

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

HB 448, HB 461 378

HB

448

HOUSE COMMITTEE REPORT

(11)

Date referred: 4/8/88

FURTHER REFERRALS:

DATE: 4/26/88

The Finance Committee has considered HB 448

"An Act relating to outdoor political advertising."

RECOMMENDS:

- replace with CSHB 448 (Fin) [] the same title
- [] attached amendment(s) [] a new title
- [] do pass
- [] do not pass
- no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: [] _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- [] fiscal impact [] same as previous fiscal note published _____
- [] zero fiscal note
- [] zero with analysis same as previous zero fiscal note published 3/11/88

SIGNING DO PASS:

ADAMS Al Adams

BOYER Mark Boyer

BROWN Jay Brown

DAVIS Mike Davis

SIGNING OTHER RECOMMENDATIONS:

POURCHOT Pat Pourchot no rec

LARSON Ronald J. Larson No Rec.

GOLL Peter Goll - no rec

SWACK Al Swack no rec

RIEGER Al Rieger No Recommendation

Al Adams

Chairman's signature

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: House Bill No. 448
PUBLISH DATE:

REQUEST:

FISCAL NOTE

Revision Date:
Title: Act relating to outdoor advertising

Agency Affected: DOT&PF
BRU: Engineering and Operations Standards

Sponsor: Frank, Miller, Boyer, Davis, Sund, and Brown
Requestor: CATO

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	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)

Sec. 2. (b) of this bill should reduce general fund expenditures.

Prepared by: Milton H. Lentz
Division: Engineering and Operations Standards

Phone: 465-2985
Date: 3/4/88

Approved by Commissioner: 
Agency: Department of Transportation and Public Facilities

Date: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Original sponsors: Frank, Miller,
Boyer, et al.

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 448 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to outdoor political advertising;
7 and providing for an effective date."

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

9 * Section 1. AS 15.25.030(b) is amended to read:

10 (b) A person filing a declaration of candidacy under this sec-
11 tion shall simultaneously file a statement

12 (1) of income sources and business interests which complies
13 with the requirements of AS 39.50;

14 (2) that the candidate is familiar with the provisions of
15 law regulating outdoor political advertising as prepared by the De-
16 partment of Transportation and Public Facilities.

17 * Sec. 2. AS 19.25 is amended by adding a new section to read:

18 Sec. 19.25.115. OUTDOOR POLITICAL ADVERTISING. (a) A candidate
19 for public office in the state and a group supporting or opposing a
20 candidate for public office in the state or supporting or opposing a
21 ballot proposition or question may erect temporary outdoor posters or
22 signs on private property to reflect their views if the posters and
23 signs are not in violation of AS 19.25.105(a).

24 (b) The department shall provide each candidate with a list
25 indicating the roads on which outdoor political advertising is prohib-
26 ited within the district.

27 (c) The department shall immediately remove posters or signs
28 placed on public property or placed in violation of AS 19.25.105(a)
29 and shall bill the candidate or group advertised on the sign or poster

1 for its actual costs involved in the removal of the posters or signs.

2 * Sec. 3. AS 19.25.130 is amended to read:

3 Sec. 19.25.130. PENALTY FOR VIOLATION. Except as provided in
4 (b) of this section, a [A] person who violates AS 19.25.080 - 19.25.-
5 180 [,] or a regulation adopted under them [,] is guilty of a misde-
6 meanor and upon conviction is punishable by a fine of not less than
7 \$50 nor more than \$1,000.

8 * Sec. 4. AS 19.25.130 is amended by adding a new subsection to read:

9 (b) A person who knowingly violates AS 19.25.115 or a regulation
10 adopted under it is guilty of a violation and upon conviction is
11 punishable by a fine of not less than \$250 nor more than \$1,000.

12 * Sec. 5. AS 19.25.150 is amended to read:

13 Sec. 19.25.150. UNLAWFUL ADVERTISING. A nonpolitical [AN]
14 advertising sign, display or device that [WHICH] violates the pro-
15 visions of AS 19.25.080 - 19.25.180 [THIS CHAPTER] is a public nui-
16 sance. The department shall give 30 days' notice, by certified mail,
17 to the owner of the land on which the nonpolitical advertising sign,
18 display or device is located, ordering its removal if it is prohibited
19 by AS 19.25.080 - 19.25.180 [THIS CHAPTER] or ordering the owner to
20 cause it to conform to regulations if it is authorized by AS 19.25.-
21 080 - 19.25.180 [THIS CHAPTER]. If the owner of the property fails to
22 comply within 30 days of [AS REQUIRED IN] the notice, the department
23 shall remove the outdoor advertising sign, display or device at the
24 expense of the owner of the land or the person who erected it.

25 * Sec. 6. AS 19.25.160(1) is amended to read:

26 (1) "outdoor advertising" includes any nonpolitical outdoor
27 sign, display or device used to advertise, attract attention or inform
28 and which is visible to a person on the main-traveled way of a highway
29 of the interstate, primary, or secondary systems in this state,

1 whether by printing, writing, painting, picture, light, drawing, or
2 whether by the use of figures or objects, or a combination of these,
3 or any other thing designed, intended or used to advertise, inform or
4 attract attention;

5 * Sec. 7. Section 1 of this Act takes effect January 1, 1989.

6 * Sec. 8. Sections 2 - 6 of this Act take effect immediately under
7 AS 01.10.070(c).

AMENDMENT

BY FRANK

House Bill 448

Page 1, line 24:

(b) The department shall provide to each candidate a list indicating the roads where outdoor political advertising is prohibited for the district(s) in which they have filed for office.

[(b)] (c)

08972

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: House Bill No. 448
PUBLISH DATE:

REQUEST: FISCAL NOTE

Revision Date:
Title: Act relating to outdoor advertising

Agency Affected: DOT&PF
BRU: Engineering and Operations Standards

Sponsor: Frank, Miller, Boyer, Davis, Sund, and Brown
Requestor: CATO

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

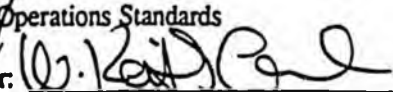
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Sec. 2. (b) of this bill should reduce general fund expenditures.

Prepared by: Milton F. Dentz
Division: Engineering and Operations Standards

Phone: 465-2985
Date: 3/4/88

Approved by Commissioner: 
Agency: Department of Transportation and Public Facilities

Date: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

AMENDMENT

BY FRANK

House Bill 448

Page 1, line 24:

(b) The department shall provide to each candidate a list indicating the roads where outdoor political advertising is prohibited for the district(s) in which they have filed for office.

[(b)] (c)

Brown

The department shall provide
~~the candidate~~
at ~~the~~ candidate's request
a list or map ^{indicating} ~~showing~~ the
locations ~~of~~ where ~~is~~ outdoor
political advertising is
prohibited.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX Z
JUNEAU, ALASKA 99811-2500
PHONE: (907) 465-3900

April 26, 1988

The Honorable Steve Frank
Alaska State Legislature
P.O. Box "V"
Juneau, Alaska 99801

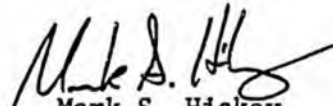
Dear Representative Frank:

In answer to your question regarding information provided to each political candidate by the Department of Transportation and Public Facilities to assist them in determining which highways are effected by political advertising, we offer the following solution:

Each political candidate will be notified by mail explaining the existing laws in regards to political advertising along Interstate, Primary and Secondary highway systems in Alaska. In addition, each political candidate will be provided a vicinity map of their district showing the highway systems, a list identifying these systems, and they will be advised that additional information regarding this issue may be obtained from our Regional offices upon request.

We sincerely hope this answers your question. Please contact me if you feel that we can be of further service.

Sincerely,


Mark S. Hickey
Commissioner

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

July 11, 1980

Re: 246H-2900
Political Signs

Mr. John S. Parks
P. O. Box 3343
Anchorage, Alaska 99501

Dear Mr. Parks:

Political signs placed within 650 feet of the right of way of a primary or secondary highway are illegal, and political signs placed more than 660 feet outside the right of way with the purpose of the message being read from the traveled way of a primary or secondary highway are illegal under State law. The law, Title 19.25.105 of the Alaska Statutes, is stringent in this regard and has made us responsible for enforcement. Alaska's entire Federal-aid highway program would be jeopardized if we shirked our responsibility.

We earnestly solicit your help by instructing your campaign managers not to place signs in the prohibited areas; if such signs are presently in existence, please remove them immediately.

Political signs remaining in the prohibited areas 30 days after notice will be removed by us and stored in our nearest maintenance yard for thirty days and then destroyed. They may be recovered any time prior to the thirty days by paying \$10.00 for removal and storage costs.

Political signs placed within the right of way are encroachments and will be removed immediately without further notice under Title 19.25.220.

If you are in doubt concerning the width of the right of way in a given location, please contact the nearest Department of Transportation and Public Facilities Regional Office for information.

Anchorage
Pouch 6900
Ph: 266-1621

Fairbanks
2301 Peger Road
Ph: 452-1911

Juneau
P. O. Box 3-1000
Ph: 789-0841

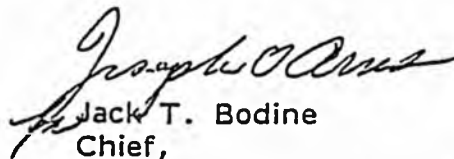
Valdez
P. O. Box 507
Ph: 835-4322

Nome
P. O. Box 1048
Ph: 443-5266

We need your help in this job and ask that you report to our nearest Regional Office any other political signs within the prohibited area.

All candidates are being notified of our responsibility by this letter, and all prohibited political signs will be treated in the same manner.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack T. Bodine".

Jack T. Bodine
Chief,
Right of Way and Land
Acquisition

ALASKA LAND AND MARINE HIGHWAY FUNCTIONAL CLASSIFICATION
FEDERAL AID AND STATE MAINTAINED ROUTES

25-Mar-87

ROAD NAME	SECTION DESCRIPTION	FROM MP	TO MP	LENGTH	R/U	REGION	CURRENT FED AID NO	PROPOSED FUNCT CLASS
GLENN HIGHWAY	REGIONAL BDY-PARKS HIGHWAY	299.09	375.44	76.35	R	CEN	FAI A1-5	INTERSTATE
SIXTH AVENUE (1 WAY)	GAMBELL STREET-GLENN HIGHWAY	0.00	0.42		U	CEN	FAI A1-6	INTERSTATE
GLENN HIGHWAY	PARKS HWY-ANCHORAGE URBAN BDY	375.44	384.30	8.86	R	CEN	FAI A1-6	INTERSTATE
GLENN HIGHWAY	URBAN BDY-GAMBELL ST IN ANCHORAGE	384.30	411.28	26.98	U	CEN	FAI A1-6	INTERSTATE
SEWARD HIGHWAY	GLENN HIGHWAY-ANCHORAGE URBAN BDY	0.00	13.58	13.58	U	CEN	FAI A3-1	INTERSTATE
GAMBELL STREET (1 WAY)	5TH AVE.-FIREWEED LANE	0.00	1.38		U	CEN	FAI A3-1	INTERSTATE
SEWARD HIGHWAY	URBAN BDY-PORTAGE GLACIER ROAD	13.58	48.96	35.38	R	CEN	FAI A3-1	INTERSTATE
SEWARD HIGHWAY	PORTAGE GLACIER RD-STERLING HIGHWAY	48.96	91.28	42.32	R	CEN	FAI A3-2	INTERSTATE
STERLING WYE	SEWARD HIGHWAY-STERLING HIGHWAY	0.00	0.44		R	CEN	FAI A3-3	INTERSTATE
STERLING HIGHWAY	SEWARD HWY-KENAI SPUR RD IN SOLDOTNA	91.28	149.00	57.72	R	CEN	FAI A3-3	INTERSTATE
PARKS HIGHWAY	GLENN HIGHWAY-TALKEETNA ROAD	0.00	63.32	63.32	R	CEN	FAI A4-1	INTERSTATE
PARKS HIGHWAY	TALKEETNA ROAD-LITTLE COAL CREEK	63.32	128.12	64.80	R	CEN	FAI A4-2	INTERSTATE
STERLING HIGHWAY	HOMER FERRY TERMINAL TO KENAI SPUR RD	0.00	80.85	80.85	R	CEN	FAP 21-1	MINOR ARTERIAL
SOLDOTNA WYE	STERLING HIGHWAY TO KENAI SPUR	0.00	0.04	0.04	R	CEN	FAP 22-1	MINOR ARTERIAL
KENAI SPUR ROAD	STERLING HIGHWAY TO FOREST DRIVE	0.00	12.07	12.07	R	CEN	FAP 22-1	MINOR ARTERIAL
KENAI SPUR ROAD	FOREST DRIVE TO WILDWOOD DRIVE	12.07	13.97	1.90	R	CEN	FAP 22-1	MAJOR COLLECTOR
SEWARD HIGHWAY	SEWARD FERRY TERMINAL TO STERLING HWY	0.00	36.65	36.65	R	CEN	FAP 31-1	MINOR ARTERIAL
SIXTH AVENUE (1 WAY)	L STREET-I STREET	0.00	1.08		U	CEN	FAP 42-1	PRINCIPAL ARTER
FIFTH AVENUE	GAMBELL STREET-L STREET	0.00	1.08	1.08	U	CEN	FAP 42-1	PRINCIPAL ARTER
I STREET	HILLCREST-FIFTH AVENUE	0.00	1.52		U	CEN	FAP 42-1	PRINCIPAL ARTER
MINNESOTA DRIVE/EXTENSION	FIFTH AVENUE-SEWARD HIGHWAY	1.08	8.38	7.30	U	CEN	FAP 42-1	PRINCIPAL ARTER
PITKAS POINT ROAD	ST. MARYS/MT. VILLAGE RD-PITKAS POINT	0.00	1.75	1.75	R	CEN	FAS 200	MINOR COLLECTOR
ST. MARYS/MT. VILLAGE ROAD	ST. MARYS-MOUNTAIN VILLAGE	0.00	20.25	20.25	R	CEN	FAS 200	MAJOR COLLECTOR
MEKORYUK AIRPORT ROAD	MEKORYUK-AIRPORT	0.00	3.00	3.00	R	CEN	FAS 204	MINOR COLLECTOR
AKIACHAK AIRPORT ROAD	BARGE LANDING-AIRPORT	0.00	0.70	0.70	R	CEN	FAS 205	MAJOR COLLECTOR
PILOT STATION AIRPORT ROAD	PILOT STATION-AIRPORT	0.00	1.20	1.20	R	CEN	FAS 206	MINOR COLLECTOR
HOOPER BAY AIRPORT ROAD	HOOPER BAY-AIRPORT	0.00	1.60	1.60	R	CEN	FAS 207	MAJOR COLLECTOR
BETHEL HIGHWAY	HANGER LAKE RD-AIRPORT	0.00	4.30	4.30	R	CEN	FAS 208	MAJOR COLLECTOR
KALSKAG ROAD	UPPER-LOWER KALSKAG VIA AIRPORT	0.00	4.19	4.19	R	CEN	FAS 210	MAJOR COLLECTOR
ILLIAMNA VILLAGE ROAD	NEWHALEN RIVER ROAD-ILLIAMNA VILLAGE	0.00	1.90	1.90	R	CEN	FAS 214	MINOR COLLECTOR
NEWHALEN RIVER ROAD	NEWHALEN-NONDALTON VIA ILLIAMNA AIRPORT	0.00	21.35	21.35	R	CEN	FAS 214	MAJOR COLLECTOR
QUINHAGAK AIRPORT ROAD	QUINHAGAK-AIRPORT	0.00	1.84	1.84	R	CEN	FAS 215	MAJOR COLLECTOR
STERLING LANDING ROAD	STERLING LANDING-TAKOTNA	0.00	23.15	23.15	R	CEN	FAS 261	MINOR COLLECTOR
DUTCH HARBOR AIRPORT ROAD	UNALASKA DOCK-DUTCH HARBOR AIRPORT	0.00	2.80	2.80	R	CEN	FAS 310	MAJOR COLLECTOR
KING COVE AIRPORT ROAD	KING COVE-AIRPORT	0.00	4.60	4.60	R	CEN	FAS 320	MAJOR COLLECTOR
PORT LIONS AIRPORT ROAD	FORT WAKEFIELD DOCK-PORT LIONS AIRPORT	0.00	4.19	4.19	R	CEN	FAS 370	MINOR COLLECTOR
CHIGNIK AIRPORT ROAD	CHIGNIK-AIRPORT	0.00	2.50	2.50	R	CEN	FAS 375	MINOR COLLECTOR
NAKNEK RIVER ROAD	NAKNEK-KING SALMON AFB	0.00	15.45	15.45	R	CEN	FAS 380	MAJOR COLLECTOR
MARINE WAY	REZANOF DRIVE WEST-FERRY TERMINAL	0.00	0.30	0.30	R	CEN	FAS 389	MINOR ARTERIAL
REZANOF DRIVE	ANTON LARSEN BAY ROAD-BENNY BENSON DRIVE	0.00	6.61	6.61	R	CEN	FAS 389	MINOR ARTERIAL
REZANOF DRIVE EAST	BENNY BENSON DR-ABERCROMBIE DRIVE	6.61	8.51	1.90	R	CEN	FAS 389	MAJOR COLLECTOR
MONASHKA BAY ROAD	REZANOF DR EAST-END	8.51	15.85	7.34	R	CEN	FAS 389	LOCAL ROAD
REZANOF DRIVE WEST	CAPE CHINIYAK-PASAGSHAK ROAD	0.00	11.83	11.83	R	CEN	FAS 391	LOCAL ROAD
REZANOF DRIVE WEST	PASAGSHAK ROAD-ANTON LARSEN BAY ROAD	11.83	37.04	25.21	R	CEN	FAS 391	MAJOR COLLECTOR
ANTON LARSEN BAY ROAD	REZANOF DRIVE WEST-MILEPOST 9.35	37.04	46.40	9.36	R	CEN	FAS 391	MINOR COLLECTOR
KANAKANAK SPUR	DILLINGHAM AIRPORT ROAD-GOV'T HOSPITAL	0.00	2.76	2.76	R	CEN	FAS 411	MINOR COLLECTOR
DILLINGHAM AIRPORT ROAD	DILLINGHAM-ALEKNAGIK ROAD VIA AIRPORT	0.00	3.02	3.02	R	CEN	FAS 411	MAJOR COLLECTOR
ALEKNAGIK ROAD	DILLINGHAM AIRPORT ROAD-ALEKNAGIK	3.02	23.30	20.28	R	CEN	FAS 411	MINOR COLLECTOR
MANOKDTAK AIRPORT ROAD	BOAT LANDING TO AIRPORT	0.00	0.80	0.80	R	CEN	FAS 412	MINOR COLLECTOR
EAST END ROAD	LAKE STREET (HOMER)-EAGLE LAKE ROAD	0.00	18.94	18.94	R	CEN	FAS 414	MAJOR COLLECTOR
DIAMOND RIDGE ROAD	STERLING HIGHWAY-WEST HILL ROAD	0.00	4.83	4.83	R	CEN	FAS 430	LOCAL ROAD

