

**HB**

**339**

<TARGET><BILL>HB 339</BILL><SUBJECT>HB  
339</SUBJECT><COMM>HJUD29</COMM></TARGET>

# ALASKA STATE LEGISLATURE

Representative Gabrielle LeDoux,  
Chair

Representative Wes Keller,  
Vice Chair



Representative Charisse Millett  
Representative Neal Foster  
Representative Bob Lynn  
Representative Matt Claman  
Representative Jonathan Kreiss-Tomkins

## HOUSE JUDICIARY COMMITTEE

Alaska State Capitol, Room 120  
Juneau, AK 99801  
907-465-4998 • 907-465-4419 (fax)

### **Sponsor Statement**

#### *House Bill 339 - Motor Vehicle Arson*

House Bill 339 aims to increase public safety by expanding the circumstances where the act of arson may be classified as arson.

Current law provides that damaging a vehicle by fire or explosion may only be charged as arson in the third degree if the crime is committed on state or municipal land. An identical action on private land would be criminal mischief in the third degree. Both crimes are class C felonies.

The narrowness of the Arson 3 statute hinders fire and arson investigators' ability to track repeat offenders. Serial arsonists are often prime suspects when a new arson crime is committed, but difficult to track when they have only been previously convicted of criminal mischief. House Bill 339 would aid investigators in solving these crimes by creating a clearer criminal history. I urge your support of this bill.



## Alaska Fire Chiefs Association

820 Glacier Ave

Juneau, AK 99801

Phone: 907 723-4420

E-Mail: [r\\_etheridge@me.com](mailto:r_etheridge@me.com) Web: [www.alaskafirechiefs.org](http://www.alaskafirechiefs.org)

February 26,2016

Representative LeDoux  
State Capitol Room 118  
Juneau, Alaska 99801

Dear Representative LeDoux:

Thank you for taking time to address this matter as it is of great importance to the Alaska Fire Service and victims of violent crimes.

The Alaska Fire Chiefs Association support House Bill 339 and Senate Bill SB 187 "An Act relating to Arson in the 3<sup>rd</sup> degree.

This simple addition to the existing law will allow people to be held accountable for the crime of arson when lighting a vehicle on fire regardless of the ownership of the land the vehicle is parked on.

Under the current statute they can only be prosecuted if the vehicle was located on state or municipal lands. The addition of "Private Property" will give prosecutors additional tools to help combat Alaska's arson crimes.

Thank you very much for your time and support to this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Etheridge".

Richard Etheridge  
President



## Alaska Association of Fire & Arson Investigators

AAFAI  
P.O. Box 671468  
Chugiak, AK 99567

**Brian Balega, President**  
**Yvette Jaegge, Secretary**

**Don Cuthbert, Vice-President**

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March 1, 2016

The Honorable Gabrielle LeDoux  
House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801

I am writing this letter on behalf of the Alaska Association of Fire Arson Investigator in support for HB 339, Motor Vehicle Arson on Private Property, which was introduced by the House Judiciary Committee on 02/24/2016.

The Alaska Association of Fire & Arson Investigators believes that House Bill 339 and Senate Bill 187 eliminates an unforeseen loophole created in 2008 when House Bill 268 was originally created.

In short, the existing law restricts enforcement to vehicles geographically located on government lands thus eliminating law enforcement charging an individual for intentionally setting another person's vehicle on fire which is located on private property.

In one case a female was sitting in a vehicle not owned by her in the parking lot of CARRs Gambell in Anchorage. A witness took photographs of her setting a fire in the vehicle prior to leaving. The female had to be charged with a felony Criminal Mischief. The charges were eventually reduced and she pled to Criminally Negligent Burning a Class A misdemeanor. Although a felony conviction was not obtained the original charge did not accurately reflect that she intentionally used fire as a destructive weapon to destroy another person's property.

Upon the passage of this bill, it will correct this error, improve record keeping and permit proper charging by law enforcement. This bill will also allow a person's criminal history to reflect an arson conviction and provide for proper sentencing evaluation on future fire related offenses.

Brian L. Balega, President  
AK-CFI, NAFFI-CFEI  
Alaska Association of Fire and Arson Investigators

*"Fire Prevention through aggressive investigation of every fire"*  
PO Box 671468. Chugiak, AK 99567 - Voice (907) 229-7735- Fax (907) 249-7582  
[www.alaskafireinvestigators.org](http://www.alaskafireinvestigators.org)

# Fiscal Note

State of Alaska  
2016 Legislative Session

Bill Version: HB 339  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB339-DOA-PDA-03-30-16  
Title: MOTOR VEHICLE ARSON  
Sponsor: JUDICIARY  
Requester: House Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>OPERATING EXPENDITURES</b>							
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2016) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2017) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.
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Prepared By: Quinlan Steiner  
Division: Public Defender Agency  
Approved By: Sheldon Fisher, Commissioner  
Agency: Department of Administration

Phone: (907)334-4414  
Date: 03/29/2016 12:00 AM  
Date: 03/29/16

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2016 LEGISLATIVE SESSION

BILL NO. HB 339

**Analysis**

This bill redefines arson in the third degree to include starting a fire or explosion that causes damage to another person's vehicle on private property.

The Public Defender Agency does not anticipate a fiscal impact from this legislation and therefore submits a zero fiscal note.

# Fiscal Note

State of Alaska  
2016 Legislative Session

Bill Version: HB 339  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB339-LAW-CRIM-03-25-16  
Title: MOTOR VEHICLE ARSON  
Sponsor: JUDICIARY  
Requester: House Judiciary

Department: Department of Law  
Appropriation: Criminal Division  
Allocation: Criminal Justice Litigation  
OMB Component Number: 2202

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2016) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2017) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version, not applicable.

Prepared By: <u>Valerie Rose, Budget Analyst</u>	Phone: <u>(907)465-3674</u>
Division: <u>Administrative Services Division</u>	Date: <u>03/25/2016 09:07 AM</u>
Approved By: <u>Craig W. Richards, Attorney General</u>	Date: <u>03/25/16</u>
Agency: <u>Department of Law</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2016 LEGISLATIVE SESSION

BILL NO. HB 339

**Analysis**

This legislation expands the crime of arson in the third degree to include burning a vehicle on private property. Arson in the third degree is a class C felony.

The Department of Law does not anticipate a fiscal impact from this legislation at this time.