

**HB**

**75**



**ALASKA STATE LEGISLATURE**  
**HOUSE BILL NO. 75**

**HISTORY IN THE HOUSE**

**HISTORY IN THE SENATE**

19 95  
1/16

Read first time and referred to:  
STA, JUD, FIN

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\_\_\_\_\_ RPT CS( ) \_\_\_\_\_ New Title  
\_\_\_\_\_ DP \_\_\_\_\_ DNP \_\_\_\_\_ NR \_\_\_\_\_ AM  
\_\_\_\_\_ FN \_\_\_\_\_ OFN \_\_\_\_\_ Previous FN

\_\_\_\_\_ RPT CS( ) \_\_\_\_\_ New Title  
\_\_\_\_\_ DP \_\_\_\_\_ DNP \_\_\_\_\_ NR \_\_\_\_\_ AM  
\_\_\_\_\_ FN \_\_\_\_\_ OFN \_\_\_\_\_ Previous FN

\_\_\_\_\_ RPT CS( ) \_\_\_\_\_ New Title  
\_\_\_\_\_ DP \_\_\_\_\_ DNP \_\_\_\_\_ NR \_\_\_\_\_ AM  
\_\_\_\_\_ FN \_\_\_\_\_ OFN \_\_\_\_\_ Previous FN

Read second time  
CS( ) Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED EFD Same \_\_\_ or  
Yeas Yeas  
Nays Nays  
Excused Excused  
Absent Absent

\_\_\_\_\_ Intent adopted

Reconsideration  
Reconsideration not taken up

PASSED ON RECON. EFD Same \_\_\_ or  
Yeas Yeas  
Nays Nays  
Excused Excused  
Absent Absent

\_\_\_\_\_ Intent adopted

Reported correctly engrossed  
Signed by Speaker, to the Senate

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Chief Clerk of the House

19

Read first time and referred to:

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\_\_\_\_\_ RPT( ) CS \_\_\_\_\_ DP \_\_\_\_\_ NR \_\_\_\_\_ DNP \_\_\_\_\_ AM  
\_\_\_\_\_ New Title \_\_\_\_\_ Same Title \_\_\_\_\_ Previous FN  
\_\_\_\_\_ FN \_\_\_\_\_ OFN \_\_\_\_\_ To \_\_\_\_\_

\_\_\_\_\_ RPT( ) CS \_\_\_\_\_ DP \_\_\_\_\_ NR \_\_\_\_\_ DNP \_\_\_\_\_ AM  
\_\_\_\_\_ New Title \_\_\_\_\_ Same Title \_\_\_\_\_ Previous FN  
\_\_\_\_\_ FN \_\_\_\_\_ OFN \_\_\_\_\_ To \_\_\_\_\_

\_\_\_\_\_ RPT( ) CS \_\_\_\_\_ DP \_\_\_\_\_ NR \_\_\_\_\_ DNP \_\_\_\_\_ AM  
\_\_\_\_\_ New Title \_\_\_\_\_ Same Title \_\_\_\_\_ Previous FN  
\_\_\_\_\_ FN \_\_\_\_\_ OFN \_\_\_\_\_ To \_\_\_\_\_

\_\_\_\_\_ Rules Calendar( ) CS \_\_\_\_\_ AM \_\_\_\_\_ Other  
\_\_\_\_\_ New Title \_\_\_\_\_ Same Title \_\_\_\_\_ Previous FN  
\_\_\_\_\_ FN \_\_\_\_\_ OFN \_\_\_\_\_

Read second time

\_\_\_\_\_ CS Adopted ( ) \_\_\_\_\_ New Title  
\_\_\_\_\_ Amended \_\_\_\_\_ Advanced

Read third time

\_\_\_\_\_ Letter of Intent adopted  
\_\_\_\_\_ Return to second for specific amendment

PASSED EFD Same \_\_\_ or  
Yeas Yeas  
Nays Nays  
Excused Excused  
Absent Absent

Reconsideration  
Reconsideration not taken up

PASSED EFD Same \_\_\_ or  
Yeas Yeas  
Nays Nays  
Excused Excused  
Absent Absent

Reported correctly engrossed  
Signed by President, to the House

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Secretary of the Senate

HOUSE-SENATE HISTORY Continued

19

Received from the Senate

Concur in Senate amendment

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_  
\_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

Failed to concur Senate amendment, ask Senate recede

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

Senate failed to \ receded from amendment

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

CC appointed by House \_\_\_\_\_ Chair

CC appointed by Senate \_\_\_\_\_ Chair

(H) Granted Limited Powers of Free Conference

(S) Granted Limited Powers of Free Conference

19

(H) Adopted CC Rpt \_\_\_\_\_

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_  
\_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