ALASKA LAND AND MARINE HIGHWAY FUNCTIONAL CLASSIFICATION
FEDERAL AID AND STATE MAINTAINED ROUTES

25-Mar-87

ROAD NAME	SECTION DESCRIPTION	FROM MP	TO MP	LENGTH	R/U	REGION	CURRENT FED AID NO	PROPOSED FUNCT CLASS
SKYLINE DRIVE	WEST HILL ROAD-EAST HILL ROAD	4.38	8.02	3.64	R	CEN	FAS 430	LOCAL ROAD
OHLSON MOUNTAIN ROAD	EAST HILL ROAD-END ROAD	8.02	15.81	7.79	R	CEN	FAS 430	LOCAL ROAD
MAIN STREET (SELDOVIA)	SELDOVIA FERRY TERMINAL-AIRPORT AVE	0.00	0.44	0.44	R	CEN	FAS 434	MAJOR COLLECTOR
AIRPORT AVENUE	MAIN STREET-SELDOVIA AIRPORT	0.44	1.00	0.56	R	CEN	FAS 434	MAJOR COLLECTOR
COHDE ROAD	N. JCT. TO S. JCT. STERLING HIGHWAY	0.00	15.31	15.31	R	CEN	FAS 461	MINOR COLLECTOR
KALIFONSKY BEACH ROAD	S JCT STERLING HWY TO KENAI RIVER RD	0.00	16.43	16.43	R	CEN	FAS 463	MINOR COLLECTOR
KENAI RIVER ROAD	KALIFONSKY BEACH ROAD TO KENAI SPUR	0.00	3.27	3.27	R	CEN	FAS 463	MAJOR COLLECTOR
KALIFONSKY BEACH ROAD	KENAI RIVER RD TO N JCT STERLING HWY	16.43	22.44	6.01	R	CEN	FAS 463	MAJOR COLLECTOR
DOCK ROAD	SEWARD HIGHWAY TO DOCK ENTRANCE	0.00	0.44	0.44	R	CEN	FAS 474	MINOR COLLECTOR
NIKISHKA BEACH ROAD	KENAI SPUR ROAD TO NIKISHKA BEACH	0.00	0.83	0.83	R	CEN	FAS 490	LOCAL ROAD
KENAI SPUR ROAD	WILDWOOD DRIVE-HALBOUTY ROAD	13.97	29.32	15.35	R	CEN	FAS 490	MAJOR COLLECTOR
KENAI SPUR ROAD	HALBOUTY ROAD-BAY BEACH ROAD	29.32	38.48	9.16	R	CEN	FAS 490	MINOR COLLECTOR
NASH ROAD	SEWARD HIGHWAY-SEWARD CITY LIMITS	0.00	2.10	2.10	R	CEN	FAS 495	MAJOR COLLECTOR
PORTAGE GLACIER ROAD	SEWARD HIGHWAY-BEAR VALLEY	0.00	6.60	6.60	R	CEN	FAS 496	MAJOR COLLECTOR
PORTAGE GLACIER SPUR	PORTAGE GLACIER ROAD-VISITORS CENTER	0.00	1.20	1.20	R	CEN	FAS 496	MAJOR COLLECTOR
HOPE ROAD	WYE WITH SEWARD HIGHWAY TO HOPE	0.00	17.78	17.78	R	CEN	FAS 498	MAJOR COLLECTOR
ALYESKA ROAD	SEWARD HIGHWAY-ALYESKA SKI RESORT	0.00	2.93	2.93	R	CEN	FAS 501	MAJOR COLLECTOR
BIG LAKE ROAD	PARKS HWY.-END PAVEMENT @ MP 6.4	0.00	6.44	6.44	R	CEN	FAS 511	MAJOR COLLECTOR
GOOSE BAY ROAD	PARKS HIGHWAY-MILITARY RES BDY	0.00	20.18	20.18	R	CEN	FAS 525	MAJOR COLLECTOR
WASILLA FISHHOOK ROAD	PARKS HIGHWAY-FISHHOOK JUNCTION	20.18	31.03	10.85	R	CEN	FAS 525	MAJOR COLLECTOR
INNER SPRINGER LOOP ROAD	GLENN HIGHWAY-OUTER SPRINGER LOOP RD	0.00	2.07	2.07	R	CEN	FAS 566	MINOR COLLECTOR
SPRINGER LOOP CONNECTION	INNER SPRINGER LOOP-CHUGACH ST SOUTH	2.07	2.33	0.26	R	CEN	FAS 566	MAJOR COLLECTOR
CHUGACH STREET SOUTH	SPRINGER LOOP CONNECTION-FIREWEED AVE	2.33	3.26	0.93	R	CEN	FAS 566	MAJOR COLLECTOR
FIREWEED AVENUE	CHUGACH ST SOUTH-SOUTH VALLEY WAY	3.26	3.37	0.11	R	CEN	FAS 566	MAJOR COLLECTOR
SOUTH VALLEY WAY	FIREWEED AVENUE-EVERGREEN AVENUE	3.37	3.49	0.12	R	CEN	FAS 566	MAJOR COLLECTOR
WEST EVERGREEN AVENUE	SOUTH VALLEY WAY-GLENN HIGHWAY	3.49	3.73	0.24	R	CEN	FAS 566	MAJOR COLLECTOR
PALMER-WASILLA HIGHWAY	GLENN HIGHWAY-PARKS HIGHWAY	0.00	10.01	10.01	R	CEN	FAS 572	MINOR ARTERIAL
SOUTH COLONY WAY	GLENN HIGHWAY-EVERGREEN AVENUE	0.00	0.69	0.69	R	CEN	FAS 575	MAJOR COLLECTOR
SOUTH ALASKA STREET	EVERGREEN AVENUE-OLD GLENN HIGHWAY	0.69	1.20	0.51	R	CEN	FAS 575	MAJOR COLLECTOR
OLD GLENN HIGHWAY	S JCT-N JCT GLENN HIGHWAY	0.00	18.44	18.44	R	CEN	FAS 576	MAJOR COLLECTOR
FISHHOOK-WILLOW ROAD	GLENN HIGHWAY-PARKS HIGHWAY	0.00	49.52	49.52	R	CEN	FAS 580	MAJOR COLLECTOR
NANCY LAKE ACCESS ROAD	PARKS HIGHWAY-CRYSTAL LAKE ROAD	0.00	0.76	0.76	R	CEN	FAS 581	MAJOR COLLECTOR
NANCY LAKE ACCESS ROAD	CRYSTAL LAKE ROAD-ENL FAS	0.76	1.40	0.64	R	CEN	FAS 581	MINOR COLLECTOR
TALKEETNA ROAD	PARKS HIGHWAY-TALKEETNA	0.00	14.46	14.46	R	CEN	FAS 583	MAJOR COLLECTOR
PETERSVILLE ROAD	PARKS HWY.-CACHE CREEK	0.00	36.32	36.32	R	CEN	FAS 584	MINOR COLLECTOR
LAKE LOUISE ROAD	GLENN HIGHWAY-LAKE LOUISE CAMPGROUND	0.00	18.73	18.73	R	CEN	FAS 809	MINOR COLLECTOR
POINT WHITSHED ROAD	COPPER RIVER HWY-POINT WHITSHED	0.00	5.69	5.69	R	CEN	FAS 837	LOCAL ROAD
EYAK LAKE ROAD	COPPER RIVER HWY-CHASE AVENUE	0.00	0.60	0.60	R	CEN	FAS 839	MINOR COLLECTOR
EYAK LAKE ROAD	CHASE AVENUE-POWER CREEK	0.60	7.50	6.90	R	CEN	FAS 839	LOCAL ROAD
COPPER RIVER HIGHWAY	CORDOVA FERRY TERMINAL-RICHARDSON HWY	0.00	123.49	123.49	R	CEN	FAS 851	MAJOR COLLECTOR
RABBIT CREEK ROAD	OLD SEWARD HIGHWAY-HILLSIDE DRIVE	0.00	4.17	4.17	U	CEN	FAU 504	URBAN COLLECTOR
HILLSIDE DRIVE	RABBIT CREEK RD-ABBOTT ROAD	0.00	2.40	2.40	U	CEN	FAU 505	URBAN COLLECTOR
DIMOND BOULEVARD	SEWARD HIGHWAY-LAKE OTIS PARKWAY	0.00	1.16	1.16	U	CEN	FAU 506	MINOR ARTERIAL
ABBOTT ROAD	LAKE OTIS PKWY-HILLSIDE DRIVE	1.16	3.13	1.97	U	CEN	FAU 506	URBAN COLLECTOR
SAND LAKE ROAD	DIMOND BLVD-RASPBERRY ROAD	0.00	1.49	1.49	U	CEN	FAU 509	URBAN COLLECTOR
DE ARMOUN ROAD	OLD SEWARD HIGHWAY-SEWARD HIGHWAY	0.00	0.27	0.27	U	CEN	FAU 510	URBAN COLLECTOR
O'MALLEY ROAD	SEWARD/GLENNALLEN HWY.-LAKE OTIS ROAD	0.00	0.75	0.75	U	CEN	FAU 512	PRINCIPAL ARTER
O'MALLEY ROAD	LAKE OTIS RD-BIRCH ROAD	0.75	2.77	2.02	U	CEN	FAU 512	MINOR ARTERIAL
O'MALLEY ROAD	BIRCH ROAD-HILLSIDE DRIVE	2.77	3.66	0.89	U	CEN	FAU 512	URBAN COLLECTOR
JEWEL LAKE ROAD	DIMOND BLVD-INT AIRPORT ROAD	0.00	2.89	2.89	U	CEN	FAU 515	MINOR ARTERIAL
SPENARD ROAD	INT AIRPORT ROAD-CLEVELAND AVENUE	0.00	1.10	1.10	U	CEN	FAU 517	MINOR ARTERIAL

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SPENARD ROAD	CLEVELAND AVENUE-NORTHERN LIGHTS BLVD	1.10	2.19	1.09	U	CEN	FAU 517	MINOR ARTERIAL
ABBOTT LOOP ROAD	ABBOTT ROAD-E 68TH AVENUE	0.00	1.51	1.51	U	CEN	FAU 519	URBAN COLLECTOR
DIMOND BOULEVARD	SAND LAKE ROAD-JEWEL LAKE ROAD	0.00	1.00	1.00	U	CEN	FAU 520	URBAN COLLECTOR
DIMOND BOULEVARD	JEWEL LAKE RD-MINNESOTA DRIVE	1.00	2.16	1.16	U	CEN	FAU 520	MINOR ARTERIAL
DIMOND BOULEVARD	MINNESOTA DRIVE-SEWARD HIGHWAY	2.16	4.34	2.18	U	CEN	FAU 520	PRINCIPAL ARTER
BRAGAW STREET EXTENSION	ABBOTT LOOP ROAD-UNIVERSITY AVENUE	0.00	2.13	2.13	U	CEN	FAU 521	MINOR ARTERIAL
3RD AVENUE	GLENN HIGHWAY-L STREET	0.00	3.23	3.23	U	CEN	FAU 522	MINOR ARTERIAL
I STREET (1 WAY)	5TH AVENUE-3RD AVENUE	0.00	0.13		U	CEN	FAU 522	MINOR ARTERIAL
4TH AVENUE (1 WAY)	L STREET-GAMBELL STREET	0.00	1.06		U	CEN	FAU 522	MINOR ARTERIAL
4TH AVENUE (1 WAY)	GAMBELL STREET-3RD AVENUE	1.06	1.47	0.41	U	CEN	FAU 522	MINOR ARTERIAL
L STREET	3RD AVENUE-5TH AVENUE	3.23	3.36	0.13	U	CEN	FAU 522	MINOR ARTERIAL
RASPBERRY ROAD	SAND LAKE ROAD-JEWEL LAKE ROAD	0.00	1.01	1.01	U	CEN	FAU 526	MINOR ARTERIAL
RASPBERRY ROAD	JEWEL LAKE ROAD-MINNESOTA DRIVE	1.01	2.30	1.29	U	CEN	FAU 526	PRINCIPAL ARTER
C STREET	LOOP RD & OCEAN DOCK RD-MINNESOTA DR	0.00	7.08	7.08	U	CEN	FAU 527	PRINCIPAL ARTER
A STREET (1 WAY)	34TH AVENUE -3RD AVENUE	0.00	2.46		U	CEN	FAU 527	PRINCIPAL ARTER
LOOP ROAD	ELMENDORF AFB-C ST & OCEAN DOCK RD	0.00	0.72	0.72	U	CEN	FAU 528	PRINCIPAL ARTER
OCEAN DOCK ROAD	C STREET & LOOP RD-PORT STRUCTURE	0.00	1.20	1.20	U	CEN	FAU 529	URBAN COLLECTOR
15TH AVENUE	L STREET-LAKE OTIS PARKWAY	0.00	2.23	2.23	U	CEN	FAU 530	PRINCIPAL ARTER
DOWLING ROAD	MINNESOTA DRIVE-LAKE OTIS PKWY	0.00	2.25	2.25	U	CEN	FAU 532	PRINCIPAL ARTER
DOWLING ROAD	LAKE OTIS PKWY-BRAGAW ST EXTENSION	2.25	3.25	1.00	U	CEN	FAU 532	MINOR ARTERIAL
HUFFMAN ROAD	OLD SEWARD HIGHWAY-SEWARD HIGHWAY	0.00	0.43	0.43	U	CEN	FAU 534	MINOR ARTERIAL
REEVE BOULEVARD	GLENN HIGHWAY-POST ROAD	0.00	0.95	0.95	U	CEN	FAU 535	URBAN COLLECTOR
DEBARR ROAD	LAKE OTIS PKWY-AIRPORT HEIGHTS DR	0.00	0.54	0.54	U	CEN	FAU 536	PRINCIPAL ARTER
DEBARR ROAD	AIRPORT HEIGHTS DR-MULDOON ROAD	0.54	3.57	3.03	U	CEN	FAU 536	PRINCIPAL ARTER
OLD SEWARD HIGHWAY	SEWARD HWY(POTTER)-SEWARD HWY(RABBIT CR)	0.00	2.84	2.84	U	CEN	FAU 537	URBAN COLLECTOR
OLD SEWARD HIGHWAY	SEWARD HWY(RABBIT CR)-MINNESOTA DRIVE	2.84	5.56	2.72	U	CEN	FAU 537	MINOR ARTERIAL
OLD SEWARD HIGHWAY	MINNESOTA DRIVE-DOWLING ROAD	5.56	8.61	3.05	U	CEN	FAU 537	PRINCIPAL ARTER
INTERNATIONAL AIRPORT ROAD	INTERNATIONAL AIRPORT-OLD SEWARD HWY	0.00	3.98	3.98	U	CEN	FAU 538	PRINCIPAL ARTER
INTERNATIONAL AIRPORT ROAD	OLD SEWARD HWY-SEWARD HWY FRONTAGE RD	3.98	4.29	0.31	U	CEN	FAU 538	URBAN COLLECTOR
NORTHERN LIGHTS BOULEVARD	MULDOON ROAD-LAKE OTIS PARKWAY	0.00	3.72	3.72	U	CEN	FAU 540	PRINCIPAL ARTER
BENSON BOULEVARD (1 WAY)	FOREST PARK DRIVE-LAKE OTIS PARKWAY	0.00	3.15		U	CEN	FAU 540	PRINCIPAL ARTER
NORTHERN LIGHTS BOULEVARD	LAKE OTIS PKWY-FOREST PARK DRIVE	3.72	6.73	3.01	U	CEN	FAU 540	PRINCIPAL ARTER
BONIFACE PARKWAY	TUDOR ROAD-GLENN HIGHWAY	0.00	3.04	3.04	U	CEN	FAU 543	PRINCIPAL ARTER
TUDOR/MULDOON ROAD	MINNESOTA DRIVE-GLENN HIGHWAY	0.00	9.10	9.10	U	CEN	FAU 544	PRINCIPAL ARTER
GAMBELL STREET	3RD AVENUE-5TH AVENUE	0.00	0.14	0.14	U	CEN	FAU 545	MINOR ARTERIAL
INGRA STREET (1 WAY)	5TH AVENUE-3RD AVENUE	0.00	0.14		U	CEN	FAU 545	MINOR ARTERIAL
EAST 68TH AVENUE	LAKE OTIS ROAD-ABBOTT LOOP ROAD	0.00	1.00	1.00	U	CEN	FAU 546	URBAN COLLECTOR
POST ROAD	3RD AVE-ELMENDORF AFB BOUNDARY	0.00	1.36	1.36	U	CEN	FAU 549	MINOR ARTERIAL
EAGLE RIVER ROAD	OLD GLENN HWY-EAGLE RIVER LOOP RD	0.00	1.59	1.59	U	CEN	FAU 550	MINOR ARTERIAL
EAGLE RIVER ROAD	EAGLE RIVER LP RD-CHUGACH PK VISIT CENT	1.59	12.55	10.96	U	CEN	FAU 550	URBAN COLLECTOR
EAGLE RIVER LOOP ROAD	GLENN HIGHWAY-EAGLE RIVER ROAD	0.00	2.40	2.40	U	CEN	FAU 551	MINOR ARTERIAL
OLD GLENN HIGHWAY	GLENN HIGHWAY-EAGLE RIVER ACCESS RD	0.00	1.77	1.77	U	CEN	FAU 558	PRINCIPAL ARTER
BIRCHWOOD LOOP ROAD	SD JCT OLD GLENN HWY-NO JCT OLD GLENN HWY	0.00	6.62	6.62	U	CEN	FAU 559	URBAN COLLECTOR
SOUTHWEST MARINE HIGHWAY	HOMER F TERM-KODIAK F TERM VIA SELDOVIA	0.00	161.00	161.00	W	MAR	FAP 13-1	MINOR ARTERIAL
GASTINEAU CHANNEL MARINE RTE	TAKU INLET-JUNEAU FERRY TERMINAL	0.00	12.00	12.00	W	MAR	FAP 93-1	PRINCIPAL ARTER
SOUTHEAST MARINE HIGHWAY	US/CANADA BORDER-KETCHIKAN FERRY TERMINAL	0.00	61.40	61.40	W	MAR	FAP 95-1	PRINCIPAL ARTER
SOUTHEAST MARINE HIGHWAY	KETCHIKAN FT-WRANGELL FERRY TERMINAL	61.40	164.00	102.60	W	MAR	FAP 95-2	PRINCIPAL ARTER
SOUTHEAST MARINE HIGHWAY	WRANGELL FT-PETERSBURG FERRY TERMINAL	164.00	210.00	46.00	W	MAR	FAP 95-3	PRINCIPAL ARTER
SOUTHEAST MARINE HIGHWAY	PETERSBURG FT-AUKE BAY FERRY TERMINAL	210.00	356.00	146.00	W	MAR	FAP 95-4	PRINCIPAL ARTER
SOUTHEAST MARINE HIGHWAY	AUKE BAY FT-HAINES FERRY TERMINAL	356.00	428.00	72.00	W	MAR	FAP 95-5	PRINCIPAL ARTER
SOUTHEAST MARINE HIGHWAY	HAINES FERRY TERM-SKAGWAY FERRY TERMINAL	0.00	14.00	14.00	W	MAR	FAP 97-1	PRINCIPAL ARTER

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CHATHAM STRAIT MARINE HIGHWAY	FREDRICK SOUND-LYNN CANAL VIA CHATHAM STR	0.00	158.00	158.00	W	MAR	FAP 99-1	PRINCIPAL ARTER
CHATHAM STRAIT MARINE HIGHWAY	CHATHAM STR-SITKA FERRY TERMINAL	0.00	71.00	71.00	W	MAR	FAP 99-1	PRINCIPAL ARTER
SOUTHWEST MARINE HIGHWAY	KODIAK-PORT WAKEFIELD DOCK (PORT LIONS)	0.00	25.00	25.00	W	MAR	FAS 360	MAJOR COLLECTOR
SEWARD/VALDEZ MARINE ROUTE	SOUTHWEST MARINE HWY-VALDEZ VIA SEWARD	0.00	305.00	305.00	W	MAR	FAS 400	MAJOR COLLECTOR
PRINCE WILLIAM SND MARINE RT	WHITTIER F TERM-CORDOVA F TERM VIA VALDEZ	0.00	157.00	157.00	W	MAR	FAS 830	MAJOR COLLECTOR
KAKE SPUR MARINE ROUTE	CHATHAM STRAIT MARINE HWY-KAKE FERRY TERM	0.00	13.00	13.00	W	MAR	FAS 915	MAJOR COLLECTOR
AIRPORT SHUTTLE MARINE ROUTE	GRAVINA ISLAND-KETCHIKAN	0.00	0.30	0.30	W	MAR	FAS 922	MAJOR COLLECTOR
HOLLIS SPUR MARINE ROUTE	SE MARINE HWY-CLARK BAY FERRY TERMINAL	0.00	31.00	31.00	W	MAR	FAS 926	MAJOR COLLECTOR
METLAKATLA SPUR MARINE ROUTE	SE MARINE HWY-METLAKATLA FERRY TERMINAL	0.00	14.00	14.00	W	MAR	FAS 927	MAJOR COLLECTOR
ICY STRAIT MARINE ROUTE	CHATHAM STR-PELICAN VIA HOONAH & ELFIN CV	0.00	90.00	90.00	W	MAR	FAS 989	MAJOR COLLECTOR
ANGOON SPUR MARINE ROUTE	CHATHAM STRAIT-ANGOON FERRY TERMINAL	0.00	5.00	5.00	W	MAR	FAS 998	MAJOR COLLECTOR
ALASKA HIGHWAY	ALASKA/CANADA BORDER-TOK JCT	0.00	91.28	91.28	R	NOR	FAI A1-1	INTERSTATE
TOK CUTOFF HIGHWAY	ALASKA HIGHWAY-NABESNA ROAD	91.28	155.20	63.92	R	NOR	FAI A1-2	INTERSTATE
TOK CUTOFF HIGHWAY	NABESNA RD-GLENNALLEN VIA RICHARDSON HWY	155.20	228.99	73.79	R	NOR	FAI A1-3	INTERSTATE
GLENN HIGHWAY	GLENNALLEN-REGIONAL BDY	228.99	299.09	70.10	R	NOR	FAI A1-4	INTERSTATE
ALASKA HIGHWAY	TOK JCT-JOHNSON RIVER	0.00	66.15	66.15	R	NOR	FAI A2-1	INTERSTATE
ALASKA HIGHWAY	JOHNSON RIVER-DELTA JUNCTION	66.15	108.01	41.86	R	NOR	FAI A2-2	INTERSTATE
RICHARDSON HIGHWAY	DELTA JUNCTION-SALCHA RIVER	108.01	163.93	55.92	R	NOR	FAI A2-3	INTERSTATE
RICHARDSON HIGHWAY	SALCHA RIVER-FAIRBANKS URBAN BDY	163.93	199.69	35.76	R	NOR	FAI A2-4	INTERSTATE
RICHARDSON HIGHWAY	URBAN BDY-PARKS HIGHWAY IN FAIRBANKS	199.69	202.56	2.87	U	NOR	FAI A2-4	INTERSTATE
PARKS HIGHWAY	LITTLE COAL CREEK-MCKINLEY PARK ROAD	128.12	201.97	73.85	R	NOR	FAI A4-3	INTERSTATE
PARKS HIGHWAY	MCKINLEY PARK ROAD-TANANA RIVER	201.97	269.67	67.70	R	NOR	FAI A4-4	INTERSTATE
PARKS HIGHWAY	TANANA R-FBKS URBAN BDY @ GEIST RD	269.67	318.84	49.17	R	NOR	FAI A4-5	INTERSTATE
PARKS HIGHWAY	URBAN BDY-RICHARDSON HWY IN FAIRBANKS	318.84	323.94	5.10	U	NOR	FAI A4-5	INTERSTATE
SOUTH FAIRBANKS EXPRESSWAY	AIRPORT WAY-PEGGER RD	0.00	4.30	4.30	U	NOR	FAP 35-1	PRINCIPAL ARTER
MCGRATH HIGHWAY	PARKS HIGHWAY-MCGRATH VIA KANTISHNA	0.00	247.00	247.00	R	NOR	FAP 54-1	MAJOR COLLECTOR
WESTERN ACCESS ROAD	WESTERN ACCESS ROAD-KOBUK	0.00	180.00	180.00	R	NOR	FAP 64-1	MAJOR COLLECTOR
WESTERN ACCESS ROAD	KOBUK-KUZITRIN RIVER	180.00	500.00	320.00	R	NOR	FAP 64-2	MAJOR COLLECTOR
WESTERN ACCESS ROAD	KUZITRIN RIVER-NOME VIA FRONT, BERING STS	500.00	570.61	70.61	R	NOR	FAP 64-3	MAJOR COLLECTOR
SEPPALA DRIVE	BERING STREET-MARKS AIRPDRT	570.61	571.93	1.32	R	NOR	FAP 64-3	MAJOR COLLECTOR
STEESE HIGHWAY	AIRPORT WAY-URBAN AREA BNDRY	0.00	2.35	2.35	U	NOR	FAP 65-1	PRINCIPAL ARTER
STEESE HIGHWAY	URBAN AREA BNDRY-FOX	2.35	11.11	8.76	R	NOR	FAP 65-1	PRINCIPAL ARTER
ELLIOTT HIGHWAY	FOX-DALTON HIGHWAY	11.11	79.24	68.13	R	NOR	FAP 65-1	MINOR ARTERIAL
DALTON HIGHWAY	ELLIOTT HWY-YUKON RIVER	79.24	134.86	55.62	R	NOR	FAP 65-2	MINOR ARTERIAL
DALTON HIGHWAY	YUKON RIVER-FA 64	134.86	180.86	46.00	R	NOR	FAP 65-3	MINOR ARTERIAL
DALTON HIGHWAY	FAP 64-DIETRICH	180.86	238.93	108.07	R	NOR	FAP 65-4	MINOR ARTERIAL
DALTON HIGHWAY	DIETRICH-ATIGUN RIVER	238.93	333.41	44.48	R	NOR	FAP 65-5	MINOR ARTERIAL
DALTON HIGHWAY	ATIGUN RIVER-SAGWON	333.41	385.34	51.93	R	NOR	FAP 65-6	MINOR ARTERIAL
DALTON HIGHWAY	SAGWON-DEADHORSE	385.34	494.32	108.98	R	NOR	FAP 65-7	MINOR ARTERIAL
RICHARDSON HIGHWAY	VALDEZ FERRY TERMINAL-TONSINA RIVER	0.00	84.30	84.30	R	NOR	FAP 71-1	MINOR ARTERIAL
RICHARDSON HIGHWAY	TONSINA RIVER-GLENNALLEN	84.30	119.49	35.19	R	NOR	FAP 71-2	MINOR ARTERIAL
RICHARDSON HIGHWAY	BIG TIMBER-PAXSON	133.80	190.75	56.95	R	NOR	FAP 71-3	MINOR ARTERIAL
RICHARDSON HIGHWAY	PAXSON-DELTA JUNCTION	190.75	271.67	80.92	R	NOR	FAP 71-4	MINOR ARTERIAL
COUNCIL ROAD	WESTERN ACCESS RD-WEST ACC RD VIA COUNCIL	0.00	91.46	91.46	R	NOR	FAS 130	MAJOR COLLECTOR
TELLER ROAD	SEPPALA DR IN NOME-TELLER VIA BERING ST	0.00	72.55	72.55	R	NOR	FAS 131	MAJOR COLLECTOR
KOTZEBUE AIRPORT ROAD	SAND STREET-AIRPORT	0.00	1.10	1.10	R	NOR	FAS 150	MAJOR COLLECTOR
POINT HOPE AIRPORT ROAD	POINT HOPE-AIRPORT	0.00	2.50	2.50	R	NOR	FAS 156	MAJOR COLLECTOR
DEERING AIRPORT ROAD	DEERING-AIRPORT	0.00	1.25	1.25	R	NOR	FAS 180	MINOR COLLECTOR
SHUNGNAC AIRPORT ROAD	SHUNGNAC-AIRPORT	0.00	0.93	0.93	R	NOR	FAS 185	MINOR COLLECTOR
BADGER LOOP ROAD	RICHARDSON HWY-OLD RICHARDSON HWY(N POLE)	0.00	11.89	11.89	R	NOR	FAS 620	MAJOR COLLECTOR
HOLMES ROAD	W JCT BADGER LOOP RD-NORDALE RD	0.00	4.75	4.75	R	NOR	FAS 622	MAJOR COLLECTOR

