

**SB**

**26**

**HFIN**

**FILE**

(11)

# HOUSE COMMITTEE REPORT

Date Referred to Committee: April 17, 2000

FURTHER REFERRALS:

Date of Committee Action: 4/17/00

The FINANCE Committee considered:

CSSB 26(FIN)

CS FOR SENATE BILL NO. 26(FIN)

FALSE REPORT TO POLICE/HINDER PROSECUTION

"An Act relating to hindering prosecution and to providing false information or reports to a peace officer."

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) \_\_\_\_\_ 3  fiscal note(s) Senate 4-12-00  
DOA (indeterminate)  
Court (indeterminate) 3-30-00  
DOA 4-12-00  
 zero fiscal note(s) \_\_\_\_\_ 2  zero fiscal note(s) \_\_\_\_\_  
PS 4-12-00 LAW 4-11-00

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Don Herrinall</i>			X	
<i>Bob Huel</i>	✓			
<i>Con Brandt</i>			✓	
<i>Alan Pent</i>	X			
<i>Ben Sanderson</i>			✓	
<i>Rep. F. Morse</i>			X	
<i>Rep. J. ...</i>			X	
<i>W.K. Williams</i>	X			
<i>Gail Phillips</i>	✓			

CHAIR'S SIGNATURE *Don Herrinall* *Bob Huel*

# FISCAL NOTE

**STATE OF ALASKA**  
**2000 LEGISLATIVE SESSION**

**BILL NO. CSSB 26 (FIN)**

Revision Date/Time (Note if correction) 4/11/00 11:50 a.m. Dept. Affected Department of Corrections  
 Title An Act relating to hindering prosecution and to BRU Administration and Operations  
providing false information or reports to a peace officer. Component All  
 Sponsor Senator Leman  
 Requester Senate Finance Committee Component No. #0694

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

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						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

If passed, this legislation would provide an additional category to the crime of providing false information to a peace officer. It would become a Class A misdemeanor for an individual to provide a false identity to a peace officer while under investigation, arrest or detention or while being served with an arrest warrant or being issued a citation.

A class A misdemeanor is punishable by up to one year in prison. It would be very difficult to determine the fiscal impact of this bill because we do not have any way of determining how many times this occurs or what kind of sentencing might result. It could be used as a negotiating tool and result in no additional time as well. Therefore, the Department of Corrections is submitting an indeterminate fiscal note.

Prepared by: Candy Brower, Legislative Liaison Phone 465-3307  
 Division Commissioner's Office Date/Time 4/11/00 4:18 PM  
 Approved by Commissioner Margaret M. Pugh *Margaret M. Pugh* Date 4-11-00  
 Agency Dept. of Corrections

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# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. CS for SB 26 (FIN)

Revision Date <u>4/11/00</u>	Dept. Affected <u>Public Safety</u>
Title <u>An Act relating to providing false information</u>	BRU <u>AK. State Trooper - Detachments</u>
or reports to a <u>peace officer</u>	Component <u>AK. State Trooper - Detachments</u>
Sponsor <u>Senator Leman</u>	
Requester <u>Senate Finance Committee</u>	Component No. <u>2325</u>

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	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						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill is not expected to have a budgetary impact.

Prepared by: Royce Weller, Special Assistant  
 Division Office of the Commissioner  
 Approved by Commissioner Ronald L. Otte  
 Agency Department of Public Safety

Phone 465-2649  
 Date/Time 4/11/00 5:45 PM  
 Date 4/11/00

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# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date/Time (Note if correction) <u>11-Apr-00</u>	Dept. Affected <u>Administration</u>
Title <u>"An Act relating to hindering prosecution and to providing false information or reports to a peace officer"</u>	BRU <u>Legal and Advocacy Services</u>
Sponsor <u>Senator Leman</u>	Component <u>Public Defender Agency</u>
Requester <u>(S) FIN</u>	Component No. <u>1631</u>

