Bill section 1, amending AS 34.50.020(a), would raise from \$2,000 to \$10,000 the amount of damages that the owner of real or personal property may recover in a civil action from the parent, parents, legal guardian, or person having the legal custody of an unemancipated minor when the minor has destroyed the property. Recovery is not contingent on a determination that the minor's destruction of the property was malicious or wilful.

Bill section 2, adding a new subsection, subsection (c), to AS 34.50.020, would preclude liability for the payment of property damage by the parent, parents, legal guardian, or person having the legal custody of the minor if the damage occurred while the minor was a runaway or was missing. The provision supplies a definition for the term "runaway minor."

JBC:lmb:pl
95-092.lmb

SECTIONAL ANALYSIS

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 9

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to recovery of damages from a BRU: Legal Services
minor's parents or legal guardian..." Component: Operations
 Sponsor: Representative Therriault
 Requester: Representative Therriault COMPONENT SERIAL NO. 0093

Expenditures/Revenues

(Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING EXPENDITURES						
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

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 a civil action in an amount not to exceed \$10,000, plus court costs, 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 destroys real or personal property belonging to the above parties seeking recovery. Currently, the maximum amount that may be recovered is \$2,000. However, the bill also provides that a parent, legal guardian, or person having the legal custody of an unemancipated minor under the age of 18 years who is a runaway or missing minor would not be liable under the foregoing provision if the person having legal custody of the minor makes a report to a law enforcement agency, as authorized by AS 47.10.141 (a), that the minor has run away or is missing. This bill deals with the recovery of damages and, consequently, there will not be a fiscal impact for the Department of Law.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 1/23/95
 Date: 1/23/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB9

Revision Date: _____
 Title: An Act Relating to Recovery From a Parent or Legal
 Guardian When Property Is Destroyed By The Minor
 Sponsor: Representative(s) Therriault, Porter
 Requestor: House (JUD)

Dept. Affected: Health and Social Services
 BRU: Purchased Services
 Component: Foster Care
 COMPONENT SERIAL NO. 252
 See also (SN#): 253

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 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						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$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: Kathy Tibbles, Acting Director
 Division: Division of Family & Youth Services

Phone: 465-3191
 Date: 01/23/95

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

Date: 1-24-95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB9

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act Relating to Recovery From a Parent or Legal BRU: Purchased Services
Guardian When Property Is Destroyed By The Minor Component: Residential Child Care
 Sponsor: Representative(s) Therriault, Porter COMPONENT SERIAL NO. 253
 Requestor: House (JUD) See also (SN#): 252

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 EXPENDITURES

CHANGES IN REVENUES ()

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$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: Kathy Tibbles, Acting Director
 Division: Division of Family & Youth Services

Phone: 465-3191
 Date: 01/23/95

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

Date: 1-24-95

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FISCAL NOTE

BILL NO. HB 9

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to recovery of damages from a minor's parent or legal guardian when property is destroyed..."
 Sponsor: Therriault, Porter
 Requestor: Therriault

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 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						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ none

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill has no fiscal impact on the Office of Public Advocacy.

Prepared by: Brant McGee, Director *Brant McGee*
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: _____

Approved by Commissioner: Mark Bover *Mark Bover 1/25/95*
 Agency: Department of Administration

Date: _____

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 9

Revision Date: _____
Title: "An Act relating to recovery of damages from a minor's parent or legal guardian when property is destroyed...."
Sponsor: Therriault, Porter
Requestor: Therriault

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (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

Estimate of any current year (FY 95) cost: \$ _____

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This legislative proposal will have no fiscal impact on the Alaska Public Defender Agency.

Prepared by: John Salemi, Director *[Signature]*
Division: Public Defender Agency

Phone: 264-4412
Date: _____

Approved by Commissioner: Mark Boyer *[Signature]*
Agency: Department of Administration

Date: _____

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HOUSE BILL NO. 9

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES THERRIAULT, Porter

Introduced: 1/16/95

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to recovery of damages from a minor's parent or legal guardian
2 and to recovery from a minor's permanent fund dividend for
when property is destroyed by the minor." *regarding damage caused by the minor.*

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

4 * Section 1. AS 34.50.020(a) is amended to read:

As a result of this act

5 (a) A person, municipal corporation, association, village, school district, or
6 religious or charitable organization, incorporated or unincorporated, may recover
7 damages in a civil action in an amount not to exceed ~~\$10,000~~ [\$2,000] and court costs [,]
8 from either parent or both parents or the legal guardian or person having the legal custody
9 of an unemancipated minor under the age of 18 years [,] who [MALICIOUSLY OR
10 WILFULLY] destroys real or personal property belonging to the person, municipal
11 corporation, association, village, school district, or religious or charitable organization.