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HEALY ROAD	PARKS HIGHWAY-GVA POWER PLANT	0.00	3.42	3.42	R	NOR	FAS 638	MAJOR COLLECTOR
ANDERSON ROAD	PARKS HIGHWAY-ANDERSON	0.00	5.94	5.94	R	NOR	FAS 639	MAJOR COLLECTOR
FARMERS LOOP ROAD	COLLEGE ROAD-STEESSE HIGHWAY	0.00	8.43	8.43	R	NOR	FAS 644	MAJOR COLLECTOR
CHENA RIDGE LOOP ROAD	PARKS HWY-CHENA RIDGE LOOP RD	0.00	13.16	13.16	R	NOR	FAS 645	MAJOR COLLECTOR
BALLAINE ROAD	FARMERS LOOP RD-GOLDSTREAM RD	0.00	4.34	4.34	R	NOR	FAS 647	MAJOR COLLECTOR
GOLDSTREAM ROAD	STEESSE HIGHWAY-SHEEP CREEK ROAD	0.00	10.50	10.50	R	NOR	FAS 648	MAJOR COLLECTOR
CHENA HOT SPRINGS ROAD	OLD STEESSE HWY-CHENA HOT SPRINGS	0.00	56.61	56.61	R	NOR	FAS 650	MAJOR COLLECTOR
SHEEP CREEK ROAD	PARKS HWY-GOLDSTREAM ROAD	0.00	5.39	5.39	R	NOR	FAS 651	MAJOR COLLECTOR
NORDALE ROAD	BADGER LOOP RD-CHENA HOT SPRINGS RD	0.00	5.66	5.66	R	NOR	FAS 653	MAJOR COLLECTOR
CIRCLE HOT SPRINGS ROAD	STEESSE HWY-CIRCLE HOT SPRINGS	0.00	8.21	8.21	R	NOR	FAS 670	MINOR COLLECTOR
STEESSE HIGHWAY	ELLIOTT HWY-CIRCLE	0.00	146.89	146.89	R	NOR	FAS 670	MAJOR COLLECTOR
ELLIOTT HIGHWAY	DALTON HWY-MANLEY HOT SPRG LODGE	0.00	87.17	87.17	R	NOR	FAS 680	MAJOR COLLECTOR
MINTO SPUR ROAD	ELLIOTT HWY-MINTO	0.00	10.69	10.69	R	NOR	FAS 680	MINOR COLLECTOR
REMINGTON ROAD	CLEARWATER RD-CLEARWATER CAMPGROUND	0.00	2.79	2.79	R	NOR	FAS 711	MINOR COLLECTOR
CLEARWATER ROAD	ALASKA HWY-JACK WARREN VIA REMINGTON ROAD	0.00	7.35	7.35	R	NOR	FAS 711	MAJOR COLLECTOR
JACK WARREN ROAD	REMINGTON ROAD-RICHARDSON HIGHWAY	7.35	12.90	5.55	R	NOR	FAS 711	MAJOR COLLECTOR
DENALI HIGHWAY	RICHARDSON HWY-PARKS HWY	0.00	135.57	135.57	R	NOR	FAS 750	MAJOR COLLECTOR
TAYLOR HIGHWAY	ALASKA HWY-ALASKA/CANADA BORDER	0.00	108.64	108.64	R	NOR	FAS 785	MAJOR COLLECTOR
TAYLOR HIGHWAY SPUR	TAYLOR HIGHWAY-EAGLE CITY	0.00	65.13	65.13	R	NOR	FAS 786	MAJOR COLLECTOR
TAYLOR HIGHWAY WYE	TAYLOR HWY SPUR-TAYLOR HWY	0.00	0.12	0.12	R	NOR	FAS 786	MAJOR COLLECTOR
NORTHWAY ROAD	ALASKA HIGHWAY-NORTHWAY VILLAGE	0.00	9.14	9.14	R	NOR	FAS 791	MAJOR COLLECTOR
EDGERTON HIGHWAY	RICHARDSON HWY-CHITINA	0.00	33.43	33.43	R	NOR	FAS 850	MAJOR COLLECTOR
MCCARTHY ROAD	CHITINA-MCCARTHY	33.43	94.11	60.68	R	NOR	FAS 850	MAJOR COLLECTOR
DAYVILLE ROAD	RICHARDSON HWY-PIPELINE TERMINAL	0.00	5.30	5.30	R	NOR	FAS 863	MAJOR COLLECTOR
VALDEZ AIRPORT ROAD	RICHARDSON HWY-VALDEZ AIRPORT	0.00	0.62	0.62	R	NOR	FAS 867	MAJOR COLLECTOR
HAZELET AVENUE	RICHARDSON HIGHWAY-HANGITA STREET	0.00	0.55	0.55	R	NOR	FAS 871	MAJOR COLLECTOR
NABESNA ROAD	TOK CUTOFF-NABESNA	0.00	41.27	41.27	R	NOR	FAS 880	MAJOR COLLECTOR
VAN HORN ROAD	PEGER ROAD-CUSHMAN STREET	0.00	2.01	2.01	U	NDR	FAU 604	MINOR ARTERIAL
OLD RICHARDSON HIGHWAY	SOUTH FAIRBANKS EXPWY-RICHARDSON HWY	0.00	2.10	2.10	U	NOR	FAU 606	MINOR ARTERIAL
SOUTH CUSHMAN CONNECTOR	SOUTH CUSHMAN-RICHARDSON HWY	0.00	0.58	0.58	U	NDR	FAU 607	MINOR ARTERIAL
DAVIS ROAD	UNIVERSITY AVE-LATHROP ST	0.00	2.10	2.10	U	NOR	FAU 608	URBAN COLLECTOR
23RD AVENUE	LATHROP ST-RICHARDSON HWY	2.10	3.13	1.03	U	NOR	FAU 608	URBAN COLLECTOR
AIRPORT WAY	FAIRBANKS INT'L AIRPORT-PARKS HIGHWAY	0.00	1.86	1.86	U	NOR	FAU 610	MINOR ARTERIAL
UNIVERSITY AVENUE	SOUTH FAIRBANKS EXPWY-AIRPORT WAY	0.00	0.89	0.89	U	NOR	FAU 617	MINOR ARTERIAL
UNIVERSITY AVENUE	AIRPORT WAY-COLLEGE ROAD	0.89	2.18	1.29	U	NOR	FAU 617	PRINCIPAL ARTER
WILBUR/VAN HORN CORRIDOR	VAN HORN ROAD-SECOND AVENUE	0.00	2.00	2.00	U	NOR	FAU 623	URBAN COLLECTOR
PEGER ROAD	VAN HORN ROAD-GEIST ROAD	0.00	3.15	3.15	U	NOR	FAU 625	MINOR ARTERIAL
19TH/17TH AVENUS	LATHROP STREET-CUSHMAN STREET	0.00	0.90	0.90	U	NOR	FAU 626	URBAN COLLECTOR
LATHROP CORRIDOR	VAN HORN ROAD-COLLEGE ROAD	0.00	3.50	3.50	U	NOR	FAU 627	MINOR ARTERIAL
AURORA/LATHROP CONNECTOR	AURORA AVENUE-LATHROP CORRIDOR	0.00	0.30	0.30	U	NOR	FAU 628	URBAN COLLECTOR
AURORA DRIVE	GEIST ROAD-COLLEGE ROAD	0.00	1.07	1.07	U	NOR	FAU 629	MINOR ARTERIAL
CHARLES STREET	GEIST ROAD-ILLINDIS STREET	0.00	0.55	0.55	U	NOR	FAU 632	MINOR ARTERIAL
MINNIE/THIRD/FAREWELL	ILLINOIS STREET-HAMILTON STREET	0.00	0.87	0.87	U	NOR	FAU 634	MINOR ARTERIAL
FAREWELL AVENUE	HAMILTON STREET-F STREET	0.87	1.61	0.74	U	NDR	FAU 634	URBAN COLLECTOR
COLLEGE ROAD	UNIVERSITY AVENUE-STEESSE HIGHWAY	0.00	3.93	3.93	U	NOR	FAU 640	PRINCIPAL ARTER
COWLES STREET	LATHROP STREET-1ST AVENUE	0.00	1.18	1.18	U	NOR	FAU 641	MINOR ARTERIAL
10TH AVENUE	GILLAM WAY-STEESSE HIGHWAY	0.00	0.62	0.62	U	NOR	FAU 642	URBAN COLLECTOR
7TH AVENUE	COWLES STREET-CLAY STREET	0.00	0.83	0.83	U	NOR	FAU 646	URBAN COLLECTOR
NOATAK DRIVE	GEIST ROAD-RAILROAD BRIDGE	0.00	0.31	0.31	U	NOR	FAU 649	URBAN COLLECTOR
2ND AVENUE	COWLES STREET-NOBLE STREET	0.00	0.40	0.40	U	NDR	FAU 652	URBAN COLLECTOR
3RD AVENUE	COWLES STREET-CLAY STREET	0.00	0.75	0.75	U	NOR	FAU 654	URBAN COLLECTOR

ALASKA LAND AND MARINE HIGHWAY FUNCTIONAL CLASSIFICATION
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ROAD NAME	SECTION DESCRIPTION	FROM MP	TO MP	LENGTH	R/U	REGION	CURRENT FED AID NO	PROPOSED FUNCT CLASS
GILLAM WAY	17TH AVENUE-AIRPORT WAY	0.00	0.38	0.38	U	NOR	FAU 655	URBAN COLLECTOR
GILLAM WAY/BARNETTE STREET	AIRPORT WAY-1ST AVENUE	0.38	0.88	0.50	U	NOR	FAU 655	MINOR ARTERIAL
1ST AVENUE/2ND AVENUE	WILBUR STREET-COWLES STREET	0.00	0.37	0.37	U	NOR	FAU 656	MINOR ARTERIAL
1ST AVENUE/2ND AVENUE	COWLES STREET-NOBLE STREET	0.37	1.57	1.20	U	NOR	FAU 656	URBAN COLLECTOR
CUSHMAN/ILLINOIS STREETS	VAN HORN ROAD-COLLEGE ROAD	0.00	3.01	3.01	U	NOR	FAU 663	MINOR ARTERIAL
NOME DRIVE/PHILLIPS FIELD RD	PEGER ROAD-ILLINOIS STREET	0.00	1.82	1.82	U	NOR	FAU 666	MINOR ARTERIAL
GEIST ROAD CORRIDOR	PARKS HIGHWAY-STEESSE HIGHWAY	0.00	6.04	6.04	U	NOR	FAU 668	PRINCIPAL ARTER
LACEY/NOBLE STREET COUPLET	AIRPORT WAY-WENDELL STREET	0.00	0.60	0.60	U	NOR	FAU 671	MINOR ARTERIAL
WENDELL STREET/OLD STEESE HWY	LACEY/NOBLE COUPLET-TRAINOR GATE RD	0.00	0.99	0.99	U	NOR	FAU 672	MINOR ARTERIAL
KETCHIKAN FERRY TERMINAL ROAD	KETCHIKAN FERRY TERMINAL-TONGASS AVENUE	0.00	0.15	0.15	U	SE	FAP 91-1	MINOR ARTERIAL
TONGASS AVENUE	FERRY TERMINAL ROAD-NORTH TONGASS HWY	0.15	0.57	0.42	U	SE	FAP 91-1	PRINCIPAL ARTER
NORTH TONGASS UPPER ROUTE	NORTH TONGASS-KETCHIKAN URBAN BOUNDARY	0.57	0.77	0.20	U	SE	FAP 91-1	MINOR ARTERIAL
NORTH TONGASS UPPER ROUTE	URBAN BOUNDARY-WARD COVE	0.77	6.07	5.30	R	SE	FAP 91-1	MINOR ARTERIAL
EGAN DRIVE	JUNEAU FERRY TERM-MENDENHALL LOOP ROAD	12.00	21.13	9.13	U	SE	FAP 93-2	PRINCIPAL ARTER
AUKE BAY FERRY TERMINAL ROAD	GLACIER HIGHWAY-S.E. MARINE HIGHWAY	0.00	0.09	0.09	U	SE	FAP 93-3	PRINCIPAL ARTER
GLACIER HIGHWAY	LOOP ROAD-AUKE BAY FERRY TERMINAL	21.30	25.67	4.37	U	SE	FAP 93-3	PRINCIPAL ARTER
GLACIER HIGHWAY	AUKE BAY FERRY TERMINAL-SAWMILL CREEK	25.67	55.76	30.09	U	SE	FAP 93-3	MINOR ARTERIAL
HAINES FERRY TERMINAL	SOUTHEAST MARINE HWY-LUTAK RD	428.00	428.11	0.11	R	SE	FAP 95-6	PRINCIPAL ARTER
LUTAK ROAD	HAINES FT-MAIN STREET VIA 2ND AVENUE	428.11	432.28	4.17	R	SE	FAP 95-6	PRINCIPAL ARTER
HAINES HIGHWAY	2ND AVE-US/CANADA BORDER VIA MAIN STREET	432.28	472.10	39.82	R	SE	FAP 95-6	PRINCIPAL ARTER
KLONDIKE HIGHWAY	SKAGWAY FERRY TERMINAL-US/CANADA BORDER	14.00	28.73	14.73	R	SE	FAP 97-2	PRINCIPAL ARTER
SOUTH TONGASS HIGHWAY	KETCHIKAN SOUTH C/L-WHITMAN CREEK	0.00	12.34	12.34	R	SE	FAS 902	MAJOR COLLECTOR
WARD LAKE ROAD	NORTH TONGASS HWY-CONNELL LAKE RD	0.00	3.27	3.27	R	SE	FAS 912	MAJOR COLLECTOR
HYDABURG HIGHWAY	SALTERY PT-HOLLIS RD VIA HYDABURG	0.00	25.90	25.90	R	SE	FAS 913	MAJOR COLLECTOR
HOONAH AIRPORT ROAD	HOONAH FERRY TERMINAL-AIRPORT	0.00	2.20	2.20	R	SE	FAS 918	MAJOR COLLECTOR
NORTH TONGASS HIGHWAY	KETCHIKAN URBAN LIMITS-KNUDSON COVE RD	0.00	13.15	13.15	R	SE	FAS 920	MAJOR COLLECTOR
HOLLIS FERRY SPUR ROAD	HOLLIS HIGHWAY-HOLLIS FERRY LANDING	0.00	0.27	0.27	R	SE	FAS 924	MAJOR COLLECTOR
HOLLIS HIGHWAY	CRAIG-CLARK BAY FERRY TERMINAL	0.00	34.25	34.25	R	SE	FAS 924	MAJOR COLLECTOR
METLAKATLA FERRY TERMINAL RD	METLAKATLA FT-WALDEN POINT ROAD	14.00	14.26	0.26	R	SE	FAS 927	MAJOR COLLECTOR
BIG SALT ROAD	HOLLIS HIGHWAY-CONTROL LAKE	0.00	17.10	17.10	R	SE	FAS 929	MAJOR COLLECTOR
KLAWOCK AIRPORT ROAD	BIG SALT ROAD-KLAWOCK AIRPORT	0.00	0.69	0.69	R	SE	FAS 929	MAJOR COLLECTOR
THORNE BAY ROAD	CONTROL LAKE-THORNE BAY	17.10	34.73	17.63	R	SE	FAS 929	MAJOR COLLECTOR
SAWMILL CREEK ROAD	HALIBUT POINT ROAD-BLUE LAKE ROAD	0.00	5.36	5.36	U	SE	FAS 933	MINOR ARTERIAL
SAWMILL CREEK ROAD	BLUE LAKE ROAD-HERRING COVE	5.36	7.11	1.75	U	SE	FAS 933	URBAN COLLECTOR
HALIBUT POINT ROAD	SITKA FERRY TERMINAL-LINCOLN STREET	0.00	6.67	6.67	U	SE	FAS 935	PRINCIPAL ARTER
RODMAN BAY ROAD	HALIBUT POINT RD-STARRIGAVIN CR CAMPGRD	0.00	0.71	0.71	U	SE	FAS 935	URBAN COLLECTOR
HARBOR DRIVE	LINCOLN STREET-SITKA AIRPORT	6.67	8.48	1.81	U	SE	FAS 935	MINOR ARTERIAL
PETERSBURG FERRY TERMINAL	MITKOF HIGHWAY-SE MARINE HIGHWAY	0.00	0.16	0.16	R	SE	FAS 937	MAJOR COLLECTOR
MITKOF HIGHWAY	SANDY BEACH-BLIND SLOUGH VIA PETERSBURG	0.00	20.04	20.04	R	SE	FAS 937	MAJOR COLLECTOR
PAPKES LANDING ROAD	MITKOF HWY.-PAPKES LANDING	0.00	0.53	0.53	R	SE	FAS 937	LOCAL ROAD
MITKOF HIGHWAY	BLIND SLOUGH-DRY STRAIT	20.04	36.08	16.04	R	SE	FAS 937	MINOR COLLECTOR
PETERSBURG AIRPORT ROAD	MITKOF HIGHWAY-AIRPORT	0.00	1.06	1.06	R	SE	FAS 938	MAJOR COLLECTOR
KAKE FERRY TERMINAL	KEKU ROAD-FERRY TERMINAL	0.00	0.10	0.10	R	SE	FAS 939	MAJOR COLLECTOR
PETERSBURG/KAKE ROAD	PETERSBURG-KAKE	0.00	56.30	56.30	R	SE	FAS 939	MAJOR COLLECTOR
MALLOTT AVENUE	SMALL BOAT HARBOR-AIRPORT VIA YAKUTAT	0.00	5.13	5.13	R	SE	FAS 940	MAJOR COLLECTOR
MONTI BAY ROAD	MALLOTT AVENUE-MONTI BAY	0.00	0.50	0.50	R	SE	FAS 941	MINOR COLLECTOR
DANGEROUS RIVER ROAD	MALLOTT AVENUE-SITUK RIVER	0.00	8.55	8.55	R	SE	FAS 942	MAJOR COLLECTOR
WRANGELL FERRY TERMINAL	EVERGREEN AVE-FERRY TERMINAL	0.00	0.09	0.09	R	SE	FAS 943	MAJOR COLLECTOR
ZIMMOVIA HIGHWAY	FERRY TERMINAL-PAT CREEK	0.00	10.70	10.70	R	SE	FAS 943	MAJOR COLLECTOR
WRANGELL AIRPORT ROAD	ZIMMOVIA HWY-WRANGELL AIRPORT	0.00	1.17	1.17	R	SE	FAS 943	MAJOR COLLECTOR
MUD BAY ROAD	HAINES HIGHWAY-MUD BAY	0.00	8.92	8.92	R	SE	FAS 987	MAJOR COLLECTOR