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	26.8	26.8	26.8	26.8	26.8	26.8
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>26.8</b>	<b>26.8</b>	<b>26.8</b>	<b>26.8</b>	<b>26.8</b>	<b>26.8</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	26.8			3	26.8	26.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>26.8</b>	<b>26.8</b>		<b>6.8</b>	<b>26.8</b>	<b>26.8</b>

Bill

Estimate of any current year (FY2000) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: <u>Barbara Brink, Director</u>	Phone <u>264-4414</u>
Division <u>Public Defender Agency</u>	Date/Time _____
Approved by <u>Commissioner - Robert Poe, Jr.</u>	Date <u>4/11/00</u>
Agency <u>Department of Administration</u>	

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## FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

### ANALYSIS: (continued)

This bill would change the current statute on Making a False Report, AS 11.56.800 by adding a provision making it illegal for a person to provide false information concerning his or her identity if the person is being detained or cited by the police. The bill also broadens the hindering prosecution bill to include rendering assistance to people who have committed any misdemeanor. (Under current law, hindering prosecution does not apply to class B misdemeanors.)

This bill will have some fiscal impact on the Public Defender Agency. Although it is difficult to determine the exact impact, the Agency does know that, in a significant percentage of arrests, defendants give false information concerning their identities. We conservatively estimate that defendants give false identity information in 2% of our cases.

We are currently appointed to represent defendants in about 3,200 new felonies and 8,500 new misdemeanors a year. If 2% of the defendants give false identity information, we would have 234 new misdemeanor charges. 234 new misdemeanors would be about a half-time caseload for a misdemeanor attorney, an Attorney II.

However, we have to take into account that other charges would be brought in many of these cases and that part of our existing caseload includes charges brought under the current Making a False Report statute. Because of these factors we are estimating that a part-time associate attorney could be hired to deal with the increased caseload. We are not requesting funding for any additional equipment, supplies, travel, or contractual services.

Therefore, we are requesting funding for a part-time Associate Attorney I to be stationed in Anchorage.

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date/Time (Note if correction) _____	Dept. Affected <u>Law</u>	_____
Title <u>"An Act relating to hindering prosecution and to providing false information or reports to a peace officer."</u>	BRU <u>Criminal Division</u>	_____
Sponsor <u>Senator Leman</u>	Component <u>1st-4th Judicial Districts: Criminal Appeals/Social Litigation</u>	_____
Requester <u>Senate Finance Committee</u>	Component Serial No. <u>2198-99:2201,03,61,79</u>	_____

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	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						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

CSSB 26 (FIN) applies hindering prosecution in the second degree to conduct where a person helps another who has committed any misdemeanor. The committee substitute also makes lying to a police officer regarding one's identity under certain defined circumstances a class A misdemeanor.

The Department of Law does not anticipate a fiscal impact from passage of this bill.

Prepared by: Joan M. Kasson  
 Division: Attorney General's Office  
 Approved by: Commissioner  
 Agency: Department of Law

Phone: 465-5370  
 Date/Time: 4/6/00, 4:49 PM  
 Date: 4/6/00

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# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

No. 1  
Bill Version: CSSB 26(JUD)  
(S) Publish Date: 3-30-00

Revision Date	Dept. Affected <u>Alaska Court System</u>
Title <u>Hindering prosecution and providing false information or reports</u>	BRU <u>Alaska Court System</u>
Sponsor <u>Senator Leman</u>	Component <u>Trial Courts</u>
Requester <u>Senate Finance</u>	Component Serial No. <u>769</u>

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

OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	.	.	.	.	.	.

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						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	.	.	.	.	.	.

Estimate of any current year (FY2000) cost None

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 CSSB 26(JUD) makes it a class A misdemeanor for a person who has committed a crime to provide a peace officer with false information with the intent of avoiding apprehension, prosecution, conviction, or punishment. Although the creation of this new offense is likely to result in some additional cases being brought before the court system, the number of such cases is too speculative to support a fiscal note.