(S) Adopted CC Rpt \_\_\_\_\_

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_  
\_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

To enrolling

Reported enrolled and sent to Governor

\_\_\_\_\_ By Governor

Chapter Number \_\_\_\_\_

Filed with Lieutenant Governor

# 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: 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>187.4</b>	<b>189.9</b>	<b>172.4</b>	<b>175.0</b>	<b>177.6</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	177.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>183.0</b>	<b>187.4</b>	<b>189.9</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 \$8.0 per position. The estimated annual cost of supplies per position is \$1.0.

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

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

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

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  
 Sponsor: Representative Sanders  
 Requestor: House (STA)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 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	55.6	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)

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 \$6.0. Estimated annual supply cost is \$1.0.

Prepared by: *[Signature]*  
 L. Diane Worley, Director  
 Division: Family & Youth Services  
 Approved by Commissioner: *[Signature]*  
 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

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: Northern Region

Sponsor: Representative Sanders  
 Requestor: House (STA)

COMPONENT SERIAL NO. 255  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	54.0	54.8	55.8	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)

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:**

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 \$8.0. Estimated annual supply cost is \$1.0.

*[Signature]*

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

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

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

Date: 1/26/96

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# FISCAL NOTE

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

**BILL NO: SSHB 75**

Revision Date: January 29, 1996  
 Title: An Act relating to criminal mischief  
 Sponsor: Representative Sanders  
 Requestor: H. State Affairs

Dept. Affected: Public Safety  
 BRU: Motor Vehicles  
 Component: Driver Services  
 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> Revenue Code	<b>93.8</b>	<b>93.8</b>	<b>93.8</b>	<b>93.8</b>	<b>93.8</b>	<b>93.8</b>

**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 26.15.181 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

<u>OPERATING</u>	<u>FY97</u>	<u>FY98</u>
<u>Personal Services</u>		Salary and Benefits
Motor Vehicle Representative II	\$36.1	\$36.1
<u>Contractual</u>		
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
<u>Supplies</u>		
Routine office supplies, paper, pencils, pens, etc.	\$1.0	\$1.0
<u>Equipment</u>		
Complete Computer Workstation, desk, chair, file cabinet, monitor, hard drive, printer (One time costs)	\$10.0	
<b><u>TOTAL OPERATING</u></b>	<b>\$49.5</b>	<b>\$39.5</b>
 <u>REVENUE</u>		
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>

# FISCAL NOTE

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

**BILL NO: SSHB 75**

Revision Date: January 29, 1996

Dept. Affected: Public Safety

Title: Felony Vehicle Theft

BRU: Alaska State Troopers

Component: Detachments

Sponsor: Representative Sanders

Requestor: H. State Affairs

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>
<b>CHANGE IN REVENUES ( )</b> Revenue Code	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**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: Li. Dan Lowden

Phone: 465-5505

Division: Alaska State Troopers

Date: January 29, 1996

Approved by Commissioner: *Ronald L. Otte*

Date: 1/29/96

Agency: Ronald L. Otte, Department of Public Safety

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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.

1995 LEGISLATIVE SESSION

Revision Date: 01/16/96 Dept. Affected: Public Safety  
 Title: "An Act relating to criminal mischief." Alaska State Troopers  
 Component: Detachments  
 Sponsor: Representative Sanders  
 Requestor: (H) State of Affairs 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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( )	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 96) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)  
 See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 01/16/96  
 Approved by Commissioner: *Ronald L. Otte* Date: 01/16/96  
 Agency: Ronald L. Otte, Dept. of Public Safety

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Fiscal Analysis  
HB 75

This legislation amends the criminal mischief statutes to classify acts cited under AS 11.46.482(a) (joyriding), as class C felonies. It also provides that repeat offenders are charged with a class B felony.

The Alaska State Troopers respond to over 700 thefts of all types of vehicles per year. Since they are only misdemeanors, very limited investigative effort is currently expended in this area and very few cases are prosecuted. The Department of Law has indicated only two such cases went to trial. Most cases were not contested or the defendant pled out.

Changing the nature of the penalty from a misdemeanor to a class C felony will increase the amount of time spent on a joyriding case to respond to grand jury and evidentiary hearings which are not encountered at the misdemeanor level. Additionally, more felony cases tend to go to trial than misdemeanors due to the increased penalty.