ALASKA LAND AND MARINE HIGHWAY FUNCTIONAL CLASSIFICATION
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LUTAK ROAD	HAINES FERRY TERMINAL-CHILKOOT LAKE	0.00	6.00	6.00	R	SE	FAS 991	MAJOR COLLECTOR
DYEA ROAD	KLONDIKE HIGHWAY-TAIYA RIVER	0.00	7.20	7.20	R	SE	FAS 997	MAJOR COLLECTOR
ANGOON FERRY TERMINAL	FERRY TERMINAL-KOOTZNAHOOD ROAD	5.00	5.11	0.11	R	SE	FAS 998	MAJOR COLLECTOR
SOUTH TONGASS HIGHWAY	BRYANT STREET-DEERMONT STREET	0.00	2.89	2.89	U	SE	FAU 902	PRINCIPAL ARTER
SOUTH TONGASS HIGHWAY	DEERMONT STREET-SOUTH URBAN BDY	2.89	3.79	0.90	U	SE	FAU 902	URBAN COLLECTOR
DEERMONT STREET	SO TONGASS HWY-WOODLAND AVENUE	0.00	0.15	0.15	U	SE	FAU 903	URBAN COLLECTOR
WOODLAND AVENUE	DEERMONT STREET-PARK AVENUE	0.15	0.32	0.17	U	SE	FAU 903	URBAN COLLECTOR
PARK AVENUE	WOODLAND AVENUE-BAWDEN STREET	0.32	0.62	0.30	U	SE	FAU 903	URBAN COLLECTOR
SCHOENBAR ROAD	PARK AVENUE-2ND AVENUE	0.00	1.80	1.80	U	SE	FAU 904	URBAN COLLECTOR
DEERMONT STREET	WOODLAND AVENUE-FAIR STREET	0.00	0.20	0.20	U	SE	FAU 907	URBAN COLLECTOR
FAIR STREET	DEERMONT STREET-PARK AVENUE	0.20	0.28	0.08	U	SE	FAU 907	URBAN COLLECTOR
PARK AVENUE	FAIR STREET-WOODLAND AVENUE	0.28	0.43	0.15	U	SE	FAU 907	URBAN COLLECTOR
WATER STREET/2ND AVENUE	SOUTH JCT-NORTH JCT SOUTH TONGASS HWY	0.00	1.06	1.06	U	SE	FAU 908	URBAN COLLECTOR
GRANT STREET	SOUTH TONGASS HWY-MAIN STREET	0.00	0.05	0.05	U	SE	FAU 911	URBAN COLLECTOR
MAIN STREET/PINE STREET	GRANT STREET-BAWDEN STREET	0.05	0.18	0.13	U	SE	FAU 911	URBAN STREET
BAWDEN STREET	PINE STREET-BARNEY WAY	0.18	0.36	0.18	U	SE	FAU 911	URBAN COLLECTOR
JEFFERSON/4TH/JACKSON	SOUTH TONGASS HWY-BARANOF AVE	0.00	0.51	0.51	U	SE	FAU 912	URBAN COLLECTOR
BARANOF AVENUE	JACKSON STREET-BUREN ROAD	0.51	0.94	0.43	U	SE	FAU 912	URBAN COLLECTOR
BUREN/ALASKA/BRYANT STREET	BARANOF AVENUE-SOUTH TONGASS HIGHWAY	0.94	1.17	0.23	U	SE	FAU 912	URBAN COLLECTOR
BARANOF/TOWER/ALASKA STREET	BUREN ROAD-BUREN ROAD	1.17	1.66	0.49	U	SE	FAU 912	URBAN STREET
CBD STREETS	CENTRAL BUSINESS DISTRICT	0.00	0.44	0.44	U	SE	FAU 915	URBAN COLLECTOR
NORTH TONGASS HIGHWAY	UPPER ROUTE-URBAN BOUNDARY	0.00	0.47	0.47	U	SE	FAU 918	URBAN COLLECTOR
QUINN/YOUNG/SAYLES STREETS	SO. TONGASS-WATER STREET	0.00	0.28	0.28	U	SE	FAU 919	URBAN COLLECTOR
AIRPORT SHUTTLE ACCESS ROAD	SHUTTLE FERRY TERMINAL-TONGASS AVENUE	0.00	0.08	0.08	U	SE	FAU 922	URBAN COLLECTOR
WHITECLIFF AVENUE	SOUTH TONGASS HWY-WATER STREET	0.00	0.09	0.09	U	SE	FAU 923	URBAN COLLECTOR
MADISON STREET	SOUTH TONGASS HWY-FOURTH STREET	0.00	0.17	0.17	U	SE	FAU 927	URBAN COLLECTOR
AMALGA HARBOR ROAD	GLACIER HIGHWAY-AMALGA HARBOR	0.00	0.68	0.68	U	SE	FAU 950	URBAN COLLECTOR
INDIAN COVE ROAD	GLACIER HIGHWAY-PROPOSED CBJ PARK	0.00	0.45	0.45	U	SE	FAU 951	URBAN COLLECTOR
UAJ ROAD	GLACIER HWY-MENDENHALL LOOP RD	0.00	0.45	0.45	U	SE	FAU 952	URBAN COLLECTOR
FISH CREEK ROAD	NORTH DOUGLAS HWY-EAGLE CREST SKI AREA	0.00	5.20	5.20	U	SE	FAU 953	URBAN COLLECTOR
GASTINEAU CHANNEL CORRIDOR	GLACIER HIGHWAY-NORTH DOUGLAS ROAD	0.00	1.50	1.50	U	SE	FAU 954	URBAN COLLECTOR
OLD GLACIER HIGHWAY	SOUTH JCT-NORTH JCT WITH EGAN DRIVE	0.00	0.14	0.14	U	SE	FAU 955	URBAN COLLECTOR
OLD DAIRY ROAD	OLD GLACIER HWY-JUNEAU AIRPORT RD	0.00	0.56	0.56	U	SE	FAU 956	URBAN COLLECTOR
CREST AVENUE	OLD DAIRY RD-JUNEAU AIRPORT RD	0.00	0.32	0.32	U	SE	FAU 957	URBAN COLLECTOR
10TH STREET	GLACIER AVENUE-EGAN DRIVE	0.30	0.11	0.11	U	SE	FAU 958	MINOR ARTERIAL
DOUGLAS HIGHWAY	EGAN DRIVE-B STREET IN DOUGLAS	0.11	2.60	2.49	U	SE	FAU 958	MINOR ARTERIAL
NORTH DOUGLAS ROAD	DOUGLAS HIGHWAY-POINT HILDA	0.00	20.04	20.04	U	SE	FAU 959	URBAN COLLECTOR
JORDAN CREEK CORRIDOR	MENDENHALL LOOP RD-OLD GLACIER HWY	0.00	2.70	2.70	U	SE	FAU 960	URBAN COLLECTOR
INDUSTRIAL BOULEVARD	GLACIER HIGHWAY-END ROUTE	0.00	0.84	0.84	U	SE	FAU 961	URBAN COLLECTOR
JUNEAU AIRPORT ROAD	NORTH JCT-SOUTH JCT WITH OLD GLACIER HWY	0.00	1.15	1.15	U	SE	FAU 962	URBAN COLLECTOR
THANE ROAD	JUNEAU FERRY TERMINAL-END ROUTE	0.00	5.31	5.31	U	SE	FAU 963	URBAN COLLECTOR
MENDENHALL LAKE CAMPGROUND RD	MENDENHALL LOOP RD-MENDENHALL LAKE	0.00	1.11	1.11	U	SE	FAU 964	URBAN COLLECTOR
STEVEN RICHARDS DRIVE	MENDENHALL LOOP RD-RIVERSIDE DRIVE	0.00	0.27	0.27	U	SE	FAU 965	URBAN COLLECTOR
MENDENHALL GLACIER ROAD	MENDENHALL LOOP RD-GLACIER	0.00	1.47	1.47	U	SE	FAU 966	URBAN COLLECTOR
MENDENHALL LOOP ROAD	EGAN DRIVE-MENDENHALL GLACIER RD	0.00	2.19	2.19	U	SE	FAU 966	MINOR ARTERIAL
MENDENHALL LOOP ROAD	MENDENHALL GLACIER ROAD-GLACIER HWY	2.19	6.19	4.00	U	SE	FAU 966	URBAN COLLECTOR
RIVERSIDE DRIVE	OLD GLACIER HWY-MENDENHALL LOOP RD	0.00	2.75	2.75	U	SE	FAU 967	URBAN COLLECTOR
WEST VALLEY CORRIDOR	GLACIER HIGHWAY-MENDENHALL LOOP ROAD	0.00	2.40	2.40	U	SE	FAU 968	URBAN COLLECTOR
WEST VALLEY ACCESS	MENDENHALL LOOP RD-WEST VALLEY CORRIDOR	0.00	1.20	1.20	U	SE	FAU 969	URBAN COLLECTOR
FRITZ COVE ROAD	GLACIER HIGHWAY-SMUGGLERS COVE	0.00	2.58	2.58	U	SE	FAU 970	URBAN COLLECTOR
ENGINEERS CUTOFF	GLACIER HIGHWAY-FRITZ COVE ROAD	0.00	1.59	1.59	U	SE	FAU 971	URBAN COLLECTOR

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HOSPITAL DRIVE	OLD GLACIER HWY-BARTLETT MEM HOSPITAL	0.00	0.28	0.28	U	SE	FAU 972	URBAN COLLECTOR
WHITTIER STREET	EGAN DRIVE-WILLOUGHBY AVENUE	0.00	0.15	0.15	U	SE	FAU 973	URBAN COLLECTOR
FERRY WAY	EGAN DRIVE-FRANKLIN STREET	0.00	0.05	0.05	U	SE	FAU 974	URBAN COLLECTOR
WILLOUGHBY AVENUE	EGAN DRIVE-GLACIER AVENUE	0.00	0.41	0.41	U	SE	FAU 975	URBAN COLLECTOR
GLACIER AVENUE	SOUTH JCT-NORTH JCT WITH EGAN DRIVE	0.00	1.92	1.92	U	SE	FAU 976	URBAN COLLECTOR
MAIN STREET	EGAN DRIVE-4TH STREET	0.00	0.20	0.20	U	SE	FAU 977	MINOR ARTERIAL
HIGHLAND DRIVE	EGAN DRIVE-COLEMAN STREET	0.00	0.25	0.25	U	SE	FAU 978	URBAN COLLECTOR
EVERGREEN AVENUE/IRWIN STREET	COLEMAN STREET-12TH STREET	0.25	0.59	0.34	U	SE	FAU 978	URBAN COLLECTOR
SEWARD STREET	4TH STREET-EGAN DRIVE	0.00	0.23	0.23	U	SE	FAU 979	URBAN COLLECTOR
GOLD CREEK ACCESS	EGAN DRIVE-8TH STREET	0.00	0.50	0.50	U	SE	FAU 980	URBAN COLLECTOR
FRANKLIN/4TH STREETS	EGAN DRIVE-MAIN STREET	0.00	0.42	0.42	U	SE	FAU 981	URBAN COLLECTOR
CALHOUN AVENUE/12TH STREET	MAIN STREET-EGAN DRIVE	0.42	1.33	0.91	U	SE	FAU 981	URBAN COLLECTOR
DAVIS AVENUE	OLD GLACIER HIGHWAY-STATE JAIL COMPLEX	0.00	0.63	0.63	U	SE	FAU 982	URBAN COLLECTOR
CHURCHILL AVENUE	DAVIS AVENUE-END ROUTE	0.00	0.20	0.20	U	SE	FAU 983	URBAN COLLECTOR
OLD GLACIER HIGHWAY NORTH	SUNSET STREET-GLACIER HIGHWAY	0.00	0.39	0.39	U	SE	FAU 984	URBAN COLLECTOR
BENCH ROAD CORRIDOR	DOUGLAS HIGHWAY-FISH CREEK ROAD	0.00	7.50	7.50	U	SE	FAU 985	URBAN COLLECTOR
CROW HILL DRIVE	DOUGLAS HIGHWAY-BENCH ROAD	0.00	0.60	0.60	U	SE	FAU 986	URBAN COLLECTOR
PIONEER AVENUE	DOUGLAS HIGHWAY-BENCH ROAD	0.00	0.70	0.70	U	SE	FAU 987	URBAN COLLECTOR
NORTH DOUGLAS SOUTH ACCESS	NORTH DOUGLAS HIGHWAY-BENCH ROAD	0.00	0.50	0.50	U	SE	FAU 988	URBAN COLLECTOR
NORTH DOUGLAS NORTH ACCESS	NORTH DOUGLAS HIGHWAY-BENCH ROAD	0.00	0.50	0.50	U	SE	FAU 989	URBAN COLLECTOR

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX Z
JUNEAU, ALASKA 99811-2500
PHONE: (907) 465-3900

April 26, 1988

The Honorable Steve Frank
Alaska State Legislature
P.O. Box "V"
Juneau, Alaska 99801

Dear Representative Frank:

In answer to your question regarding information provided to each political candidate by the Department of Transportation and Public Facilities to assist them in determining which highways are effected by political advertising, we offer the following solution:

Each political candidate will be notified by mail explaining the existing laws in regards to political advertising along Interstate, Primary and Secondary highway systems in Alaska. In addition, each political candidate will be provided a vicinity map of their district showing the highway systems, a list identifying these systems, and they will be advised that additional information regarding this issue may be obtained from our Regional offices upon request.

We sincerely hope this answers your question. Please contact me if you feel that we can be of further service.

Sincerely,



Mark S. Hickey
Commissioner

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX Z
JUNEAU, ALASKA 99811-2500
PHONE: (907) 465-3900

April 18, 1988

The Honorable Steve Frank
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

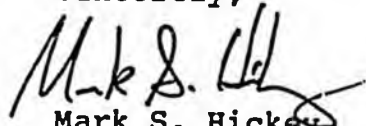
Dear ~~Representative~~ ^{STEVE} Frank:

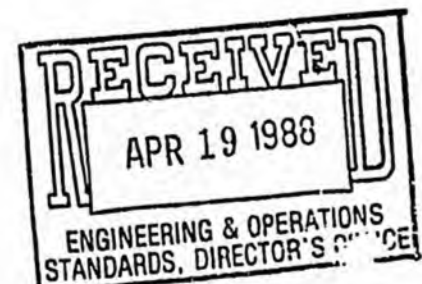
In answer to your question regarding the immediate removal of outdoor political advertising on private property under proposed legislation (CS House Bill No. 448), let us assure you that the department would not knowingly trespass onto private property.

If it has been determined that posters or signs are placed on private property in violation of AS 19.25.105(a), the property owner and/or candidate will be notified in writing and personal contact of such violation. If they are not responsive to such action on behalf of the department, then the department will take necessary steps to obtain a court order allowing the removal of such posters and/or signs.

I hope this information has been helpful. Please contact me if you feel that I can answer any further questions regarding this matter.

Sincerely,


Mark S. Hickey
Commissioner



Alaska State Legislature

STEVE FRANK

DISTRICT 20A
Finance Committee


1125 Sunset Drive
Fairbanks, Alaska 99701



While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709

House of Representatives

TO: the House Finance Committee

FROM: Rep. Steve Frank 

RE: House Bill 448 - "An Act relating to outdoor political advertising signs and providing for an effective date."

DATE: April 21, 1988

House Bill 448 would change the law and stiffen the penalties for illegal placement of political advertising signs.

Each election year a large number of political campaign signs can be found along most of our major roadways. Existing statutes prohibit signs along federal aid highways as well as primary and secondary roads. Under current law, the Department of Transportation gives 30 days for compliance to the owner of the land where the sign in violation is placed. If, at the end of 30 days the sign is still in violation, "...the department shall remove it at the expense of the owner of the land."

This legislation would change the existing statute in four (4) ways. It would:

1) require candidates filing for political office to sign a statement acknowledging that they are aware of the law related to political advertising signs;

2) eliminate the 30 day period that a sign can be illegally placed and charge the department with immediate removal upon discovery of that sign;

3) increase the minimum penalty for violation from \$50 to \$250 per count; and

4) shift the burden of responsibility from the owner of the land to the person or group advertising.

HB 448 is aimed at violations by candidates who knowingly place their political advertising signs in prohibited areas and "buy time" through the notice period which allows the sign to remain fixed for 30 days after the owner of the land is asked to remove it. It would not change existing laws regarding other types of signs, nor would it change setbacks, etc. for placement of signs.

Thank you for your consideration.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 8, 1988

SUBJECT: Outdoor political advertising
(Work Order No. 5-0633)

TO: Representative Steve Frank

FROM: Richard A. Bradley
Legislative Counsel 

Rick Solie has requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 amends AS 15.25.030(b). It provides that at the same time that a candidate for the elective political office files a declaration of candidacy, the candidate will file a statement prepared by the Department of Transportation and Public Facilities that the candidate is familiar with the provisions of law regulating "outdoor political advertising."

Section 2 of the bill adds a new Sec. 19.25.115. Sec. 19.-25.115(a) provides that a candidate or group may place advertising on private property so long as the private property is not within the zone where advertising is prohibited under AS 19.25.105(a): "within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate, primary, or secondary highways in this state".

Section 19.25.115(b) directs the Department of Transportation and Public Facilities to remove summarily posters or signs erected in violation of AS 19.25.105(a) and bill the

Representative Steve Frank
Page 2
February 8, 1988

candidate or group named on the poster or sign for its actual costs from the removal.

Section 3 amends AS 19.25.130, PENALTY FOR VIOLATION. The amendment leaves the existing penalty (\$50 to \$1,000) in place for existing violations of the section covered. It signals that there is a different penalty for a violation of Sec. 19.25.115.

Section 4 establishes a new Sec. 19.25.130(b). The section adds a new penalty of \$250 to \$1,000 for a violation of the new section on political advertising, Sec. 19.25.115.

Section 5 of the bill amends AS 19.25.150 to carve out from the application of this section the political advertising; the political advertising is covered under Sec. 19.25.115 added at bill sec. 2.

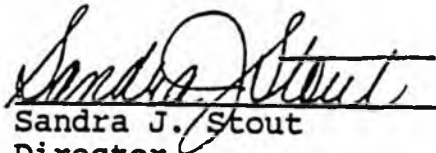
Section 6 of the bill amends AS 19.25.160(1). The existing law section defines "outdoor advertising." The amendment to the definition excludes political advertising.

The bill contains no effective date clause. It is, therefore, effective 90 days after enactment. Art. II, sec. 18, Alaska Constitution.

RAB;bb
wkb2/058

HOUSE BILL NO. 448
NEUTRAL SUMMARY
Prepared by the Division of Elections

The Division of Elections has reviewed House Bill No. 448, "An Act relating to outdoor political advertising," that would require a political candidate to be familiar with the provisions of the law that regulates outdoor political advertising, and to simultaneously file a statement to that fact at the time he or she files a declaration of candidacy. The Division is neutral on the intent of HB 448.


Sandra J. Stout
Director
Division of Elections



Dept. of Transportation & Public Facilities

POSITION PAPER

BILL NO: House Bill No. 448

TITLE: An act relating to outdoor Political Advertising

W.R. Goble
APPROVED: Mark S. Hickey
Commissioner
DATE: *7/21*

The Department of Transportation and Public Facilities supports this bill as control of political signs has become a controversial and increasing problem within the state. This bill would assist in the enforcement of political signs in that:

- (1) The candidate must acknowledge that they are familiar with the provisions of law regulating outdoor political advertising.
- (2) Responsibility has been identified as the candidate or group owning the signs.
- (3) The 30 day notice ordering the owner to remove an unlawful political sign is eliminated, thereby making enforcement more effective.
- (4) The penalty for a violation is increased from \$50 to \$250.

Alaska State Legislature

STEVE FRANK

DISTRICT 20A
Finance Committee

1125 Sunset Drive
Fairbanks, Alaska 99701



While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709

House of Representatives

TO: House Judiciary Committee

FROM: Rep. Steve Frank

RE: House Bill 448 - "An Act relating to outdoor political advertising signs and providing for an effective date."