Prepared by: <u>Doug Wooliver, Administrative Attorney</u>	Phone: <u>264-8265</u>
Agency: <u>Alaska Court System</u>	Date/Time: <u>3/29/00 11:33 AM</u>
Approved by: <u>Stephanie J. Cole, Administrative Director</u>	Date: <u>3/29/00</u>
Agency: <u>Alaska Court System</u>	

During Session, January - May:  
State Capitol, Room 115  
Juneau, Alaska 99801  
(907) 465-2095  
465-3810 FAX



During Interim, June - December:  
716 W 4th Ave, Suite 520  
Anchorage, Alaska 99501  
(907) 269-0240  
269-0242 FAX

Senator Loren Leman

## Sponsor Statement – CS for SB 26 (FIN)

### **“An Act relating to hindering prosecution and to providing false information or reports to a peace officer.”**

SB 26 broadens existing statutes that prohibit the use of deception and false information to hinder the criminal justice system.

In the criminal justice context, people employ deception in two ways: they lie to protect another person who has committed a crime, or they lie to protect themselves. SB 26 addresses both situations.

Existing law (AS 11.56.770 & 11.56.780) makes it a crime to hinder prosecution by rendering assistance to another person who has committed a crime, with the intention of hindering the apprehension, prosecution, conviction, or punishment of the other person. The definition of “rendering assistance to another” includes using deception to prevent or obstruct the discovery or apprehension of that person. Accordingly, it is a crime if a person lies to a police officer in an effort to obstruct the apprehension of another person who has committed a crime.

However, the “hindering prosecution” statute applies only if a person lies to prevent apprehension of a person who has committed a crime that is punishable by imprisonment of greater than 90 days. This means that Class B misdemeanors are not covered under existing law. Class B misdemeanors include such offenses as disorderly conduct, harassment, misconduct involving weapons in the fifth degree, and criminal mischief in the fourth degree. Although these crimes are not the most serious offenses on the books, they do consume a significant amount of time and resources of both law enforcement agencies and the court system. It is not appropriate for the statute to sanction deception under these circumstances. SB 26 amends the existing law so that it applies to all crimes, including Class B misdemeanors.

SB 26 also amends existing law concerning false reports to a peace officer (AS 11.56.800). Currently it is a crime to give false information to a police officer with the intent of implicating another in a crime. SB 26 amends this to state that it is also a crime to give false identity information to a peace officer while the person is under arrest, detention, or investigation for a crime, or while the person is being served with an arrest warrant or being issued a citation. According to law enforcement personnel, false identity information can be a significant impediment to successful investigations and prosecutions. The law should not sanction this behavior.

SB 26 is supported by the Alaska Association of Chiefs of Police, the Alaska Peace Officers Association, and Victims for Justice.

Prepared by Mike Pauley, Staff Aide to Senator Loren Leman (907-465-3841)  
Last updated: April 14, 2000

# Alaska Association of Chiefs of Police



MAR 02 1999

February 23, 1999

Senator Loran Leman  
State Capitol  
Juneau, AK 99801

Dear Senator Lemman:

This letter is written in support of SB 26, an Act relating to providing false information or reports to a peace officer.

The use of false information to escape arrest or prosecution has become a way of life for many criminals. Beyond implicating another in a crime, a substantial number of persons continue to use the names and personal information of others again and again in order to "escape" the justice system. We also believe the penalty should equal the seriousness of the crime, since there is currently no greater penalty for providing false information in a felony case than in a misdemeanor case.

We endorse this effort to discourage both misdemeanor and felony suspects from attempting to escape justice by deception.

Sincerely,

A handwritten signature in cursive script, reading "Duane S. Udland".

