

SB

187

<TARGET><BILL>SB 187</BILL><SUBJECT>SB
187</SUBJECT><COMM>SJUD29</COMM></TARGET>

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/19/16

FURTHER:

Rules

Date of 5-Day Notice: 4/18/16
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4/13/16

Judiciary Committee considered SENATE BILL NO. 187

SB 187-MOTOR VEHICLE ARSON ON PRIVATE PROPERTY

"An Act relating to arson in the third degree."

and recommends:

- be replaced with CS _____ (_____) [] Same Title [] New Title
- adopt previous CS _____ (_____) [] Same Title [] New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
LAW			✓	1

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	COSTELLO	✓			
	COSTELLO	✓			
	Wlepkowski	✓			
CHAIR:	MCGUIRE	✓			



SENATOR DENNIS EGAN

MEMORANDUM

March 8, 2016

To: Senator Lesil McGuire, Chair
Senate Community & Regional Affairs Committee

From: Sen. Dennis Egan

A handwritten signature in black ink, appearing to be "D. Egan", written over a horizontal line.

Re: SB 187, Arson III

I respectfully request a hearing on Senate Bill 187, which would close a loophole in Alaska's arson laws.

I look forward to discussing the bill with you and the committee.

If you have questions about scheduling this bill, please feel free to contact Jesse Kiehl in my office at 465-6827.



Alaska Fire Chiefs Association

820 Glacier Ave

Juneau, AK 99801

Phone: 907 723-4420

E-Mail: r_etheridge@me.com Web: www.alaskafirechiefs.org

February 26, 2016

Senator Egan
State Capitol Room 417
Juneau, Alaska 99801

Dear Senator Egan:

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 3rd 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 that reads "Richard Etheridge". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Richard Etheridge
President



SENATOR DENNIS EGAN

SB 187 - Arson in the Third Degree

Sponsor Statement

SB 187 closes a loophole in Alaska's arson laws. People who use fire as a weapon are particularly dangerous, but today, burning somebody else's car on private property can't be charged as arson. SB 187 will let prosecutors charge people who burn essential property that doesn't belong to them, as arsonists.

Today, starting a fire that stands to hurt someone is Arson in the First Degree. Burning a building you don't own is Arson in the Second Degree. But Arson in the Third Degree consists only of burning a car on state or city land. Someone who attacks their ex by burning her car in the driveway is guilty only of Criminal Mischief in the Third Degree.

SB 187 fixes that by extending the crime of arson to burning another person's car, no matter where it's parked.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 187
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB187-LAW-CRIM-04-11-16
Title: MOTOR VEHICLE ARSON ON PRIVATE
PROPERTY
Sponsor: EGAN
Requester: Senate 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	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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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: Valerie Rose, Budget Analyst	Phone: (907)465-3674
Division: Administrative Services Division	Date: 04/11/2016 03:30 PM
Approved By: Craig W. Richards, Attorney General	Date: 04/11/16
Agency: Department of Law	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 187

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.



*Ethan Berkowitz,
Mayor*

ANCHORAGE POLICE DEPARTMENT

Headquarters
4501 Elmore Road
Anchorage, Alaska 99507-1599
Telephone (907) 786-8500 / Fax (907) 786-8638



*Chris Tolley
Chief*

MAR 15 2016

The Honorable Dennis Egan
Alaska State Senate
State Capitol Room 417
Juneau, AK 99801

I am writing this letter on behalf of the Anchorage Police Department (APD) in support for SB 187, Motor Vehicle Arson on Private Property, which was introduced by you on 02/19/2016.

The APD believes that 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 was charged with a felony criminal mischief. Her conviction of record now reflects a felony criminal mischief. Although a felony was obtained the conviction doesn't accurately reflect that she intentionally used fire as a destructive weapon to destroy another person's property.

Upon 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.

Thank you for your consideration.



Chris Tolley
Chief of Police



**Alaska Association of
Fire & Arson Investigators**

AAFAI
P.O. Box 671468
Chugiak, AK 99567

Brian Balega, President
Yvette Jaegge, Secretary

Don Cuthbert, Vice-President

March 1, 2016

The Honorable Dennis Egan
State Senate
Alaska State Capitol
Juneau, Alaska 99801


I am writing this letter on behalf of the Alaska Association of Fire Arson Investigator in support for SB 187, Motor Vehicle Arson on Private Property, which was introduced by you on 02/19/2016.

The Alaska Association of Fire & Arson Investigators believes that Senate Bill 187 and House Bill 339 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, NAFI-CFEI
Alaska Association of Fire and Arson Investigators

"Fire Prevention through aggressive investigation of every fire"
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