DATE: March 24, 1988

House Bill 448 would change the law and stiffen the penalties for illegal placement of political advertising signs.

Each election year a large number of political campaign signs can be found along most of our major roadways. Existing statutes prohibit signs along federal aid highways as well as primary and secondary roads. Under current law, the Department of Transportation gives 30 days for compliance to the owner of the land where the sign in violation is placed. If, at the end of 30 days the sign is still in violation, "...the department shall remove it at the expense of the owner of the land."

This bill would change the existing statute in four (4) ways. It would:

- 1) require candidates filing for political office to sign a statement acknowledging that they are aware of the law related to political advertising signs;
- 2) eliminate the 30 day period that a sign can be illegally placed and charge the department with immediate removal upon discovery of that sign;
- 3) increase the minimum penalty for violation from \$50 to \$250 per count; and
- 4) shift the burden of responsibility from the owner of the land to the person or group advertising.

This bill is aimed at violations by candidates who knowingly place their political advertising signs in prohibited areas and "buy time" through the notice period which allows the sign to remain fixed for 30 days after the owner of the land is asked to remove it. It would not change existing laws regarding other types of signs, nor would it change setbacks, etc. for placement of signs.

Thank you for your consideration.

IMPORTANT INFORMATION ABOUT CAMPAIGN TREASURERS AND POLITICAL SIGNS

The Alaska Public Offices Commission and the Department of Transportation and Public Facilities are responsible for administering Alaska law with regard to the subjects below. Should you have any questions about these requirements or wish additional information, please contact the appropriate office as indicated.

APOC, Anchorage, 276-4176

Section 15.13.060. CAMPAIGN TREASURERS.

(a) Each candidate and group shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. A candidate may be a campaign treasurer.

(b) Each group shall file the name and address of its campaign treasurer with the commission at the time it registers with the commission under §.050 of this chapter.

(c) Each candidate for state office shall file the name and address of the campaign treasurer with the commission, or submit, in writing, the name and address of the campaign treasurer to the lieutenant governor for filing with the commission, no later than 15 days after the date of filing his declaration of candidacy or his nominating petition. Each candidate for municipal office shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing his declaration of candidacy or his nominating petition. If the candidate does not designate a campaign treasurer, the candidate is the campaign treasurer.

(d) In the case of the death, resignation or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and file his name and address with the commission within 48 hours of the appointment. The candidate is disqualified when he has been found to have been in willful violation of this subsection.

(e) A campaign treasurer may appoint as many deputy campaign treasurers as he considers necessary. The candidate shall file the names and addresses of the deputy campaign treasurers with the commission.

(f) The candidate is responsible for the performance of his campaign treasurer, and any default or violation by the treasurer also shall be considered a default or violation by the candidate if he knew or had reason to know of the default or violation. (§ 1 ch 76 SLA 1974; am § § 16-19 ch 189 SLA 1975; am § 1 ch 133 SLA 1977)

Section 15.13.090. IDENTIFICATION OF COMMUNICATION (Effective January 1, 1981). All advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to influence the election of a candidate or outcome of a ballot proposition or question shall be clearly identified by the words "paid for by" followed by the name and address of the candidate, group or individual paying for the advertising. In addition, candidates and group must identify the name of their campaign chairman. (§ 1 ch 76 SLA 1974; am § 22 ch 189 SLA 1975; am § 36 ch 100 SLA 1980)

Department of Transportation & Public Facilities

AS 19.25.080-180, AS 19.25-200-250 and 17 AAC 20.010 govern the placement of political signs. Political signs placed within 660 feet of the right-of-way of primary or secondary highways are illegal. Political signs placed more than 660 feet outside the right-of-way with the purpose of the message being read from the traveled way of a primary or secondary highway are illegal.

The placing of a sign in violation of the state statutes is a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$1,000 (Sec. 19.25.130). Political signs placed within the right-of-way of highways are illegal encroachments under AS 19.25.220 and 17 AAC 20.010, and may be summarily removed pursuant to AS 19.25.240, Outdoor Advertising.

Private landowners placing signs, allowing signs to be placed, or allowing signs to remain on property along State primary or secondary highway rights-of-way are in violation of the law and could also have civil liability. Private landowners could find themselves in court and liable for damages caused by a sign on their property which contributed to a vehicle accident.

Confiscated signs may be recovered from the nearest field maintenance facility after payment for man and equipment hours expended in the removal. In all cases the minimum charge will not be less than \$50. Confiscated signs not recovered will be destroyed after thirty (30) days.

If you are in doubt concerning the state right-of-way in a given area, please contact the appropriate regional office of the Department of Transportation and Public Facilities for information: Anchorage Regional Office - 266-1440; Fairbanks regional Office - 451-2294; Juneau Regional Office - 789-6221.

Candidates should check with municipal officials for local ordinances regarding sign placement.

Alaska Statutes

Title 15. Elections.

Revisor's note. — In this title "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Chapter

- 05. Qualification of Voters (§§ 15.05.010—15.05.040)
- 07. Registration of Voters (§§ 15.07.010—15.07.200)
- 10. Election Districts and Officials (§§ 15.10.010—15.10.180)
- 13. State Election Campaigns (§§ 15.13.010—15.13.130)
- 15. General Procedure for Elections (§§ 15.15.010 — 15.15.480)
- 20. Special Procedures for Elections (§§ 15.20.010 — 15.20.740)
- 25. Nomination of Candidates (§§ 15.25.010 — 15.25.280)
- 30. National Elections (§§ 15.30.010—15.30.120)
- 35. State Elections (§§ 15.35.010 — 15.35.170)
- 40. Special Elections and Appointments (§§ 15.40.010—15.40.470)
- 45. Initiative, Referendum and Recall (§§ 15.45.010—15.45.720)
- 50. Constitutional Amendments and Conventions (§§ 15.50.010 — 15.50.110)
- 55. Election Offenses, Corrupt Practices and Penalties (Repealed)
- 56. Election Offenses, Corrupt Practices, and Penalties (§§ 15.56.010 — 15.56.130)
- 57. Election Pamphlet (Repealed)
- 58. Election Pamphlet (§§ 15.58.010 — 15.58.090)
- 60. General Provisions (§§ 15.60.010—15.60.020)
- 62. Miscellaneous Provisions (Repealed)
- 65. Rights of Voter and Prohibitions (Repealed)

Chapter 05. Qualification of Voters.

Section

- 10. Voter qualification
- 11. Qualifications of overseas voters
- 12. Voter qualification for presidential election
- 14. Procedures in presidential elections
- 16. Obsolete

Section

- 20. Rules for determining residence of voter
- 30. Loss and restoration of voting rights
- 40. Voter disqualification for unsound mind

Collateral references. — 25 Am. Jur. 2d, Elections, §§ 52-115.
29 C.J.S., Elections, §§ 14-35.
Women's suffrage amendment to federal

or state constitution as affecting pre-existing constitutional or statutory provisions which limited rights or duties to legal or male voters. 157 ALR 461.

Section

- 55. Removal of name from primary ballot
- 56. Nomination by party petition where incumbent dies or is disqualified or incapacitated
- 60. Preparation and distribution of ballots
- 70. Special provisions on counting ballots
- 80. [Repealed]

Section

- 90. General procedure for conduct of primary election
- 100. Placement of nominees on general election ballot
- 110. Filling vacancies by party petition
- 120. Requirements for party petition
- 130. Selection of nominees for party petition
- 135. [Repealed]

Collateral references. — 25 Am. Jur. 2d. Elections, §§ 128-167.

29 C.J.S., Elections, §§ 89-96, 111(1) — 148.

Determination of controversies within political parties as to nomination by committees. 20 ALR 1035; 169 ALR 1281.

Extent of power of political party, committee, or officer to exclude persons from participating in its primaries as voters or candidates. 70 ALR 1501; 88 ALR 473; 97 ALR 685; 151 ALR 1121.

Constitutionality of election laws as regards nominations otherwise than statutory convention or primary election. 146 ALR 668.

Personal liability of public officer for

breach of duty in respect of election or primary election laws. 153 ALR 109.

Power of political party or its officials as to withdrawal of nomination as affected by filing of certificate of nomination. 155 ALR 189.

State court jurisdiction over contest involving primary election for member of Congress. 68 ALR2d 1320.

Validity of percentage of vote or similar requirements for participation by political parties in primary elections. 70 ALR2d 1162.

Right to seek nomination or to become candidate for more than one office in the same election. 94 ALR2d 557.

Sec. 15.25.010. Provision for primary election. Candidates for the elective state executive and state and national legislative offices shall be nominated in a primary election by direct vote of the people in the manner prescribed by AS 15.25.010 — 15.25.200. (§ 5.01 ch 83 SLA 1960; am § 1 ch 1 SLA 1967; am § 1 ch 20 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "AS 15.25.010 — 15.25.200" for "this chapter" at the end of the section.

Sec. 15.25.020. Date of primary. The primary election is held on the fourth Tuesday in August of every even numbered year. (§ 5.02 ch 83 SLA 1960; am § 1 ch 26 SLA 1966; am § 2 ch 1 SLA 1967)

Sec. 15.25.030. Declaration of candidacy. (a) A member of a political party who seeks to become a candidate of the party in the primary election shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgments and shall state in substance:

- (1) the full name of the candidate;
- (2) the full mailing address of the candidate;

15.25.030

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§ 15.25.030

(3) if the candidacy is for the office of state senator or state representative, the election or senate district of which the candidate is a resident;

(4) the office for which the candidate seeks nomination;

(5) the name of the political party of which he is a candidate for nomination;

(6) the full resident address of the candidate;

(7) the date of the primary election at which the candidate declares himself to be a candidate;

(8) that the candidate will meet the specific residency requirements of the office for which he is a candidate;

(9) that the candidate will meet the specific citizenship requirements of the office for which he is a candidate;

(10) that the candidate is a qualified voter as required by law;

(11) that the candidate will meet the specific age requirements of the office for which he is a candidate;

(12) that the candidate requests that his name be placed on the primary election ballot;

(13) that the required fee accompanies the declaration;

(14) that he is not a candidate for any other office to be voted on at the primary or general election and that he has not filed another declaration of candidacy or nominating petition for the office for which this declaration is filed;

(15) the manner in which he wishes his name to appear on the ballot; and

(16) that the candidate is registered to vote as a member of the political party whose nomination he seeks.

(b) A person filing a declaration of candidacy under this section shall simultaneously file a statement of income sources and business interests which complies with the requirements of AS 39.50. (§ 5.03 ch 83 SLA 1960; am § 16 ch 125 SLA 1962; am § 1 ch 53 SLA 1966; am § 3 ch 1 SLA 1967; am § 35 ch 116 SLA 1972; am § 3 ch 133 SLA 1977; am § 126 ch 100 SLA 1980)

Effect of amendments. — The 1977 amendment rewrote this section.

The 1980 amendment deleted "excluding a congressional office" following "any other office" near the beginning of paragraph (14) of subsection (a), inserted "or general" preceding "election" near the middle of paragraph (14) of subsection (a),

substituted "and that he has not filed another declaration of candidacy or nominating petition for the office for which this declaration is filed" for "and" at the end of paragraph (14) of subsection (a), added "and" at the end of paragraph (15) of subsection (a), added paragraph (16) of subsection (a), and added subsection (b).

Alaska Statutes

Title 19. Highways and Ferries.

Editor's notes. — Section 9, Executive Order No. 39 (1977) provides: "(a) The Department of Transportation and Public Facilities is vested with the duties and powers formerly held by the Department of Public Works relating to planning, construction, maintenance and operation of transportation facilities, including state ferries, airports and water and harbor facilities, and for design and construction of buildings and appurtenant structures, and specifically including all powers and duties formerly held by the Department of Public Works under AS 02, AS 30.05, AS 30.15, AS 35, AS 41.20 and AS 44.65.

"(b) The Department of Transportation

and Public Facilities is vested with the duties and powers formerly held by the Department of Highways relating to planning, construction, maintenance and operation of state transportation facilities including state highways, roads, bridges, traffic signs and signals, the supervision and maintenance of state automotive and mechanical equipment, the control of outdoor advertising visible from state highways and all other duties and powers of the Department of Highways, and specifically including powers and duties formerly held by the Department of Highways under AS 19, AS 28.01, AS 28.05, and AS 44.57 [repealed]."

Chapter

- 05. Administration (§§ 19.05.010 — 19.05.140)
- 10. State Highway System (§§ 19.10.010 — 19.10.260)
- 15. Financial Provisions (§§ 19.15.010 — 19.15.040)
- 17. Littering (Repealed)
- 20. Cooperation by and with the State (§§ 19.20.010 — 19.20.090)
- 22. Landscaping and Scenic Enhancement (§§ 19.22.010 — 19.22.030)
- 25. Protection and Use of State Highways and Roads (§§ 19.25.010 — 19.25.250)
- 27. Junk Yards (§§ 19.27.010 — 19.27.140)
- 30. Access Roads (§§ 19.30.010 — 19.30.251)
- 35. Relocation Assistance (Repealed)
- 40. James Dalton Highway (§§ 19.40.010 — 19.40.210)
- 45. Miscellaneous Provisions (§§ 19.45.001 — 19.45.015)
- 60. Ferry Terminal Facilities (§§ 19.60.010 — 19.60.070)
- 65. Alaska Marine Highway System (§§ 19.65.010, 19.65.020)

Chapter 05. Administration.

Article

- 1. Department of Transportation and Public Facilities (§§ 19.05.010 — 19.05.070)
- 2. Acquisition of Property (§§ 19.05.080 — 19.05.122)
- 3. General Provisions (§§ 19.05.125 — 19.05.150)

Sec. 19.25.110. Removal of nonconforming advertising.

Obsolete.

Revisor's notes. — This section is obsolete. It reads as follows: "A sign, display or device which is lawfully in existence along the interstate system or the primary system on August 6, 1968 and which is not in conformity with AS 19.25.080 — 19.25.180 may not be required to be removed until July 1, 1970. A sign, display or device which is lawfully in existence along the secondary system on July 1, 1970 and

which is not in conformity with AS 19.25.080 — 19.25.180 shall be removed by July 1, 1971."

Editor's notes. — The obsolete section derived from § 5, ch. 59, SLA 1949; § 1, ch. 86, SLA 1953; § 1, ch. 112, SLA 1955; § 3, ch. 233, SLA 1968; § 44, ch. 69, SLA 1970; § 4, ch. 155, SLA 1970; § 3, ch. 195, SLA 1975.

Sec. 19.25.120. Neglect or refusal to obey removal order.

Obsolete.

Revisor's notes. — This section is obsolete. It reads as follows: "A person who fails to obey an order issued under AS 19.25.110 is subject to the penalty provided in AS 19.25.130. Each day the per-

son neglects or refuses to obey the order is a separate offense."

Editor's notes. — The obsolete section derived from § 6, ch. 59, SLA 1949; § 1, ch. 86, SLA 1953; § 2, ch. 112, SLA 1955.

Sec. 19.25.130. Penalty for violation. A person who violates AS 19.25.080 — 19.25.180, or a regulation adopted under them, is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$1,000. (§ 7 ch 59 SLA 1949; added by § 1 ch 86 SLA 1953; am § 4 ch 233 SLA 1968)

Sec. 19.25.140. Compensation for removal of advertising.

(a) The department is authorized to acquire by purchase, gift or condemnation, all advertising devices and any property rights pertaining to them, when the advertising devices are required to be removed under AS 19.25.150.

(b) Damages resulting from a taking in eminent domain shall be ascertained in the manner provided by law. (§ 5 ch 233 SLA 1968; am § 45 ch 69 SLA 1970)

Legislative history reports. — For 1970 House Journal Supplement No. 2, p. report on ch. 69, SLA 1970 (HB 564), see 7.

Sec. 19.25.150. Unlawful advertising. An advertising sign, display or device which violates the provisions of this chapter is a public nuisance. The department shall give 30 days' notice, by certified mail, to the owner of the land on which the advertising sign, display or device is located, ordering its removal if it is prohibited by this chapter or ordering the owner to cause it to conform to regulations if it is authorized by this chapter. If the owner of the property fails to comply within 30 days as required in the notice, the department shall remove

the outdoor advertising sign, display or device at the expense of the owner of the land or the person who erected it. (§ 5 ch 233 SLA 1968)

Sec. 19.25.160. Definitions. In AS 19.25.080 — 19.25.180

(1) "outdoor advertising" includes any outdoor sign, display or device used to advertise, attract attention or inform and which is visible to a person on the main-traveled way of a highway of the interstate, primary, or secondary systems in this state, whether by printing, writing, painting, picture, light, drawing, or whether by the use of figures or objects, or a combination of these, or any other thing designed, intended or used to advertise, inform or attract attention;

(2) "interstate system" means that portion of the National System of Interstate and Defense Highways located in this state, as officially designated, or as may hereafter be so designated, by the commissioner, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 [80 Stat. 931]), under the provisions of Title 23, United States Code, "Highways";

(3) "primary system" or "secondary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the commissioner, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 [80 Stat. 931]), under the provisions of Title 23, United States Code, "Highways";

(4) "department" means the Department of Transportation and Public Facilities. (§ 5 ch 233 SLA 1968; am §§ 46, 47 ch 69 SLA 1970; am §§ 5, 6 ch 155 SLA 1970; am Executive Order No. 39, § 11 (1977))

Revisor's notes. — Pursuant to AS 01.05.031, the revisor of statutes has deleted "of transportation and public facilities" following "commissioner" in paragraphs (2) and (3).

Effect of amendments. — The 1977 amendment substituted references to the commissioner of transportation and public facilities for references to the commis-

sioner of highways in paragraphs (2) and (3) and a reference to the Department of Transportation and Public Facilities for a reference to the Department of Highways in paragraph (4).

Legislative history reports. — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7.

Sec. 19.25.170. Agreements with the United States; regulations. The department is authorized to enter into agreements in conformity with the provisions of this title with the United States Secretary of Transportation as provided by Title 23, United States Code, relating to the control of outdoor advertising signs, displays and devices in areas adjacent to interstate and primary systems and to take action in the name of the state to comply with the terms of the agreements, and to promulgate required regulations. (§ 5 ch 233 SLA 1968)

Legislative history reports. — For report on ch. 233, SLA 1968 (HCSCSSB 144 am FCC), see 1968 House Journal, p. 815.

Collateral references. — 40 Am. Jur. 2d, Highways, Streets and Bridges, §§ 273-336.

40 C.J.S., Highways, §§ 217, 232. Billboards and other outdoor advertising signs as civil nuisance. 38 ALR3d 647.

Sec. 19.25.090. Outdoor advertising prohibited. Except as provided in AS 19.25.105, all outdoor advertising is prohibited. (§ 3 ch 59 SLA 1949; am § 1 ch 86 SLA 1953; am § 2 ch 155 SLA 1970)

Sec. 19.25.100. Rural signs.

Repealed by § 14 ch 155 SLA 1970.

Editor's notes. — The repealed section ch. 86, SLA 1953; § 9, art. VII, title II, ch. derived from § 4, ch. 59, SLA 1949; § 1, 152, SLA 1957.

Sec. 19.25.105. Limitations of outdoor advertising signs, displays and devices. (a) No outdoor advertising may be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate, primary, or secondary highways in this state except the following:

(1) directional and other official signs and notices which include, but are not limited to, signs and notices pertaining to natural wonders, scenic and historic attractions, which are required or authorized by law, and which shall conform to federal standards for interstate and primary systems;

(2) signs, displays and devices advertising the sale or lease of property upon which they are located or advertising activities conducted on the property;

(3) signs determined by the state, subject to concurrence of the United States Department of Transportation, to be landmark signs, including signs on farm structures, or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the provisions of this chapter;

(4) directional signs and notices pertaining to schools.

(b) Repealed by § 21 ch 94 SLA 1980.

(c) No outdoor advertising may be erected or maintained beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of the interstate primary or secondary highways in this state with the purpose of their message being read from that travel way except those outdoor advertising signs, displays or devices allowed under (a) of this section. (§ 3 ch 155 SLA 1970; am §§ 1, 2 ch 195 SLA 1975; am § 1 ch 30 SLA 1980; am § 21 ch 94 SLA 1980)

Effect of amendments. — The first 1980 amendment added paragraph (4) of subsection (a). The second 1980 amendment repealed subsection (b).

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* add political signs (6)²⁸

Original sponsors: Frank, Miller,
Boyer, et al.

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 448 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to outdoor political advertising;
7 and providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 15.25.030(b) is amended to read:
10 (b) A person filing a declaration of candidacy under this sec-
11 tion shall simultaneously file a statement
12 (1) of income sources and business interests which complies
13 with the requirements of AS 39.50;
14 (2) that the candidate is familiar with the provisions of
15 law regulating outdoor political advertising as prepared by the De-
16 partment of Transportation and Public Facilities.
17 * Sec. 2. AS 19.25 is amended by adding a new section to read:
18 Sec. 19.25.115. OUTDOOR POLITICAL ADVERTISING. (a) A candidate
19 for public office in the state and a group supporting or opposing a
20 candidate for public office in the state or supporting or opposing a
21 ballot proposition or question may erect temporary posters or signs on
22 private property to reflect their views if the posters and signs are
23 not in violation of AS 19.25.105(a).
24 (b) The department shall immediately remove posters or signs
25 placed on public property or placed in violation of AS 19.25.105(a)
26 and shall bill the candidate or group advertised on the sign or poster
27 for its actual costs involved in the removal of the posters or signs.
28 * Sec. 3. AS 19.25.130 is amended to read:
29 Sec. 19.25.130. PENALTY FOR VIOLATION. Except as provided in

1 (b) of this section. a [A] person who violates AS 19.25.080 - 19.25.-
2 180 [,] or a regulation adopted under them [,] is guilty of a misde-
3 meanor and upon conviction is punishable by a fine of not less than
4 \$50 nor more than \$1,000.