Duane S. Udland, President  
Alaska Association of Chiefs of Police

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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John Lucking, Jr., Member  
Unalaska  
Pres. Aleutian Islands Chapter

Senator Leman  
Alaska State Legislature  
State Capital  
Juneau, Alaska 99801-1182

February 19, 1999

Dear Senator Leman,

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse SB 26.

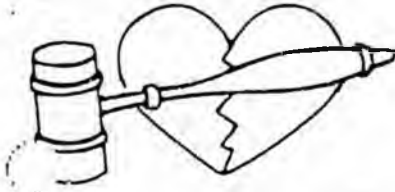
Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515.

Thank you for sponsoring this legislation.

Sincerely,

John Charbonneau  
State President  
Alaska Peace Officers Association

## VICTIMS



**for Justice** 619 East Fifth Avenue • Anchorage, AK 99501  
(907) 278-0977 • Fax: (907) 258-0740

MAR 02 10  
MAR 02 1999

February 24, 1999

Loren Leman  
State Capitol Suite 520  
Juneau, Ak 99801

Dear Senator Leman:

Victims for Justice is writing in support of SB 26, which is an act relating to providing false information or reports to a peace officer. It is important that a person is held accountable for lying to a police officer. When it is necessary for an officer to make an arrest or to use a statement from a witness concerning a crime, a simple lie can prevent that person from providing necessary information. Lying needs to be discouraged. I have seen juvenile offenders not be prosecuted because of lying to an officer. It is difficult for the justice system when a simple lie can prevent arrest or a person from being involved in an investigation. This legislation would be a good tool for police, prosecutors and crime prevention. Thank you Senator Leman for working for the safety of our communities.

Sincerely,

A handwritten signature in cursive script that reads "Janice Lienhart".

Janice Lienhart

(AS ch 166 SLA

Effective dates. — Section 24, ch. 86, SLA 1998 makes this section effective June 13, 1998, in accordance with AS 01.10.070(c).

Sec. 11.56.755. Unlawful contact in the second degree. (a) A person commits the crime of unlawful contact in the second degree if

(1) the person is arrested for a crime against a person under AS 11.41 or a crime involving domestic violence; and

(2) before the person's initial appearance before a judge or magistrate or before dismissal of the charge for which the person was arrested, whichever occurs first, the person initiates communication or attempts to initiate communication with the alleged victim of the crime that was the basis for the person's arrest.

(b) Unlawful contact in the second degree is

(1) a class B misdemeanor if the person was arrested for an offense that is a class A misdemeanor or a felony offense;

(2) a violation if the person was arrested for an offense that is a class B misdemeanor. (§ 2 ch 86 SLA 1998)

Effective dates. — Section 24, ch. 86, SLA 1998 makes this section effective June 13, 1998, in accordance with AS 01.10.070(c).

Sec. 11.56.756. Definitions. In AS 11.56.750 and 11.56.755,

(1) "victim" has the meaning given in AS 12.55.185; and

(2) "witness" has the meaning given in AS 12.61.900. (§ 3 ch 86 SLA 1998)

Effective dates. — Section 24, ch. 86, SLA 1998 makes this section effective June 13, 1998, in accordance with AS 01.10.070(c).

Sec. 11.56.760. Violating an order to submit to DNA testing. (a) A person commits the crime of violating an order to submit to DNA testing if, when requested by a health care professional acting on behalf of the state to provide a blood sample, oral sample, or both, the person refuses to provide the sample or samples and the person has been

(1) ordered to submit to DNA testing as part of a sentence imposed under AS 12.55.015; or

(2) convicted of an offense that requires DNA testing under the provisions of AS 44.41.035.

(b) In this section, "DNA testing" means the collection of a blood sample, oral sample, or both, for the deoxyribonucleic acid identification registration system under AS 44.41.035.

(c) Violating an order to submit to DNA testing is a class A misdemeanor. (§ 4 ch 95 SLA 1998)

Effective dates. — Section 4, ch. 95, SLA 1998, which enacted this section, took effect on September 10, 1998.