12 * Sec. 2. AS 34.50.020 is amended by adding a new subsection to read:

13 (c) A parent, legal guardian, or person having the legal custody of an
14 unemancipated minor under the age of 18 years who is a runaway or missing minor is not

Known of HB 9

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liable under (a) of this section for the acts of the minor after the parent, legal guardian, or person having the legal custody of the minor makes a report to a law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run away or is missing. In this subsection, "runaway or missing minor" means a minor whom the minor's parent, legal guardian, or legal custodian reasonably believes is absent from the minor's residence for the purpose of evading the minor's parent, legal guardian, or legal custodian, or who is otherwise missing from the minor's usual place of abode without the consent of the parent, legal guardian, or person having legal custody of the minor.

* Sec. 3. AS 43.23.065(6) is amended to read:

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 9

1 Page 1, line 2, after "minor":

2 Insert ", and to recovery from a minor's permanent fund dividend for injury or
3 damage caused by the minor" ✓

4 Page 2, following line 10:

5 Insert a new section to read:

6 ** Sec. 3. AS 43.23.065(b) is amended to read:

7 (b) An exemption is not available under this section for permanent fund
8 dividends taken to satisfy

9 (1) child support obligations required by court order or decision of the
10 child support enforcement agency under AS 25.27.140 - 25.27.220;

11 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,
12 or AS 47.10.080(b)(4);

13 (3) claims on defaulted scholarship loans under AS 43.23.067;

14 (4) court ordered fines;

15 (5) writs of execution under AS 09.35 of a judgment that is entered

16 (A) against a minor in a civil action to recover damages; recovery
17 under this subparagraph is limited to \$10,000 [\$2,000] and court costs, and may
18 be obtained only when the judgment is based upon

19 (i) an act of the minor that is defined as a crime against
20 a person under AS 33.30.901, that injured the plaintiff, and for which the
21 minor was adjudicated a delinquent or convicted as an adult; or

22 (ii) the minor's intentional or knowing injury of real or
23 personal property of the plaintiff; ✓

24 (B) under AS 34.50.020 against the parent, parents, legal

1 guardian, or person having the legal custody of an unemancipated minor;
2 (6) a debt owed by an eligible individual to an agency of the state, unless
3 the debt is contested and an appeal is pending, or the time limit for filing an appeal has
4 not expired."

① Alaska State Security
②

HOUSE BILL NO. 9

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES THERRIAULT, Porter

Introduced: 1/16/95

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to recovery of damages from a minor's parent or legal guardian**
2 **when property is destroyed by the minor."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 34.50.020(a) is amended to read:

5 (a) A person, municipal corporation, association, village, school district, or
6 religious or charitable organization, incorporated or unincorporated, may recover
7 damages in a civil action in an amount not to exceed \$10,000 [\$2,000] and court costs
8 [.] from either parent or both parents or the legal guardian or person having the legal
9 custody of an unemancipated minor under the age of 18 years [.] who
10 [**MALICIOUSLY OR WILFULLY**] destroys real or personal property belonging to the
11 person, municipal corporation, association, village, school district, or religious or
12 charitable organization.

13 *** Sec. 2.** AS 34.50.020 is amended by adding a new subsection to read:

14 (c) A parent, legal guardian, or person having the legal custody of an

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unemancipated minor under the age of 18 years who is a runaway or missing minor is not liable under (a) of this section for the acts of the minor after the parent, legal guardian, or person having the legal custody of the minor makes a report to a law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run away or is missing. In this subsection, "runaway or missing minor" means a minor whom the minor's parent, legal guardian, or legal custodian reasonably believes is absent from the minor's residence for the purpose of evading the minor's parent, legal guardian, or legal custodian, or who is otherwise missing from the minor's usual place of abode without the consent of the parent, legal guardian, or person having legal custody of the minor.