5 * Sec. 4. AS 19.25.130 is amended by adding a new subsection to read:

6 (b) A person who violates AS 19.25.115 or a regulation adopted
7 under it is guilty of a misdemeanor and upon conviction is punishable
8 by a fine of not less than \$250 nor more than \$1,000.

9 * Sec. 5. AS 19.25.150 is amended to read:

10 Sec. 19.25.150. UNLAWFUL ADVERTISING. A nonpolitical [AN]
11 advertising sign, display or device that [WHICH] violates the pro-
12 visions of AS 19.25.080 - 19.25.180 [THIS CHAPTER] is a public nui-
13 sance. The department shall give 30 days' notice, by certified mail,
14 to the owner of the land on which the nonpolitical advertising sign,
15 display or device is located, ordering its removal if it is prohibited
16 by AS 19.25.080 - 19.25.180 [THIS CHAPTER] or ordering the owner to
17 cause it to conform to regulations if it is authorized by AS 19.25.-
18 080 - 19.25.180 [THIS CHAPTER]. If the owner of the property fails to
19 comply within 30 days of [AS REQUIRED IN] the notice, the department
20 shall remove the outdoor advertising sign, display or device at the
21 expense of the owner of the land or the person who erected it.

22 * Sec. 6. AS 19.25.160(1) is amended to read:

23 (1) "outdoor advertising" includes any nonpolitical outdoor
24 sign, display or device used to advertise, attract attention or inform
25 and which is visible to a person on the main-traveled way of a highway
26 of the interstate, primary, or secondary systems in this state, wheth-
27 er by printing, writing, painting, picture, light, drawing, or whether
28 by the use of figures or objects, or a combination of these, or any
29 other thing designed, intended or used to advertise, inform or attract

1 attention;

2 * Sec. 7. Section 1 of this Act takes effect January 1, 1989.

3 * Sec. 8. Sections 2 - 6 of this Act take effect immediately under

4 AS 01.10.070(c).

1 IN THE HOUSE

BY FRANK, MILLER, BOYER,
DAVIS, SUND AND BROWN

2

HOUSE BILL NO. 448

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to outdoor political advertising."

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

8 * Section 1. AS 15.25.030(b) is amended to read:

9 (b) A person filing a declaration of candidacy under this sec-
10 tion shall simultaneously file a statement

11 (1) of income sources and business interests which complies
12 with the requirements of AS 39.50;

13 (2) that the candidate is familiar with the provisions of
14 law regulating outdoor political advertising as prepared by the De-
15 partment of Transportation and Public Facilities.

16 * Sec. 2. AS 19.25 is amended by adding a new section to read:

17 Sec. 19.25.115. OUTDOOR POLITICAL ADVERTISING. (a) A candidate
18 for public office in the state and a group supporting or opposing a
19 candidate for public office in the state or supporting or opposing a
20 ballot proposition or question may erect temporary posters or signs on
21 private property to reflect their views if the posters and signs are
22 not in violation of AS 19.25.105(a).

23 (b) The department shall immediately remove posters or signs
24 placed on public property or placed in violation of AS 19.25.105(a)
25 and shall bill the candidate or group advertised on the sign or poster
26 for its actual costs involved in the removal of the posters or signs.

27 * Sec. 3. AS 19.25.130 is amended to read:

28 Sec. 19.25.130. PENALTY FOR VIOLATION. Except as provided in
29 (b) of this section, a [A] person who violates AS 19.25.080 -

1 19.25.180 [,] or a regulation adopted under them [,] is guilty of a
2 misdemeanor and upon conviction is punishable by a fine of not less
3 than \$50 nor more than \$1,000.

4 * Sec. 4. AS 19.25.130 is amended by adding a new subsection to read:

5 (b) A person who violates AS 19.25.115 or a regulation adopted
6 under it is guilty of a misdemeanor and upon conviction is punishable
7 by a fine of not less than \$250 nor more than \$1,000.

8 * Sec. 5. AS 19.25.150 is amended to read:

9 Sec. 19.25.150. UNLAWFUL ADVERTISING. A nonpolitical [AN]
10 advertising sign, display or device that [WHICH] violates the pro-
11 visions of AS 19.25.080 - 19.25.180 [THIS CHAPTER] is a public rui-
12 sance. The department shall give 30 days' notice, by certified mail,
13 to the owner of the land on which the nonpolitical advertising sign,
14 display or device is located, ordering its removal if it is prohibited
15 by AS 19.25.080 - 19.25.180 [THIS CHAPTER] or ordering the owner to
16 cause it to conform to regulations if it is authorized by AS 19.25.-
17 080 - 19.25.180 [THIS CHAPTER]. If the owner of the property fails to
18 comply within 30 days of [AS REQUIRED IN] the notice, the department
19 shall remove the outdoor advertising sign, display or device at the
20 expense of the owner of the land or the person who erected it.

21 * Sec. 6. AS 19.25.160(1) is amended to read:

22 (1) "outdoor advertising" includes any nonpolitical outdoor
23 sign, display or device used to advertise, attract attention or inform
24 and which is visible to a person on the main-traveled way of a highway
25 of the interstate, primary, or secondary systems in this state, wheth-
26 er by printing, writing, painting, picture, light, drawing, or whether
27 by the use of figures or objects, or a combination of these, or any
28 other thing designed, intended or used to advertise, inform or attract
29 attention;

HB

4601

HOUSE COMMITTEE REPORT

(11)

Date referred: 4/5/88

FURTHER REFERRALS:

DATE: 4/12/88

The Finance Committee has considered HB 461

"An Act increasing the penalties for repeat convictions for the crimes of theft and concealment of merchandise."

RECOMMENDS:

- replace with: CS HB 461 (Judic.) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

ADAMS Al Adams

SWACK Charles

BOYER Mark Boyer

RIEGER Steve Rieger

FRANK Frank

POURCHOT Pat Pourchot No Ref

LARSON Donald J. Larson No Rec.

GOLL John Goll ^{no rec}

WALLIS Kay Wallis

BROWN Jack Brown

DAVIS Mike Davis

Al Adams
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act increasing the penalties for repeat convictions for the crimes..."
Sponsor: Judiciary Committee
Requestor: _____

Agency Affected: Department of Corrections
BRU: Statewide Operations

Components: Statewide Programs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	-0-	848.5	848.6	848.6	848.5	848.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	848.6	848.6	848.6	848.6	848.6
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	848.6	848.6	848.6	848.6	848.6
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	848.6	848.6	848.6	848.6	848.6

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

See Attached

Susan E. Knighton

Prepared by: Susan E. Knighton, Director

Division: Administrative Services

Phone: 465-3376

Date: 4-5-88 4-6-88

Approved by Commissioner: Susan Humphrey-Barnett

Agency: Department of Corrections

Date: 4-5-88

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 461

ANALYSIS

This proposed legislation would increase the penalties imposed on persons who are repeatedly convicted for the crimes of theft. It would have a fiscal impact on the Department of Corrections.

To determine the effect, we have analyzed recidivism data for the State of Alaska, the number of offenders in the theft categories who are being placed in the custody of the Department, the amount of jail time currently being served and the amount of jail time proposed in this legislation.

The recidivism rates are as follows:

Theft II	33%
Theft III	39%
Theft IV	74%
Concealment	68%

This fiscal note is based upon the yearly incarceration of repeat theft offenders in Restitution Centers or Community Residential Centers. They would serve 77.5 man-years more than is currently served.

Using the Anchorage daily soft bed cost of \$30.00 per day, the estimated yearly fiscal impact is \$848,625. Using the statewide average cost of \$15.00 per day, the estimated yearly fiscal impact is \$1,272,937.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act increasing the penalties for repeat convictions ... theft ..."
Sponsor: House Judiciary
Requestor: House Finance

Agency Affected: Department of Law
BRU: Prosecution
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director
Division: Administrative Services

Phone: 465-3672
Date: April 6, 1988

Approved by Commissioner: Grace Berg Schuppel
Agency: Department of Law

Date: April 6, 1988

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

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LEGISLATIVE FINANCE

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 461 . . .

The committee substitute for HB 461 amends AS 11.46 to provide stiffer penalties for third-time theft offenders. For instance, a person convicted of theft of property or services with a value of \$500 or more but less than \$25,000, normally theft in the second degree, would be guilty of theft in the first degree if the person had been convicted and sentenced on two or more separate occasions within the preceding five years for the crime of theft in the second degree. Likewise, a third conviction for a crime normally constituting theft in the third degree or a third conviction for a crime normally constituting theft in the fourth degree would result in conviction at the next higher level. As a consequence, the penalty for a third conviction normally resulting in a class C felony would be raised to a class B felony. A third conviction normally resulting in a class A misdemeanor would be raised to a class C felony. A third conviction normally resulting in a class B misdemeanor would be raised to a class A misdemeanor. Repeat offenses for the crime of concealment of merchandise would be treated in a similar manner.

Because this legislation is primarily a sentencing bill it is not expected to have a fiscal impact on the Department of Law sufficient enough to warrant fiscal note costs. Some additional prosecutor time may be required to prove the repeat status of some offenders. And because of the increased penalties, prosecutors may face a more spirited defense in some cases. For the most part, however, these are cases that the department is already handling, and an appreciable additional expense is not anticipated.

Original sponsor: Cotten

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 461 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the penalties for repeat con-
7 victions for the crimes of theft and concealment of
8 merchandise."

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

10 * Section 1. AS 11.46.120(a) is amended to read:

11 (a) A person commits the crime of theft in the first degree if
12 the person commits theft as defined in AS 11.46.100 and

13 (1) the value of the property or services is \$25,000 or
14 more; or

15 (2) the value of the property or services is \$500 or more
16 but less than \$25,000 and within the preceding five years the person
17 has been convicted and sentenced on two or more separate occasions in
18 this or another jurisdiction of a crime set out in (1) of this sub-
19 section or AS 11.46.130(a)(1) - (3) or an offense under another law or
20 ordinance with similar elements.

21 * Sec. 2. AS 11.46.130(a) is amended to read:

22 (a) A person commits the crime of theft in the second degree if
23 the person commits theft as defined in AS 11.46.100 and

24 (1) the value of the property or services is \$500 or more
25 but less than \$25,000;

26 (2) the property is a firearm or explosive; [OR]

27 (3) the property is taken from the person of another; or

28 (4) the value of the property is \$50 or more but less than
29 \$500 and within the preceding five years the person has been convicted

1 and sentenced on two or more separate occasions in this or another
2 jurisdiction of a crime set out in (1) - (3) of this subsection or
3 AS 11.46.140(a)(1) or (2) or an offense under another law or ordinance
4 with similar elements.

5 * Sec. 3. AS 11.46.140(a) is amended to read:

6 (a) A person commits the crime of theft in the third degree if
7 the person commits theft as defined in AS 11.46.100 and

8 (1) the value of the property or services is \$50 or more
9 but less than \$500; [OR]

10 (2) the property is a credit card; or

11 (3) the value of the property is less than \$50 and within
12 the past five years the person has been convicted and sentenced on two
13 or more separate occasions in this or another jurisdiction of theft or
14 an offense under another law or ordinance with similar elements.

15 * Sec. 4. AS 11.46.220(c) is amended to read:

16 (c) Concealment of merchandise is

17 (1) a class C felony if

18 (A) the merchandise is a firearm;

19 (B) [OR] the value of the merchandise is \$500 or more;

20 or

21 (C) the value of the merchandise is \$50 or more but
22 less than \$500 and within the preceding five years the person has
23 been convicted and sentenced on two or more separate occasions in
24 this or another jurisdiction of the offense of concealment of
25 merchandise that has a value of \$50 or more or an offense under
26 another law or ordinance with similar elements;

27 (2) a class A misdemeanor if

28 (A) the value of the merchandise is \$50 or more but
29 less than \$500; or

1 (B) the value of the merchandise is less than \$50 and
2 within the preceding five years the person has been convicted and
3 sentenced on two or more separate occasions of the offense of
4 concealment of merchandise in any degree or an offense under
5 another law or ordinance with similar elements;

6 (3) a class B misdemeanor if the value of the merchandise
7 is less than \$50.

8 * Sec. 5. AS 11.46 is amended by adding a new section to article 1 to
9 read:

10 Sec. 11.46.295. PRIOR CONVICTIONS. For purposes of considering
11 prior convictions in prosecuting a crime of theft under AS 11.46.-
12 120(a)(2), 11.46.130(a)(4), or 11.46.140(a)(3), or in prosecuting the
13 crime of concealment of merchandise under AS 11.46.220(c), a convic-
14 tion for an offense under another law or ordinance with similar ele-
15 ments is a conviction of an offense having elements similar to those
16 of an offense defined as such under Alaska law at the time the offense
17 was committed.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act increasing the penalties for repeat convictions for the crimes..."
Sponsor: Judiciary Committee
Requestor: _____

Agency Affected: Department of Corrections
BRU: Statewide Operations
Components: Statewide Programs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	-0-	635.1	635.1	635.1	635.1	635.1
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	635.1	635.1	635.1	635.1	635.1

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	635.1	635.1	635.1	635.1	635.1
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	635.1	635.1	635.1	635.1	635.1

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

See Attached

Susan E. Knighton

Susan E. Knighton, Director

Prepared by: _____
Division: Administrative Services

Phone: 465-3376

Date: 4-11-88

Approved by Commissioner: *Susan Humphrey-Barrett*
Agency: Department of Corrections

Date: 4-11-88

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

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page 1 of 2

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS(FIN) HB 461

ANALYSIS

This proposed legislation would increase the penalties imposed on persons who are repeatedly convicted for the crimes of theft. It would have a fiscal impact on the Department of Corrections.

To determine the effect, we have analyzed recidivism data for the State of Alaska, the number of offenders in the theft categories who are being placed in the custody of the Department, the amount of jail time currently being served and the amount of jail time proposed in this legislation.

The recidivism rates are as follows:

Theft II	33%
Theft III	39%
Theft IV	74%
Concealment	68%

This fiscal note is based upon the yearly incarceration of repeat theft offenders in Restitution Centers or Community Residential Centers. They would serve 58 man-years more than is currently served.

Using the Anchorage daily soft bed cost of \$30.00 per day, the estimated yearly fiscal impact is \$635,100. Using the statewide average cost of \$45.00 per day, the estimated yearly fiscal impact is \$952,650.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act increasing the penalties for repeat convictions for the crimes..." for Agency Affected: Department of Corrections
 Sponsor: Judiciary Committee BRU: Statewide Operations
 Requestor: _____ Components: Statewide Programs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL SUPPLIES	848.6	848.6	848.6	848.6	848.6	848.6
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	848.6	848.6	848.6	848.6	848.6	848.6
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	848.6	848.6	848.6	848.6	848.6	848.6
FEDERAL FUNDS						
OTHER						
TOTAL	848.6	848.6	848.6	848.6	848.6	848.6

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

See Attached

Susan E. Knighton

Prepared by: Susan E. Knighton, Director Phone: 465-3376
 Division: Administrative Services Date: 4-5-88
 Approved by Commissioner: Susan Humphrey-Barnett Date: 4-5-88
 Agency: Department of Corrections

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

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APR 6 1988

page 1 of 2

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 461

ANALYSIS

This proposed legislation would increase the penalties imposed on persons who are repeatedly convicted for the crimes of theft. It would have a fiscal impact on the Department of Corrections.

To determine the effect, we have analyzed recidivism data for the State of Alaska, the number of offenders in the theft categories who are being placed in the custody of the Department, the amount of jail time currently being served and the amount of jail time proposed in this legislation.

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Theft III	39%
Theft IV	74%
Concealment	68%

This fiscal note is based upon the yearly incarceration of repeat theft offenders in Restitution Centers or Community Residential Centers. They would serve 77.5 man-years more than is currently served.

Using the Anchorage daily soft bed cost of \$30.00 per day, the estimated yearly fiscal impact is \$848,625. Using the statewide average cost of \$45.00 per day, the estimated yearly fiscal impact is \$1,272,937.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act increasing the penalties for repeat convictions ... theft ..."
Sponsor: House Judiciary
Requestor: House Finance

Agency Affected: Department of Law
BRU: Prosecution
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: April 6, 1988
Approved by Commissioner: Grace Berg Schmitt Date: April 6, 1988
Agency: Department of Law

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
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LEGISLATIVE FINANCE

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 461 (1977)

The committee substitute for HB 461 amends AS 11.46 to provide stiffer penalties for third-time theft offenders. For instance, a person convicted of theft of property or services with a value of \$500 or more but less than \$25,000, normally theft in the second degree, would be guilty of theft in the first degree if the person had been convicted and sentenced on two or more separate occasions within the preceding five years for the crime of theft in the second degree. Likewise, a third conviction for a crime normally constituting theft in the third degree or a third conviction for a crime normally constituting theft in the fourth degree would result in conviction at the next higher level. As a consequence, the penalty for a third conviction normally resulting in a class C felony would be raised to a class B felony. A third conviction normally resulting in a class A misdemeanor would be raised to a class C felony. A third conviction normally resulting in a class B misdemeanor would be raised to a class A misdemeanor. Repeat offenses for the crime of concealment of merchandise would be treated in a similar manner.

Because this legislation is primarily a sentencing bill it is not expected to have a fiscal impact on the Department of Law sufficient enough to warrant fiscal note costs. Some additional prosecutor time may be required to prove the repeat status of some offenders. And because of the increased penalties, prosecutors may face a more spirited defense in some cases. For the most part, however, these are cases that the department is already handling, and an appreciable additional expense is not anticipated.

	<u>Fine</u>	(and/or)	<u>Jail Term</u>
1st degree theft = Class B felony	\$50,000		0-10 years
2nd degree theft = Class C felony	50,000		0-5 years
3rd degree theft = Class A misdemeanor	5,000		0-1 years
4th degree theft = Class B misdemeanor	1,000		0-90 days

THEFT

B felony if value of property or services is \$25,000 or more	
C felony	\$500 - 25,000
A misdemeanor	\$50 - 500
B misdemeanor	less than \$50

CONCEALMENT

C felony if the:	merchandise is a firearm
	value of the merchandise is \$500 or more
A misdemeanor if the value of the merchandise is	\$50 - 500
B misdemeanor if the value of the merchandise is	less than \$50

MEMORANDUM

State of Alaska

TO: Lisa Weissler
Legislative Aide
Representative Sam Cotten


DATE: March 7, 1988

FILE NO.:

THRU:

TELEPHONE NO.:

SUBJECT: CS HB 461

FROM: 
Dana Fabe
Public Defender

Attached please find suggested language for a Committee Substitute for HB 461. I am also enclosing a chart which will delineate the ramifications of this language. I attempted a diagram of the original language of HB 461 but it involved so many possible permutations that I found it difficult to design a clear schematic diagram.

DF:sh

Attachments

✓ cc: John Hartle, Legislative Aide
Office of Representative John Sund

RECOMMENDED CHANGE TO HB 461

PRIOR CONVICTIONS	NEW OFFENSE AND SENTENCE	ELEVATED OFFENSE AND SENTENCE
3 theft/concealment C felonies or above	C felony involving theft/ concealment	B felony
	3-year presumptive for third offense/maximum 5 years	6-year presumptive for third offense/ maximum 10 years
3 theft/concealment A misdemeanors or above	A misdemeanor involving theft/concealment	C felony
	0 - 1 year	0 - 2 years first offense 2 years presumptive second offense 3 years presumptive third offense maximum 5 years
3 theft/concealment B misdemeanors or above	B misdemeanor involving theft/concealment	A misdemeanor
	0 - 90 days	0 - 1 year

Abdulbaqui v. State, Ct. App. Op. No. 659 (File Nos. A-1297, A-1379), 728 P.2d 1211 (1986).

Where a jury instruction directed the jury to consider and decide the issue of insanity after a threshold determination of actus reus only, before any consideration of culpable mental state, the instruction diluted the state's burden of proving culpable mental state. This error in instruction required reversal of a jury finding of guilty but mentally ill and a remand for new trial. *Patterson v. State*, Ct. App. Op. No. 544 (File No. A-573), 708 P.2d 712 (1985).

Sentence upheld. — See *Kuvas v. State*, Ct. App. Op. No. 615 (File No. A-1244), 717 P.2d 855 (1986).

In at least two instances involving multiple crimes of violence committed by offenders with prior felony convictions, the court of appeals approved consecutive sentences totaling 40 years of imprisonment, while holding that imposition of additional, consecutive terms for probation violations was not warranted; for offenders convicted of multiple class A felonies, an unsuspended sentence of 40 years' imprisonment should serve as an appropriate upper limit in all but the rarest and most aggravated situations. *Davis v. State*, Ct. App. Op. No. 532 (File Nos. A-523, A-528), 706 P.2d 1198 (1985).

Lesser included offense. — Under the cognate approach, joyriding was a lesser included offense of robbery, since an element of robbery is the unauthorized taking or attempted taking of property; and joyriding is the unauthorized taking of a vehicle. *Minano v. State*, Ct. App. Op. No. 420 (File Nos. 7812, 7868), 690 P.2d 28 (1984), rev'd on other grounds, Sup. Ct. Op. No. 3006 (File No. S-736), 710 P.2d 1013 (1985).