Sec. 11.56.770. Hindering prosecution in the first degree. (a) A person commits the crime of hindering prosecution in the first degree if the person renders assistance to a person who has committed a crime punishable as a felony with intent to

(1) hinder the apprehension, prosecution, conviction, or punishment of that person; or  
(2) assist that person in profiting or benefiting from the commission of the crime.

(b) For purposes of this section, a person "renders assistance" to another if the person

(1) harbors or conceals the other person;

(2) warns the other person of impending discovery or apprehension;

- (3) provides or aids in providing the other person with money, transportation, a dangerous instrument, a disguise, or other means of avoiding discovery or apprehension;
  - (4) prevents or obstructs, by means of force, threat, or deception, anyone from performing an act which might aid in the discovery or apprehension of the other person;
  - (5) suppresses by an act of concealment, alteration, or destruction physical evidence which might aid in the discovery or apprehension of the other person; or
  - (6) aids the other person in securing or protecting the proceeds of the crime.
- (c) Hindering prosecution in the first degree is a class C felony. (§ 6 ch 166 SLA 1978)

**Opinions of attorney general.** — Where an operator of a motor vehicle which was involved in an accident, fails to render assistance to an injured person, an act which is punishable as a felony under AS 28.35.060(c); the Alaska state troopers investigate the incident and during the course of the investigation an attorney contacts the troopers, stating that a client has informed him that the client has committed the

act and wishes to make restitution to the victim for medical expenses; and the attorney requests the troopers' assistance in making the payment, but refuses to disclose to the troopers the name of his client, such refusal to divulge the client's identity is neither illegal nor unethical. November 27, 1979, Op. Att'y Gen.

**NOTES TO DECISIONS**

**Legislative intent.** — In enacting the hindering prosecution statutes, the legislature unequivocally expressed the intent to dispense with any requirement of awareness as to the legal classification of the crime committed by the assisted person. *Noblit v. State*, 808 P.2d 280 (Alaska Ct. App. 1991).

**Culpable mental state.** — Where it is found that the defendant rendered assistance to another with knowledge of the other person's wrongdoing and with the specific intent to hinder his prosecution, this culpable mental state affords adequate protection against the possibility of a conviction based on innocent conduct; no additional culpable mental state is necessary for due process purposes. *Noblit v. State*, 808 P.2d 280 (Alaska Ct. App. 1991).

**Concealment of evidence by defense attorney.** — While statutes which address the concealing of evidence are generally construed to require an affirmative act of concealment in addition to the failure to disclose information to the authorities, a defense attorney's taking possession of evidence from a

nonclient third party and holding the evidence in a place not accessible to investigating authorities would seem to fall within predecessor section's ambit. *Morrell v. State*, 575 P.2d 1200 (Alaska 1978).

**Not lesser included offense of robbery.** — While, under the circumstances of the case, robbery and hindering prosecution may have been related offenses, the latter offense was not necessarily included in the former. Consequently, in a prosecution for robbery, the trial court did not err in refusing to give a lesser included offense instruction on hindering prosecution. *Thiel v. State*, 762 P.2d 478 (Alaska Ct. App. 1988).

**Applied in State v. Williams**, 652 P.2d 1067 (Alaska Ct. App. 1982).

**Quoted in Borja v. State**, 886 P.2d 1311 (Alaska Ct. App. 1994).

**Cited in Gilbreth v. State**, 668 P.2d 1354 (Alaska Ct. App. 1983); **Stumpf v. State**, 749 P.2d 880 (Alaska Ct. App. 1988).