Absent w/o consent.



Alaska State Legislature



REPRESENTATIVE
GENE THERRIAULT

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(907) 488-0862
Fax (907) 488-4271

Write to: Incoming
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax (907) 465-3884

House District 33

House Of Representatives

To: Representative Brian Porter
Judiciary Committee

From: Representative Gene Therriault

A handwritten signature in cursive script, appearing to read "G.T.", written over the printed name of Representative Gene Therriault.

Date: January 17, 1995

Subject: Request to Schedule HB 9

I would like to request that you schedule HB 9, "An act relating to recovery of damages from a minor's parent or legal guardian when property is destroyed by a minor."

Attached to this memorandum are:

- 1.) Sponsor statement
- 2.) Fiscal notes
- 3.) Sectional analysis

We are not requesting a teleconference at this time.

This legislation is intended to encourage responsibility among parents and juveniles and to provide recourse for victims who have lost property. I respectfully request that you schedule a hearing on HB 9 at the committee's earliest convenience. Thank you.

ation, joint
 partnership, or
 trusts, whether
 individual organiza-

ties;

corporation and
 incorporated per-

association,
 labor union;
 decedent, who

son, fraternal
 organization, that is
 fraternal, burial,
 society, fire,
 and annu-

life insurance;
 annuities, secu-

business

and other

policies;

and estab-
 lishment, sev-
 eral employee
 benefits;

under 43
 or un-

(iii) overpaid contributions by employers to the unemployment compensation fund under AS 23.20.130;

(11) "last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery;

(12) "owner" means a depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to AS 34.45.110 — 34.45.780; the term includes a person's legal representative;

(13) "person" means an individual, business association, state, municipality or other government, including the United States government, subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or other legal or commercial entity;

(14) "property" means personal property;

(15) "state" means a state, district, commonwealth, territory, insular possession, or other area subject to the legislative authority of the United States;

(16) "utility" means a person who owns or operates for public use a plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas. (§ 11 ch 133 SLA 1986; am § 1 ch 29 SLA 1988; am § 29 ch 100 SLA 1989)

Editor's notes. — This section is set out above to correct a typographical error in the main pamphlet.

Chapter 50. Actions for Injuries to Property Interests.

Section

20. Liability for destruction of property by minors

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. A state agency or an agent of a state agency, including a nonprofit corporation that designates shelters for runaways under AS 47.10.392 — 47.10.399 and employees of or volunteers with that corporation, is not liable for the acts of a minor sheltered in a shelter for runaways, as defined in AS 47.10.399. (§ 1 ch 98 SLA 1957; am § 1 ch 107 SLA 1967; am § 10 ch 33 SLA 1994)

Effect of amendments. — The 1994 added the second sentence in subsection amendment, effective August 6, 1994, (b).

Chapter 55. Uniform Land Sales Practices Act.

Section

20. General powers and duties

Sec. 34.55.020. General powers and duties. (a) The department shall adopt regulations under the Administrative Procedure Act (AS 44.62). The regulations must include but not be limited to provisions for advertising standards to assure full and fair disclosure; provisions for escrow or trust agreements or other means reasonably to assure that all improvements referred to in the application for registration and advertising will be completed and that purchasers will receive the interest in land contracted for; provisions for operating procedures; and other provisions as are necessary and proper to accomplish the purpose of this chapter.

(b) The department, by regulation or by an order, after notice and hearing, may require the filing of advertising material relating to subdivided land before its distribution.

(c) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a regulation or order under this chapter, the department, with or without prior administrative proceedings may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or a regulation or order under this chapter. Upon proper showing, injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator may be appointed. The department is not required to post a bond in court proceedings.

(d) The department may intervene in a suit involving subdivided land. In a suit by or against a subdivider involving subdivided land, the subdivider promptly shall furnish the department notice of the suit and copies of all pleadings.

(e) The department may

(1) accept registrations filed in other states or with the federal government;

Vandals hit two schools

Luke, University Park damage may top \$50,000

By WENDY HOWER
Staff Writer

Vandals poisoned a tank of fish, smashed vending machines, broke into classrooms and wreaked more than \$50,000 in damages at two public schools last weekend, Alaska State Trooper said.