The intent of this bill is to make the selection of joyriding cases more of a priority. Felony crimes against persons are the highest priority and take most resources. Vehicle theft has not historically been afforded priority treatment. AS a practical matter, the few new cases taken as a felony under this bill would preempt investigating a few more lower priority misdemeanor cases.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. HB 75

Revision Date: January 23, 1996 Dept. Affected: Corrections  
 Title: An act related to criminal mischief 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	332.2	337.2	342.2	347.4	352.6	357.9
TRAVEL						
CONTRACTUAL	727.0	727.0	727.0	727.0	727.0	727.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	2,054.4	2,054.4	2,054.4	2,054.4	2,054.4	2,054.4
<b>TOTAL OPERATING</b>	<b>3,113.6</b>	<b>3,118.6</b>	<b>3,123.6</b>	<b>3,128.8</b>	<b>3,134.0</b>	<b>3,139.3</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	3,113.6	3,118.6	3,123.6	3,128.8	3,134.0	3,139.3
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>3,113.6</b>	<b>3,118.6</b>	<b>3,123.6</b>	<b>3,128.8</b>	<b>1,387.8</b>	<b>3,139.3</b>

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

**POSITIONS**

FULL-TIME	7					
PART-TIME						
TEMPORARY						

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

This fiscal note is being revised for the following reasons:

- 1/ the previous fiscal not did not take into account that pre-sentence investigations are required on all felony cases;
- 2/ those convicted under Sec. 2 would be subject to a minimum four year presumptive sentence;
- 3/ updated data concerning the number of expected cases.

Thirty-two (32) offenders with a prior felony conviction will be convicted of criminal mischief in the second degree. They will be subject to a presumptive sentence of four years in prison. They will serve 32 months allowing for good time reduction. These people are currently serving an average of 30 days. Thus, they will serve an additional 31 months in prison and 16 months on mandatory parole. Of the additional prison time, it is assumed they will average 20 months in prison and 12 months in a CRC.

32 Offenders X 90 Days X \$ 107 per day = \$ 308,160

Prepared by: *Jessie Shriver*  
 Division: Office of the Commissioner

Phone: 465-4652  
 Date: 1/23/96

Approved by Commissioner: *Margaret Pugh* Margaret Pugh  
 Agency: Department of Corrections

Date: 1/23/96

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**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 600 days X \$107 per day	=	\$2,054,400
32 Offenders X 365 days X \$57 per day	=	\$ 665,760
32 Offenders X 480 days X \$4.25 per day	=	<u>\$ 62,280</u>
<b>TOTAL NEW</b>	=	<b>= \$2,782,440</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>

One hundred and five (105) 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 (105 Offenders X 365 days X \$ 4.25 per day)	=	\$ 162,881 [Probation]
--	---	------------------------

Each felony conviction will require a pre-sentence investigation. While the cases would be spread across the state, the incremental equivalent is 1.5 probation officer positions.

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

A total of five (5) probation officers and an Administrative Clerk and a clerk-typist II will be required.

**TOTAL NEW COSTS** **\$ 3,113,551**

# 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 ( )						
------------------------	--	--	--	--	--	--

**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**  
**"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

Work Draft  
1/24/96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 75 ( )

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

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

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FISCAL NOTE

Work Draft

1/24/96

BILL NO. CSHB 75 ( )

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

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

11:08:22.D

## PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 1

 DEPARTMENT OF LAW  
 COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

 SCENARIO: 1  
 DRU NAME: PROSECUTION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	B U	S R&S	MOS BUDG	SALARY	PREM PAY	BENEF	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	92060.78	71460.78
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## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	71460.78
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TOTAL FUNDING	71460.78
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03//002		LEGAL SECRETARY I	F	ANCHORAGE	A	CG	2A 10A	12	25517	0	11447	36964.86	
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## \*\*\*\* 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
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## \*\*\* FUNDING DETAIL:

100% 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	TOTAL COSTS INC. ASSOC COSTS	146725.64
NON PERMANENT NEW POSITIONS	0		
OTHER.....	0		

NUMBER OF NEW POSITIONS IN COMPONENT:	2
---------------------------------------	---

FUNDING DATA: G.F. & G.F. MATCH:	108425.64
----------------------------------	-----------

OTHER FUNDS:	0.00
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TOTAL FUNDING:	108425.64
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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.

12 \* 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 (c) 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).