Applied in *Dunbar v. State*, Ct. App. Op. No. 347 (File No. 7049), 677 P.2d 1275 (1984).

Cited in *Lloyd v. State*, Ct. App. Op. No. 307 (File No. 7393), 672 P.2d 152 (1983); *Dailey v. State*, Ct. App. Op. No. 329 (File No. 7128), 675 P.2d 657 (1984); *State v. Burdine*, Ct. App. Op. No. 462 (File No. A-678), 698 P.2d 1216 (1985); *Coney v. State*, Ct. App. Op. No. 471 (File Nos. 7456, 7471), 699 P.2d 899 (1985).

II. FORMER LAW.

Gravity of crime.

In prosecution for both robbery and as-

sault, failure to give an instruction on a lesser included offense of joyriding was not harmless error and the court of appeals therefore reversed defendants' convictions for first-degree robbery and remanded for a new trial. *Minano v. State*, Ct. App. Op. No. 420 (File Nos. 7812, 7868), 690 P.2d 28 (1984), rev'd on other grounds, Sup. Ct. Op. No. 3006 (File No. S-736), 710 P.2d 1013 (1985).

No instruction regarding second-degree robbery was required where the fact that a deadly weapon was used was not disputed. The only issue was whether the defendant had participated in the robbery. *Abdulbaqui v. State*, Ct. App. Op. No. 659 (File Nos. A-1297, A-1379), 728 P.2d 1211 (1986).

Conviction and sentence for kidnapping, assault in the first degree, misconduct involving weapons in the first degree and robbery in the first degree were affirmed. See *Wortham v. State*, Sup. Ct. Op. No. 414 (File No. 7353), 689 P.2d 1133 (1984).

Conviction and sentence upheld. — See *Contreras v. State*, Ct. App. Op. No. 328 (File Nos. 6797-6799), 675 P.2d 654 (1984).

Conviction reversed. — Defendant's inability to question codefendant fully as to bias constituted a deprivation of defendant's right to confrontation, requiring reversal of the conviction. *Jackson v. State*, Ct. App. Op. No. 442 (File No. 7214), 695 P.2d 227 (1985).

Sentence for burglary, robbery and assault held excessive. — See *Larson v. State*, Ct. App. Op. No. 403 (File No. 6179), 688 P.2d 592 (1984).

Remand for resentencing. — The sentencing judge erred in applying AS 12.55.155(c)(20) as an aggravating factor in setting the defendant's sentence where the defendant was on probation for offenses that were felonies in Oregon but were not felonies under Alaska law. *Kuvas v. State*, Ct. App. Op. No. 450 (File No. A-547), 698 P.2d 684 (1985).

Trial judge did not err in allowing admission of evidence of flight and in instructing jury that flight may be considered as evidence of consciousness of guilt. *Lipscomb v. State*, Ct. App. Op. No. 477 (File Nos. A-67/68), 700 P.2d 1298 (1985).

Sentence upheld. — See *Lipscomb v. State*, Ct. App. Op. No. 477 (File Nos. A-67/68), 700 P.2d 1298 (1985).

Sec. 11.41.510. Robbery in the second degree.

NOTES TO DECISIONS

Sentence affirmed. — See *Solomon v. State*, Ct. App. Op. No. 670 (File No. A-1689), 730 P.2d 809 (1987).

Conviction and sentence affirmed. — See *Roberts v. State*, Ct. App. Op. No. 355 (File No. 7350), 680 P.2d 503 (1984).

Conviction reversed where assault in the fourth degree was a lesser offense necessarily included in the offense charged, robbery in the second degree; since there was at least some evidence presented at trial to justify a finding that the defendant was guilty of assault but not of rob-

bery, a lesser included offense instruction on assault was required. *Marker v. State*, Ct. App. Op. No. 432 (File No. 7681), 692 P.2d 977 (1984).
Applied in *Abdulbaqui v. State*, Ct. App. Op. No. 659 (File Nos. A-1297, A-1379), 728 P.2d 1211 (1986).
Quoted in *Minano v. State*, Ct. App. Op. No. 420 (File Nos. 7812, 7868), 690 P.2d 28 (1984).
Cited in *Nighawong v. State*, Ct. App. Op. No. 362 (File No. A-369), 680 P.2d 105 (1984).

Chapter 46. Offenses Against Property.

Article 1. Theft and Related Offenses.

Section

200. Theft of services

Sec. 11.46.100. Theft defined.

NOTES TO DECISIONS

I. General Consideration.

I. GENERAL CONSIDERATION.

Applied in *Corbin v. State*, Ct. App. Op. No. 310 (File No. 7010), 672 P.2d 156 (1983).

Cited in *Harris v. State*, Ct. App. Op. No. 346 (File No. 8580), 678 P.2d 397 (1984); *Garroutte v. State*, Ct. App. Op.

No. 372 (File No. 7457), 683 P.2d 282 (1984); *Ridgely v. State*, Ct. App. Op. No. 503 (File Nos. A-30, A-43, A-56), 705 P.2d 924 (1985); *Jones v. State*, Ct. App. Op. No. 622 (File No. A-985), 719 P.2d 265 (1986); *Hads v. State*, Ct. App. Op. No. 650 (File No. A-1613), 727 P.2d 11 (1986).

Sec. 11.46.120. Theft in the first degree.

Cross references. — For additional penalty when theft is of commercial fishing gear, see AS 16.05.710(b).

NOTES TO DECISIONS

Sentence upheld.

The evidence was sufficient to uphold the sentence. *Short v. State*, Ct. App. Op. No. 342 (File No. A-14), 676 P.2d 612 (1984).

Sentence of 10 years' imprisonment with five years suspended imposed upon a

defendant employee convicted of embezzlement for money taken before and after January 1, 1980, the effective date for the revised criminal code, was upheld because of the exceptional magnitude and manner of the theft where a trusted employee embezzled over \$358,000 in more than 60

Sec. 11.46.200. Theft of services. (a) A person commits theft of services if

(1) the person obtains services, known by that person to be available only for compensation, by deception, force, threat, or other means to avoid payment for the services;

(2) having control over the disposition of services of others to which the person is not entitled, the person knowingly diverts those services to the person's own benefit or to the benefit of another not entitled to them; or

(3) the person obtains the use of computer time, a computer system, a computer program, a computer network, or any part of a computer system or network, with reckless disregard that the use by that person is unauthorized.

(b) Absconding without paying for hotel, restaurant, or other services for which compensation is customarily paid immediately upon the receiving of them is prima facie evidence that the services were obtained by deception.

(c) A person may not be prosecuted under this section for theft of cable, microwave, subscription, or pay television or other telecommunications service if the service was obtained through the use of a device designed and used to intercept electromagnetic signals directly from a satellite, including a device commonly referred to as a home earth station. (§ 4 ch 166 SLA 1978; am § 1 ch 79 SLA 1984; am § 1 ch 114 SLA 1984)

Effect of amendments. — The first technical changes in paragraphs (1) and 1984 amendment, in subsection (a), added (2). The second 1984 amendment added subsection (c) and made a series of related

Sec. 11.46.270. Unlawful possession.

NOTES TO DECISIONS

Cited in *Christianson v. State*, Ct. App. Op. No. 696 (File No. A-1570), P.2d (1987).

Sec. 11.46.280. Issuing a bad check.

NOTES TO DECISIONS

Sentence upheld. See *Gant v. State*, Ct. App. Op. No. 576 (File No. A-1059), 712 P.2d 908 (1986). Cited in *Winfrey v. State*, Ct. App. Op. No. 378 (File No. A-156), 883 P.2d 284 (1984).

Article 2. Burglary and Criminal Trespass.

Sec. 11.46.300. Burglary in the first degree.

NOTES TO DECISIONS.

I. General Consideration.

I. GENERAL CONSIDERATION.

Fishing vessel, as "dwelling." — A jury could properly find beyond any reasonable doubt that a fishing vessel is a "dwelling." *Shoemaker v. State*, Ct. App. Op. No. 605 (File No. A-1011), 715 P.2d 391 (1986).

The offense of burglary does not merge with the offense of theft. *Reynolds v. State*, Ct. App. Op. No. 534 (File No. A-811), 706 P.2d 708 (1985).

Conviction reversed where evidence of defendant's silence was not harmless beyond a reasonable doubt. — See *Reynolds v. State*, Ct. App. Op. No. 534 (File No. A-811), 706 P.2d 708 (1985).

Similarities between a defendant's former burglaries and the offense at hand were not substantial enough to overcome the presumption against admissibility established in *Oksohtaruk*; the trial judge erred in allowing the state to show the defendant's prior burglary admissions. *Beekman v. State*, Ct. App. Op. No. 531 (File No. A-500), 706 P.2d 704 (1985).

Conviction and sentence upheld. — See *Contreras v. State*, Ct. App. Op. No. 328 (File Nos. 6797-6799), 675 P.2d 654 (1984).

Sentence upheld. Where the defendant committed the nighttime burglary of an occupied home and the occupant suffered severe emotional trauma, a sentence of five years' imprisonment, with two and one-half year suspended, a five-year period of probation and an order to make restitution was upheld. *Parker v. State*, Ct. App. Op. No. 579 (File Nos. A-1138, A-1181), 714 P.2d 802 (1986).

Though the defendant committed the nighttime burglary of an occupied home and the occupant suffered severe emo-

tional trauma, a suspended sentence of five years, with probation for five years and requiring successful completion of a residential substance abuse treatment program, was approved where the defendant was making substantial progress in a residential substance abuse treatment program. *Parker v. State*, Ct. App. Op. No. 579 (File Nos. A-1138, A-1181), 714 P.2d 802 (1986).

Concurrent six-year terms with two years suspended for two burglaries and a consecutive two-year term for weapons misconduct were not excessive. *Ecklund v. State*, Ct. App. Op. No. 663 (File No. A-1416), 730 P.2d 161 (1986).

Sentence held excessive. — See *Maal v. State*, Ct. App. Op. No. 295 (File No. 7076), 670 P.2d 708 (1983); *Wood v. State*, Ct. App. Op. No. 574 (File No. A-747), 712 P.2d 420 (1986); *West v. State*, Ct. App. Op. No. 663 (File No. A-1461), P.2d (1986).

Sentence for burglary, robbery and assault held excessive. — See *Larson v. State*, Ct. App. Op. No. 403 (File No. 6179), 688 P.2d 592 (1984); *Hansen v. State*, Ct. App. Op. No. 218 (File No. 6965), 657 P.2d 862 (1983).

Applied in *Huitt v. State*, Ct. App. Op. No. 348 (File No. 7141), 678 P.2d 415 (1984).

Quoted in *Roberts v. State*, Ct. App. Op. No. 355 (File No. 7350), 680 P.2d 603 (1984).

Cited in *Dexter v. State*, Ct. App. Op. No. 302 (File No. 6741), 672 P.2d 144 (1983); *Dodd v. State*, Ct. App. Op. No. 398 (File No. A-271), 686 P.2d 737 (1984); *Ridgely v. State*, Ct. App. Op. No. 503 (File No. A-30, A-43, A-56), 705 P.2d 924 (1985); *Crouse v. State*, Ct. App. Op. No. 704 (File No. A-1800), P.2d (1987).

thefts over a two-year period; the sentence facilitated reaffirmation of societal norms and deterrence. *Karr v. State*, Sup. Ct. Op. No. 2848 (File No. 7011), 686 P.2d 1192 (1984).

Sentence held too lenient. — Where an office manager stole approximately \$115,000 between January, 1979 and April, 1982, a sentence of five years, all suspended, for a period of ten years was held too lenient despite the fact that the defendant had no prior criminal record, was apparently very repentant, had made

Sec. 11.46.130. Theft in the second degree.

Cross references. — For additional penalty when theft is of commercial fishing gear, see AS 16.05.710(b).

NOTES TO DECISIONS

For effect of failure to explain statutory definition of recklessness on plea of nolo contendere to theft by receiving in second degree, see *Bratcher v. State*, Ct. App. Op. No. 368 (File No. 7113), 681 P.2d 358 (1984).

Lesser included offense of robbery. — For discussion of theft as a lesser included offense of robbery, see *Minano v. State*, Ct. App. Op. No. 420 (File Nos. 7812, 7868), 696 P.2d 28 (1984), rev'd on other grounds, Sup. Ct. Op. No. 3006 (File No. 9-736), 710 P.2d 1013 (1985).

Conviction reversed. — See *Ace v. State*, Ct. App. Op. No. 311 (File No. 7077), 672 P.2d 159 (1983).

Sentence clearly mistaken. — First felony offender convicted of four counts of theft in the second degree for numerous thefts of crab pots should not have received a sentence greater than five years with two years suspended, even though the trial judge could find that the theft offenses were particularly serious and that the defendant was convicted for failure to appear for trial and had prior misdemeanor convictions. *Thomas v. State*, Ct. App. Op. No. 549 (File No. A-721), 710 P.2d 1017 (1985).

Special condition of probation unjustified. — Condition of probation prohibiting felon convicted of numerous thefts of crab pots from engaging in any aspect of commercial fishing was far too broad where commercial fishing was his primary means of livelihood. *Thomas v. State*, Ct. App. Op. No. 549 (File No. A-721), 710 P.2d 1017 (1985).

substantial efforts toward restitution, had lost his insurance licenses and was faced with a substantial fine. *State v. Karnos*, Ct. App. Op. No. 449 (File No. A-364), 696 P.2d 685 (1985).

Cited in *Lindsay v. State*, Ct. App. Op. No. 458 (File No. A-212), 698 P.2d 659 (1985); *Christianson v. State*, Ct. App. Op. No. 698 (File No. A-1670), P.2d (1987); *Kramer v. State*, Ct. App. Op. No. 698 (File No. A-1788), 735 P.2d 754 (1987).

Sentence upheld. — See *Montes v. State*, Ct. App. Op. No. 289 (File No. 6403), 669 P.2d 981 (1983); *Ewell v. State*, Ct. App. Op. No. 662 (File No. A-1349), 730 P.2d 164 (1988).

Imposition of two three-year concurrent sentences with one year suspended for forging fraudulent permanent fund applications and fraudulently obtaining fund checks was affirmed where the trial judge found that the crimes were easy to commit, difficult to detect and generated a substantial income; if the defendant had been subject to presumptive sentencing, the defendant's multiple acts of theft, which extended over a substantial period of time and required numerous separate intents to steal, coupled with generally fraudulent behavior, might have warranted referral of the case to a three-judge sentencing panel for consideration of a more severe sentence; and the defendant's consistent pattern of deceptive behavior in dealing with former employers and with the state probation officer strongly militated against her potential for rehabilitation. *Hads v. State*, Ct. App. Op. No. 650 (File No. A-1613), 727 P.2d 11 (1986).

Applied in *Carbin v. State*, Ct. App. Op. No. 310 (File No. 7010), 672 P.2d 156 (1983); *Elerson v. State*, Ct. App. Op. No. 679 (File No. A-1425), P.2d (1987).

Cited in *Walsh v. State*, Ct. App. Op. No. 338 (File No. 7887), 677 P.2d 912 (1984); *Garroutte v. State*, Ct. App. Op. No. 372 (File No. 7457), 683 P.2d 262 (1984); *Winfree v. State*, Ct. App. Op. No. 378 (File No. A-156), 683 P.2d 284 (1984);

Brown v. State, Ct. App. Op. No. 380 (File No. 7358), 684 P.2d 874 (1984); *Ridgely v. State*, Ct. App. Op. No. 503 (File No. A-30, A-43, A-56), 705 P.2d 924 (1985); *Trudeau*

v. State, Ct. App. Op. No. 581 (File No. A-730), 714 P.2d 362 (1986); *Jones v. State*, Ct. App. Op. No. 622 (File No. A-965), 719 P.2d 265 (1988).

Sec. 11.46.140. Theft in the third degree.

NOTES TO DECISIONS

Conviction reversed. — See *Ace v. State*, Ct. App. Op. No. 311 (File No. 7077), 672 P.2d 159 (1983).

Sec. 11.46.150. Theft in the fourth degree.

NOTES TO DECISIONS

Cited in *Arabie v. State*, Ct. App. Op. No. 472 (File No. A-139), 699 P.2d 890 (1985).

Sec. 11.46.180. Theft by deception.

NOTES TO DECISIONS

Conviction reversed because of prosecutorial misconduct. — See *Fritchard v. State*, Ct. App. Op. No. 319 (File No. 6934), 673 P.2d 291 (1983).

Applied in *Linne v. State*, Ct. App. Op. No. 324 (File No. 6632), 674 P.2d 1345 (1983).

Sec. 11.46.190. Theft by receiving.

NOTES TO DECISIONS

I. General Consideration.

I. GENERAL CONSIDERATION.

Intent to deprive owner of property.

The secondary intent requirement for theft by receiving should properly focus on the intent of the accused toward the stolen property, and not on his intent toward the owner of that property. *Ace v. State*, Ct. App. Op. No. 311 (File No. 7077), 672 P.2d 159 (1983).

For effect of failure to explain statutory definition of recklessness on plea of nolo contendere to theft by receiving in second degree, see *Bratcher v. State*, Ct. App. Op. No. 368 (File No. 7113), 678 P.2d 897 (1984).

Evidence held relevant. — Evidence that two loaded handguns were found under the seat of the pickup truck that defendant was driving on the night of the

offense was held relevant since it tended to undercut defendant's defense based on lack of knowledge by indicating that he was not simply a casual occupant of the truck and the guns further supported the state's theory that defendant and co-defendant were using the truck to commit the theft. *Garroutte v. State*, Ct. App. Op. No. 372 (File No. 7457), 683 P.2d 262 (1984).

Sentence upheld. — See *Garroutte v. State*, Ct. App. Op. No. 372 (File No. 7457), 683 P.2d 262 (1984).
Quoted in *Harris v. State*, Ct. App. Op. No. 346 (File No. 6580), 678 P.2d 397 (1984).

Cited in *Brown v. State*, Ct. App. Op. No. 380 (File No. 7358), 684 P.2d 874 (1984); *Lindsay v. State*, Ct. App. Op. No. 458 (File No. A-212), 698 P.2d 659 (1985).

Sec. 11.41.530. Coercion. (a) A person commits the crime of coercion if the person compels another to engage in conduct from which there is a legal right to abstain or abstain from conduct in which there is a legal right to engage, by means of instilling in the person who is compelled a fear that, if the demand is not complied with, the person who makes the demand or another may

(1) inflict physical injury on anyone, except under circumstances constituting robbery in any degree, or commit any other crime;

(2) accuse anyone of a crime;

(3) expose confidential information or a secret, whether true or false, tending to subject a person to hatred, contempt, or ridicule or to impair the person's credit or business repute;

(4) take or withhold action as a public servant or cause a public servant to take or withhold action;

(5) bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the person making the threat or suggestion purports to act;

(6) testify or provide information or withhold testimony or information with respect to a person's legal claim or defense.

(b) It is a defense to a prosecution under (a)(2), (3), or (4) of this section that the defendant reasonably believed that the accusation or exposure was true or that the lawsuit or other invocation of official action was justified and that the defendant's sole intent was to compel the victim to take reasonable action to correct the wrong that is the subject of the accusation, exposure, lawsuit, or invocation of official action or to refrain from committing an offense.

(c) Coercion is a class C felony. (§ 3 ch 166 SLA 1978)

Collateral references. — 13 Am. Jur. 4, Extortion, Blackmail, and Threats, §§ 8-13; 52 Am. Jur. 2d, Malicious Mischief, § 1 et seq.

86 C.J.S., Threats and Unlawful Communications, §§ 1-26.

Innocence of the person threatened as

affecting rights or remedies in respect to contracts made or money paid to prevent or suppress a criminal prosecution, 17 ALR 325.

Coercion, compulsion, or duress as defense to charge of robbery, larceny, or related crime, 1 ALR4th 481.

Chapter 45. Offenses Against the Public Peace.

Repealed, § 21 ch 166 SLA 1978. For similar law, see AS 11.61.100 — 11.61.160 and 11.66.270.]

Chapter 46. Offenses Against Property.

Article

1. Theft and Related Offenses (§§ 11.46.100 — 11.46.290)

2. Burglary and Criminal Trespass (§§ 11.46.300 — 11.46.350)

Article

3. Arson, Criminal Mischief, and Related Offenses (§§ 11.46.400 — 11.46.490)

4. Forgery and Related Offenses (§§ 11.46.500 — 11.46.580)

5. Business and Commercial Offenses (§§ 11.46.600 — 11.46.780)

6. General Provisions (§§ 11.46.880 — 11.46.990)

Article 1. Theft and Related Offenses

Section

100. Theft defined

110. Consolidation of theft offenses:

Pleading and proof

120. Theft in the first degree

130. Theft in the second degree

140. Theft in the third degree

150. Theft in the fourth degree

160. Theft of lost or mislaid property

180. Theft by deception

190. Theft by receiving

200. Theft of services

Collateral references. — 50 Am. Jur. 2d, Larceny, § 1 et seq.

52 C.J.S., Larceny, § 1 et seq.

Outlawed liquors as subject of larceny or kindred offenses, 11 ALR 1032; 75 ALR 1479.

Intent to convert property to one's own use or to the use of third person as element of larceny, 12 ALR 804.

Larceny or embezzlement as affected by purpose to take or retain property in payment of, or as security for, a claim, 13 ALR 142; 116 ALR 997.

Larceny or embezzlement by appropriating money or proceeds of paper mistakenly delivered in excess of the amount due or intended, 14 ALR 894.

Effect of participation by spouse of owner in, or consent to, taking of property, 14 ALR 1271.