**Sec. 11.56.780. Hindering prosecution in the second degree.** (a) A person commits the crime of hindering prosecution in the second degree if the person renders assistance to another who has committed a crime punishable by imprisonment for more than 90 days, with intent to

- (1) hinder the apprehension, prosecution, conviction, or punishment of the other person; or
  - (2) assist the other person in profiting or benefiting from the commission of the crime.
- (b) For purposes of this section, a person "renders assistance" to another if the person does any act described in AS 11.56.770(b).
- (c) Hindering prosecution in the second degree is a class B misdemeanor. (§ 6 ch 166 SLA 1978)

**Opinions of attorney general.** — Where an operator of a motor vehicle which was involved in an accident, fails to render assistance to an injured person, an act which is punishable as a felony under AS 28.35.060(c); the Alaska state troopers investigate the incident and during the course of the investigation an attorney contacts the troopers, stating that a client has informed him that the client has committed the

act and wishes to make restitution to the victim for medical expenses; and the attorney requests the troopers' assistance in making the payment, but refuses to disclose to the troopers the name of his client, such refusal to divulge the client's identity is neither illegal nor unethical. November 27, 1979, Op. Att'y Gen.

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NOTES TO DECISIONS

**Legislative intent.** — In enacting the hindering prosecution statutes, the legislature unequivocally expressed the intent to dispense with any requirement of awareness as to the legal classification of the crime committed by the assisted person. *Noblit v. State*, 808 P.2d 280 (Alaska Ct. App. 1991).

**Culpable mental state.** — Where it is found that the defendant rendered assistance to another with

knowledge of the other person's wrongdoing and with the specific intent to hinder his prosecution, this culpable mental state affords adequate protection against the possibility of a conviction based on innocent conduct; no additional culpable mental state is necessary for due process purposes. *Noblit v. State*, 808 P.2d 280 (Alaska Ct. App. 1991).

**Sec. 11.56.790. Compounding.** (a) A person commits the crime of compounding if, unless authorized by AS 12.45.120 or 12.45.130, the person

(1) confers, offers to confer, or agrees to confer a benefit on another in consideration of that other person's concealing an offense, refraining from initiating or aiding in the prosecution of an offense, or withholding evidence of an offense; or

(2) accepts or agrees to accept a benefit in consideration of concealing an offense, refraining from initiating or aiding in the prosecution of an offense, or withholding evidence of an offense.

(b) Compounding is a class A misdemeanor. (§ 6 ch 166 SLA 1978)

**Sec. 11.56.800. Making a false report.** (a) A person commits the crime of making a false report if the person knowingly

(1) gives false information to a peace officer with the intent of implicating another in a crime;

(2) makes a false report to a peace officer that a crime has occurred or is about to occur;

(3) makes a false report or gives a false alarm that a fire or other incident dangerous to life or property calling for an emergency response has occurred or is about to occur; or

(4) makes a false report to the Department of Natural Resources under AS 46.17 concerning the condition of a dam or reservoir.

(b) Making a false report is a class A misdemeanor. (§ 6 ch 166 SLA 1978; am § 1 ch 30 SLA 1987)

**Effect of amendments.** — The 1987 amendment added paragraph (a)(4).

NOTES TO DECISIONS

**Statements prohibited.** — Defendant's statements concerning his oral accusation that a police officer had taken \$250 from the glove compartment of his truck, which the police officer authorized to be towed without operating lights or current registra-

tion, were prohibited by former AS 11.30.215, which made it a misdemeanor to give a false report of a crime to a peace officer. *Gottschalk v. State*, 575 P.2d 289 (Alaska 1978).

**Sec. 11.56.805. False accusation.** (a) A person commits the crime of false accusation if the person knowingly or intentionally initiates a false complaint with the Select Committee on Legislative Ethics established in AS 24.60.

(b) False accusation is a class A misdemeanor. (§ 2 ch 36 SLA 1984; am § 1 ch 113 SLA 1986)

**Effect of amendments.** — The 1986 amendment in subsection (b) substituted "class A misdemeanor" for "class C felony."

**Sec. 11.56.810. Terroristic threatening.** (a) A person commits the crime of terroristic threatening if the person knowingly makes a false report that a circumstance dangerous to human life exists or is about to exist and

(1) places a person in fear of physical injury to any person;