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# Alaska State Legislature

Chairman - Economic Development Committee

REPRESENTATIVE  
**JERRY SANDERS**  
District 19

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

State Capitol  
Juneau, AK 99801-1182  
(907) 465-4945

## 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.



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District 19

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716 W. 4th Ave.  
Anchorage, AK 99501  
(907) 258-8199

State Capitol  
Juneau, AK 99801-1182  
(907) 465-4945

## SECTIONAL ANALYSIS FOR

### SPONSOR SUBSTITUTE HOUSE BILL 75

SECTION 1 creates the offense of vehicle theft in the first degree, which prohibits taking the motor vehicle of another person. Vehicle theft in the first degree is a class C felony and is punishable by five years imprisonment and a fine of \$50,000. Motor vehicle is defined as including passenger cars, motorcycles, trucks, water craft, airplanes and commercial vehicles. It is a class C felony to steal a snowmachines or other off road vehicle if it is an emergency or police vehicle, damage to the stolen vehicle is more than \$500, or it is the second offense within seven years.

SECTION 1 also creates the offense vehicle theft in the second degree, which prohibits first offense taking of a snow machine or off road vehicle where there is damage of less than \$500. It retains existing law that prohibits keeping a rented vehicle for an unreasonably long time past the agreed upon rental period. Vehicle theft in the second degree is a class A misdemeanor, which is punishable by one year imprisonment and a \$5,000 fine.

SECTION 1 also provides definitions of the various vehicles described in vehicle theft in the first and second degrees.

SECTION 2 is a conforming, technical amendment.

SECTION 3 is a conforming, technical amendment.

SECTION 4 provides that a person convicted of either first or second degree vehicle theft must, at sentencing, be ordered to pay restitution to the victim. Under present law only a person convicted of misdemeanor joyriding is required to pay restitution.

SECTION 5 is a technical amendment. Under present law and this bill, a person convicted of misdemeanor vehicle theft is subject to a 72 hour mandatory term of imprisonment. Under present law this mandatory term may be satisfied by community service for all except 24 hours of imprisonment. This bill takes away the ability to substitute community service for 48 hours of the mandatory term.

SECTION 6 is a technical, conforming amendment.

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.



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District 19

Anchorage  
716 W. 4th Ave.  
Anchorage, AK 99501  
(907) 258-8100

State Capitol  
Juneau, AK 99801-1182  
(907) 465-4945

## SPONSOR STATEMENT

### HB 75 CRIMINAL MISCHIEF

The Criminal Mischief Act provides a strong deterrent for those intending to commit joyriding or grand theft auto. Under the current law those caught attempting to commit grand theft auto can plead joyriding and if there is less than \$500 damage to the vehicle they can be convicted of committing only a class A misdemeanor. The current law ties the hands of police and provides no deterrent for the car thief.

This act makes all cases of joyriding criminal mischief in the second degree not just those which cause more than \$500 damage to the victims property. Criminal Mischief in the second degree is a class C felony. If a person has been previously convicted of joyriding or a similar act of criminal mischief, the second offense becomes a Class B Felony.

HB 72 not only provides the strong deterrent necessary to prevent Alaska's youth from joyriding but eliminates the loop hole through which countless more serious criminals have escaped justice.

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

RECEIVED JAN 28 1995

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

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

**MEMORANDUM**

January 27, 1995

**SUBJECT:** Sectional Summary of HB 75  
(Work Order No. 9-LS0369\A)

**TO:** Representative Jerry Sanders

**FROM:** Jerry Luckhaupt  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.46.482(a) to provide that a person commits the crime of criminal mischief in the second degree<sup>1/</sup> if the drives, tows away, or takes the propelled vehicle of another without having any right to do so (joyriding). Joyriding is currently proscribed as a class C felony under this section for certain aggravated types of joyriding, including second offenses, and as a class A misdemeanor for the normal case of joyriding.

Section 2 of the bill amends AS 11.46.482 by adding a new subsection (c) to provide that a person that violates AS 11.46.482(a)(4), amended by sec. 1 of the bill, and has a previous conviction under that section or former laws relating to this same conduct (joyriding), is guilty of a class B felony instead of a class C felony.<sup>2/</sup>

Sections 3 - 6 of the bill amend various provisions to make various conforming changes necessary to accommodate the changes made in secs. 1 - 2 of the bill.

Section 7 of the bill provides repealers.

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95-019.klb

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<sup>1/</sup> Criminal mischief in the second degree is a class C felony punishable as provided in AS 12.55.125(e)(imprisonment) and AS 12.55.035(fine).

<sup>2/</sup> Class B felonies are punishable as provided in AS 12.55.125(d)(imprisonment) and AS 12.55.035(fine).