The rampages at University Park Elementary School and Howard Luke Alternative Junior/Senior High School, both off Geist Road, were likely related, said 1st Sgt. Michael Corkill.

The break-ins took place between Saturday afternoon and 7 a.m. Monday—five weeks before the start of school.

It was probably teenagers who squirted red Hawaiian Punch juice concentrate onto carpeting, furniture and walls at University Park,

troopers said. They poured deadly ammonia into a fish aquarium, killing the fish, then sprayed library walls with permanent ink and discharged a fire extinguisher in the commons area.

They littered the gym floor with playing balls and dribbled liquid automobile tire sealant into a computer keyboard, hard drive and printer.

Across the street at Howard Luke, vandals smashed windows, pulled supplies out of cupboards and poured black paint and rubber cement onto the art room floor. With a baseball bat or another blunt tool, they broke off doorknobs on most classrooms and rummaged through teachers' desks.

The vandals stole speakers and

See VANDALS, Page A-7

VANDALS: 2 schools hit

Continued from Page A-1

more than 40 compact discs, troopers and school staffers said. They bashed in a dozen or so windows. They cracked and ripped the framed photos of the school's namesake, Athabaskan elder Howard Luke.

"Bored little jerks with jerks for parents," said custodian Kathy Ferrell.

Troopers spotted bike tracks around both schools. They collected fingerprints and footprints at both schools but have no suspects yet, Corkill said. Two troopers are working on the case full time, he said.

"They were on a melee in there for quite some time," Corkill said. "We have some good physical evidence to work on."

At both schools, vandals overturned and smashed vending machines, stealing change and sodas inside. They spared the computer labs in both schools and also left TV sets, video cameras and stereos behind.

Fourth graders expressed shock and sadness as they wandered through the wreckage at Universi-

ty Park Monday afternoon.

"Everything's totally like bogus out there," said Christina Thompson, 9. "It's not the same school anymore."

Nine-year-old Andrew Page gasped when he heard about the poisoned fish.

"I wish they hadn't done this," he said.

School custodians had just finished cleaning the carpets at University Park on Friday. They began to sweep up glass and fire extinguisher chemicals on Monday.

"I get really disgusted. We work so hard and as custodians we take a lot of pride in cleaning our schools," said Dale Shelley, custodian. "To have something like this done, it's just, it's really a shock and angers us. Almost hard to put words to it."

Last week, vandals broke into West Valley High School and stole speakers, Corkill said. Troopers do not know whether the West Valley break-in was related.

Anyone with information about the vandalism should contact troopers at 452-2114.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 9

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to recovery of damages BRU: Trial Courts
 from a minor's parent of legal guardian Components: _____
 Sponsor: Reps. Therrlault, Porter
 Requestor: _____ COMPONENT SERIAL NO. 788

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING

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						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

* - See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 284-8228
 Agency: Alaska Court System Date: 01/27/95

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CSC* Date: 01/27/95
 Agency: Alaska Court System

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**Alaska Court System
Fiscal Analysis
HB 9**

AS 34.50.020(a) provides that a person, municipal corporation, association, village, school district, or religious or charitable organization may recover damages in a civil action not to exceed \$2,000 from either parent or other person having legal custody of an unemancipated minor under the age of 18 year who maliciously or wilfully destroys real or personal property.

HB 9 makes two significant changes to this statute. First, the damage limit is raised from \$2,000 to \$10,000. Second, the requirement that a minor have acted maliciously or wilfully is eliminated, meaning that the parents or legal guardian are liable if the minor merely acted negligently.

These changes will result in an increase in case numbers and costs for several reasons. First, the bill makes parents liable not just for vandalism, but for any negligent act of their children. This will expand the field of potential cases. Second, the increase in the dollar amount which can be recovered will increase the field of potential cases. Third, the higher dollar amount means that many of these cases can now be brought in district court, rather than small claims court. This will increase court costs, because district court proceedings take more time, use more expensive district judges rather than magistrates, and give litigants the right to a jury.

Because of a lack of data, it is impossible to predict how this legislation will impact the court system. If case numbers and costs increase significantly, it will be necessary to return to the legislature at a later time for additional funding.