What amounts to asportation which will support charge of larceny, 19 ALR 724; 144 ALR 1383.

Duty of depositor to report loss or theft of unsigned check, 26 ALR 613.

Assisting in transportation or disposal of property known to have been stolen as rendering one guilty of larceny, 29 ALR 1031.

Purchase of property on credit without intending to pay for it as larceny, 35 ALR 1336.

Retaking of money lost at gambling as robbery or larceny, 35 ALR 1461; 42 ALR 741; 116 ALR 997.

Larceny by finder of property, 38 ALR 372.

Section

210. Theft by failure to make required disposition of funds received or held

220. Concealment of merchandise

230. Reasonable detention as defense

260. Removal of identification marks

270. Unlawful possession

280. Issuing a bad check

285. Fraudulent use of a credit card

290. Obtaining a credit card by fraudulent means

Acceptance of defendant's note or other contractual obligation as affecting charge of embezzlement or larceny, 70 ALR 208.

Dogs as subject of larceny, 92 ALR 212.

Electrical energy, gas, water, heat, power, etc., as subject of larceny, 118 ALR 1282.

Larceny as affected by distinction between custody and possession, 125 ALR 367.

Larceny of real property or things favoring of real property, 131 ALR 148.

Single or separate larceny predicated upon a series of acts over a period of time, 136 ALR 948.

Distinction between larceny and embezzlement, 146 ALR 582.

Knowledge imputed to reasonable man as test of knowledge of defendant in prosecution for larceny or receiving stolen property, 147 ALR 1058.

Charge of larceny or receiving stolen goods predicated upon taking or appropriation of waste paper or other articles deposited in street with intention to donate to patriotic or other cause, 156 ALR 631.

Rights of owner of stolen money as against one who won it in gambling transaction from thief, 44 ALR2d 1242.

Gambling or lottery paraphernalia as subject of larceny, 51 ALR2d 1396.

Cat as subject of larceny, 73 ALR2d 1039.

Stealing carcass as within statute making it larceny to steal cattle or livestock, 78 ALR2d 1100.

Taking, and pledging or pawning, another's property as larceny, 82 ALR2d 863.
Stolen money or property as subject of larceny, 89 ALR2d 1435.

Larceny in connection with application for, or receipt of, public relief or welfare payments, 82 ALR2d 429.

Attempts to commit offenses of larceny by trick, confidence game, false pretenses, and the like, 6 ALR3d 241.

Entrapment or consent, 10 ALR3d 1121.

Computer programs as property subject to theft, 18 ALR3d 1121.

Single or separate larceny predicated upon stealing property from different owners at the same time, 37 ALR3d 1407.

Criminal liability in connection with rental of motor vehicles, 38 ALR3d 949.

Purse snatching as robbery or theft, 42 ALR3d 1281.

Criminal prosecution based upon breaking into or taking money or goods from vending machine or other coin operated machine, 45 ALR3d 1286.

Series of takings over a period of time as involving single or separate larcenies, 53 ALR3d 398.

Larceny as within disorderly conduct statute or ordinance, 71 ALR3d 1166.

What constitutes larceny "from a person," 74 ALR3d 271.

Receiver of stolen goods as accomplice of thief for purposes of corroboration, 74 ALR3d 560.

What conduct amounts to an overt act or acts done toward commission of larceny so as to sustain charge of attempt to commit larceny, 76 ALR3d 842.

Retaking of money lost at gambling as robbery or larceny, 77 ALR3d 1363.

Criminal liability for wrongfully obtaining unemployment benefits, 80 ALR3d 1280.

Embezzlement, larceny, false pretenses or allied criminal fraud by a partner, 82 ALR3d 822.

Coercion, compulsion, or duress as defense to charge of robbery, larceny, or related crime, 1 ALR4th 481.

Retailer's failure to pay to government sales or use tax funds as constituting larceny or embezzlement, 8 ALR4th 1068.

had not received the property from anyone. *Williams v. State*, Ct. App. Op. No. 106 (File No. 5993), 648 P.2d 603 (1982). *Gant v. State*, Ct. App. Op. No. 171 (File No. 6161), 654 P.2d 1325 (1982).

Applied in *Andrew v. State*, Ct. App. Op. No. 164 (File No. 6468), 653 P.2d 1063 (1982).

Quoted in *Frankson v. State*, Ct. App. Op. No. 92 (File No. 6029), 646 P.2d 225 (1982).

Cited in *Law v. State*, Sup. Ct. Op. No. 2301 (File No. 4552), 624 P.2d 284 (1981); *Leuch v. State*, Sup. Ct. Op. No. 2419 (File No. 5255), 633 P.2d 1006 (1981); *Namen v. State*, Ct. App. Op. No. 264 (File No. 5662), 665 P.2d 557 (1983).

II. LARCENY.

Editor's notes. — The cases cited in the notes below were primarily decided under former AS 11.20.140.

The "property of another" phrase in larceny statutes ordinarily refers to possession, not title, because the gravamen of the offense is the interference with another's possession of property. *Pulakis v. State*, Sup. Ct. Op. No. 649 (File No. 1108), 476 P.2d 474 (1970).

Proof of ownership not required. — The state need not prove, as an essential element of the crime of larceny, ownership of the property allegedly stolen. *Pulakis v. State*, Sup. Ct. Op. No. 649 (File No. 1108), 476 P.2d 474 (1970).

The property in question must belong to another person. *Howard v. State*, Sup. Ct. Op. No. 1707 (File No. 3089), 583 P.2d 827 (1978).

Effect of owner's consent. — Proof of the owner's or possessor's consent to the taking would render the taking nontrespassory, and there could be no larceny conviction. Nevertheless, proof of nonconsent need not be by direct evidence only. *Randall v. State*, Sup. Ct. Op. No. 1691 (File No. 3260), 583 P.2d 196 (1978).

Establishing nonconsent. — Nonconsent of the owner or possessor of the item taken may be established by circumstantial evidence. *Randall v. State*, Sup. Ct. Op. No. 1691 (File No. 3260), 583 P.2d 196 (1978).

Definition of "goods" under former larceny statute. — Natural gas was included within the meaning of the word "goods." *Selman v. State*, Sup. Ct. Op. No. 302 (File No. 527), 406 P.2d 181 (1965), overruled on other grounds in *Whitton v. State*, Sup. Ct. Op. No. 661 (File No. 1153), 479 P.2d 302 (1970).

Electricity is included within the meaning of the word "goods." *Selman v. State*, Sup. Ct. Op. No. 302 (File No. 527), 406 P.2d 181 (1965), overruled on other grounds in *Whitton v. State*, Sup. Ct. Op. No. (File No. 1153), 479 P.2d 302 (1970).

Electricity can be the subject of larceny. *Selman v. State*, Sup. Ct. Op. No. 302 (File No. 527), 406 P.2d 181 (1965), overruled on other grounds in *Whitton v. State*, Sup. Ct. Op. No. (File No. 1153), 479 P.2d 302 (1978).

Former section required felonious intent on which to base a conviction. *Bowlby v. Daniels*, 17 Alaska 768 (1958).

Grand larceny was a specific intent crime. *Howard v. State*, Sup. Ct. Op. No. 1707 (File No. 3089), 583 P.2d 827 (1978).

A necessary element of the crime of grand larceny was that defendant have the specific intent to deprive the owner of his property at the time the taking and carrying away takes place, and unless such intent so exists, the crime of larceny is not committed. *Howard v. State*, Sup. Ct. Op. No. 1707 (File No. 3089), 583 P.2d 827 (1978).

Property stolen need not be for use of thief. — Nothing on the face of the former larceny section stated that the stolen property had to have been stolen for the use of the thief. *Perkins v. United States*, 16 Alaska 471, 237 F.2d 857 (9th Cir. 1956).

The wrongful taking of property of another constituted larceny although not shown to be conversion for the use of the thief. *Perkins v. United States*, 16 Alaska 471, 237 F.2d 857 (9th Cir. 1956).

Larceny of electricity and diversion of electricity not the same. — A count charging larceny of electricity under the former larceny section was not a duplication of a charge contained in a count of unauthorized use or diversion of electricity under AS 42.20.030. *Selman v. State*, Sup. Ct. Op. No. 302 (File No. 527), 406 P.2d 181 (1965), overruled on other grounds in *Whitton v. State*, Sup. Ct. Op. No. 661 (File No. 1153), 479 P.2d 302 (1970).

As the former required proof of intent. — Where a count charged larceny of electricity, the state was obligated to prove a taking of electric current with the intent to permanently deprive the owner thereof. *Selman v. State*, Sup. Ct. Op. No. 302 (File No. 527), 406 P.2d 181 (1965), overruled on other grounds in *Whitton v. State*, Sup. Ct. Op. No. (File No. 1153), 479 P.2d 302 (1970).

Conviction for grand larceny and removal of aircraft parts did not

Sec. 11.46.100. Theft defined. A person commits theft if

- (1) with intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another;
- (2) the person commits theft of lost or mislaid property under AS 11.46.160;
- (3) the person commits theft by deception under AS 11.46.180;
- (4) the person commits theft by receiving under AS 11.46.190;
- (5) the person commits theft of services under AS 11.46.200;
- (6) the person commits theft by failure to make required disposition of funds received or held under AS 11.46.210. (§ 4 ch 166 SLA 1978)

Cross references. — For definitions, see AS 11.46.990.

NOTES TO DECISIONS

- I. General Consideration.
- II. Larceny.

I. GENERAL CONSIDERATION.

Indictment sufficient. — Indictment charging defendant with theft adequately informed him of offense with which he was charged, although it did not allege a specific theory of theft. *Williams v. State*,

Ct. App. Op. No. 106 (File No. 5993), 648 P.2d 603 (1982).

Receiving stolen property. — It was not error to instruct on offense of receiving stolen property, even though evidence tended to show that he was the thief and

opportunity double jeopardy. — See *Collett v. State*, Sup. Ct. Op. No. 1752 (File No. 3213), 585 P.2d 553 (1978).

Larceny of salmon from fish trap. — In a prosecution for larceny of salmon from a fish trap the question of whether there was ownership in the fish depended upon proofs at the trial since the fish when reduced to possession were subject to ownership. *Klemm v. United States*, 22 F.2d 977 (9th Cir. 1927).

Sufficiency of evidence. — The prosecution's evidence, which sufficiently established that the ring in question was taken without the consent of its possessor, was sufficient under Alaska's larceny statutes. *Pulakis v. State*, Sup. Ct. Op. No. 649 (File No. 1108), 476 P.2d 474 (1970). See *Howard v. State*, Sup. Ct. Op. No. 1707 (File No. 3089), 583 P.2d 827 (1978).

There was ample circumstantial evidence to support a finding by the jury that defendant took the item stolen from a truck without consent of the possessor where the evidence showed the stealthful manner of the taking, defendant's leaving the box containing the item at an elevator upon his discovery by a security guard, defendant's flight, and the terms upon which the owner of the truck loaned his truck to the possessor. *Randall v. State*, Sup. Ct. Op. No. 1691 (File No. 3260), 583 P.2d 198 (1978).

Sentence upheld. — See *Morgan v. State*, Sup. Ct. Op. No. 1684 (File No. 3179), 582 P.2d 1030 (1978); *Gottschalk v. State*, Sup. Ct. Op. No. 1961 (File No. 3721), 602 P.2d 448 (1979), cert. denied, 447 U.S. 920, 100 S. Ct. 3010, 65 L. Ed. 2d 1114 (1980); *Larson v. State*, Sup. Ct. Op.

No. 2122 (File No. 4473), 613 P.2d 1251 (1980); *Smith v. State*, Sup. Ct. Op. No. 2314 (File No. 5227), 825 P.2d 310 (1981); *Hicks v. State*, Ct. App. Op. No. 29 (File No. 5303), 636 P.2d 81 (1981).

Sentence for grand larceny upheld. — See *Williams v. State*, Sup. Ct. Op. No. 2147 (File No. 3901), 614 P.2d 1384 (1980); *Sundberg v. State*, Ct. App. Op. No. 142 (File No. 6322), 652 P.2d 113 (1982).

Sentence reversed. — See *Law v. State*, Sup. Ct. Op. No. 2301 (File No. 4552), 624 P.2d 284 (1981).

For cases construing former AS 11.20.150, relating to larceny in building or vessel, see *Widemyre v. State*, Sup. Ct. Op. No. 122 (File No. 243), 377 P.2d 536 (1963); *Mahle v. State*, Sup. Ct. Op. No. 218 (File No. 433), 392 P.2d 19 (1964); *Stewart v. State*, Sup. Ct. Op. No. 457 (File No. 825), 438 P.2d 387 (1968); *Sidney v. State*, Sup. Ct. Op. No. 607 (File No. 1146), 488 P.2d 980 (1979); *Pulakis v. State*, Sup. Ct. Op. No. 649 (File No. 1108), 476 P.2d 474 (1970); *Mead v. State*, Sup. Ct. Op. No. 731 (File Nos. 1225, 1281), 489 P.2d 738 (1971); *State v. Wortham*, Sup. Ct. Op. No. 1171 (File No. 2452), 537 P.2d 1117 (1975); *State v. Taylor*, Sup. Ct. Op. No. 1457 (File No. 3119), 566 P.2d 1016 (1977); *Hansen v. State*, Sup. Ct. Op. No. 1689 (File No. 3412), 582 P.2d 1041 (1978); *Hunter v. State*, Sup. Ct. Op. No. 1800 (File No. 3557), 590 P.2d 888 (1979); *Gant v. State*, Ct. App. Op. No. 171 (File No. 6161), 654 P.2d 1325 (1982).

Applied in *Andrew v. State*, Ct. App. Op. No. 164 (File No. 6468), 653 P.2d 1063 (1982).

Sec. 11.4.110. Consolidation of theft offenses: Pleading and proof. (a) Each instance of conduct defined as theft under AS 11.46.100 constitutes theft in the first, second, third, or fourth degree.

(b) An accusation of theft is sufficient if it alleges that the defendant committed theft of property or services of the nature or value required for the commission of the crime charged without designating the particular way or manner in which the theft was committed.

(c) Proof that the defendant engaged in conduct constituting theft as defined in AS 11.46.100 is sufficient to support a conviction based upon any indictment, information, or complaint for theft. (§ 4 ch 166 SLA 1978)

NOTES TO DECISIONS

Editor's notes. — Most of the cases cited in the notes below were decided under former AS 11.20.140.

Aiding and abetting conviction precludes receiving stolen property conviction. — Defendant who was convicted strictly on a theory of aiding or abetting a theft offense could not also be convicted of receiving or concealing the same stolen property. *Sundberg v. State*, Ct. App. Op. No. 22 (File No. 5270), 636 P.2d 619 (1981).

Sufficiency of indictment. — Indictment charging defendant with theft adequately informed him of offense with which he was charged, although it did not allege a specific theory of theft. *Williams v. State*, Ct. App. Op. No. 105 (File No. 5993), 648 P.2d 603 (1982).

An indictment under the former larceny section was held sufficient if as a practical matter it stated the elements of the offense clearly enough to enable the defense to prepare for trial and to plead a judgment in bar of a future prosecution for the same offense. Prejudice to the defendant was a controlling consideration. *Stapleton v. United States*, 17 Alaska 713, 269 F.2d 415 (9th Cir. 1958).

An indictment charging violation of the former section was not required to set out all those elements of the offense which must be found by the jury before they may find the accused guilty. It was sufficient that the necessary facts appear in any form, or by fair construction could be found within the terms of the indictment. *Stapleton v. United States*, 17 Alaska 713, 260 F.2d 415 (9th Cir. 1958).

Where indictment alleged a willful taking with intent permanently to deprive the owner of the property, lack of consent was implicit in the language. *Stapleton v. United States*, 17 Alaska 713, 260 F.2d 415 (9th Cir. 1958).

Burden of proof. — The burden was not on a defendant under the former larceny section to prove his innocence since the burden rested upon the prosecution to establish every element of the crime of larceny to a moral certainty and beyond reasonable doubt. *Karn v. United States*, 11 Alaska 225, 158 F.2d 568 (9th Cir. 1946).

Under the former larceny section, it was essential that the prosecution prove beyond a reasonable doubt, as an essential element of its case, that defendant took the property with the intent permanently to deprive the owner of its possession, and,

furthermore, once sufficient evidence had been adduced either by defendant(s) concerning the owner's purported abandonment of the property, it then became incumbent upon the prosecution as part of its overall burden of proof to demonstrate beyond a reasonable doubt that the property was not abandoned at the time the alleged larceny was perpetrated. If the property was in fact abandoned, then it was neither owned by nor in the possession of another person or entity and thus could not be the subject of a larceny. *Howard v. State*, Sup. Ct. Op. No. 1707 (File No. 3089), 583 P.2d 827 (1978).

Possession of stolen property merely a circumstance tending to show guilt. — Where the accused was unable to explain his possession of recently stolen property, such possession was merely a circumstance tending to show guilt, and to instruct a jury that such evidence was prima facie proof of guilt, and, unless satisfactorily explained, may be of controlling weight, was clearly erroneous under the law of Alaska, which prohibits a judge from instructing a jury with reference to the facts. *Fosse v. United States*, 44 F.2d 915 (9th Cir. 1930).

Identity of property had to be shown. — It was true that actual possession of stolen property could be shown under the former larceny section, but it was equally true that the prosecution must also prove, beyond a reasonable doubt, that the property found in possession of the accused was, in truth and in fact, the identical property which was stolen. A bare assertion that property in the hands of accused was similar property or property that looked like it, was not sufficient to establish such property as the stolen property. *Karn v. United States*, 11 Alaska 225, 158 F.2d 568 (9th Cir. 1946).

Requirements as to circumstantial evidence. — Where prosecution relied entirely upon circumstantial evidence for a conviction under the former larceny section, under such circumstances the evidence must not only be consistent with guilt, but inconsistent with every reasonable hypothesis of innocence. The evidence should be required to point so surely and unerringly to the guilt of the accused as to exclude every reasonable hypothesis but that of guilt. *Karn v. United States*, 11 Alaska 225, 158 F.2d 568 (9th Cir. 1946).

In a prosecution under the former larceny section the evidence, while circum-

stantial, was clearly adequate and measured up to the standards which the court of appeals has laid down in such cases. *Yoho v. United States*, 14 Alaska 174, 202 F.2d 241 (9th Cir. 1953).

Prosecution could waive felony and prosecute for misdemeanor. — If on trial a misdemeanor (e.g., larceny) turned

out to be a felony (e.g., robbery), then the prosecution could in such cases waive the felony, and prosecute only for the constituent misdemeanor, supposing the misdemeanor be proved. *Perkins v. United States*, 16 Alaska 471, 237 F.2d 857 (9th Cir. 1956).

Sec. 11.46.120. Theft in the first degree. (a) A person commits the crime of theft in the first degree if the person commits theft as defined in AS 11.46.100 and the value of the property or services is \$25,000 or more.

(b) Theft in the first degree is a class B felony. (§ 4 ch 166 SLA 1978)

NOTES TO DECISIONS

Sentence upheld. — Trial court did not err in sentencing defendant to 10 years' imprisonment with five years suspended and ordering her to pay \$300,000 restitution upon her conviction of embezzlement by an employee for money taken prior to January 1, 1980, and of theft in the first degree for money taken after January 1, 1980, the effective date for the revised criminal code. *Karr v. State, Ct. App. Op. No. 230* (File No. 7011), 660 P.2d 450 (1983).

While no violence was involved, trial court properly found that appellant's

embezzlement of \$140,000 from her employer over a one-year period was among the most serious conduct prescribed by the statute and served to distinguish it from prior cases in which substantial sentences for embezzlement were disapproved, and eight-year sentence with four years suspended was not excessive. *Brezenoff v. State, Ct. App. Op. No. 226* (File No. 7117), 658 P.2d 1359 (1983).

Cited in *Putnam v. State, Sup. Ct. Op. No. 2251* (File No. 3475), 629 P.2d 35 (1980).

Sec. 11.46.130. Theft in the second degree. (a) A person commits the crime of theft in the second degree if the person commits theft as defined in AS 11.46.100 and

(1) the value of the property or services is \$500 or more but less than \$25,000;

(2) the property is a firearm or explosive; or

(3) the property is taken from the person of another.

(b) Theft in the second degree is a class C felony. (§ 4 ch 166 SLA 1978)

NOTES TO DECISIONS

Failure to preserve evidence. — Convictions for second-degree theft were reduced to convictions for third-degree theft where the state failed to preserve the scrap copper which was the object of the theft. *Hatfield v. State, Ct. App. Op. No. 257* (File Nos. 6371, 6732), 663 P.2d 987 (1983).

Applied in *Nell v. State, Ct. App. Op.*

No. 77 (File No. 5565), 642 P.2d 1361 (1982); *Williams v. State, Ct. App. Op. No. 108* (File No. 5993), 648 P.2d 603 (1982).

Quoted in *Frankson v. State, Ct. App. Op. No. 92* (File No. 6029), 645 P.2d 225 (1982).

Stated in *Leach v. State, Sup. Ct. Op. No. 2419* (File No. 5255), 633 P.2d 1006 (1981).

Cited in *Williams v. State, Sup. Ct. Op. No. 2147* (File No. 8901), 614 P.2d 1384 (1980); *P.S. v. State, Ct. App. Op. No. 194*

(File No. 6870), 655 P.2d 1319 (1982); *Namen v. State, Ct. App. Op. No. 244* (File No. 5662), 665 P.2d 557 (1983).

Sec. 11.46.140. Theft in the third degree. (a) A person commits the crime of theft in the third degree if the person commits theft as defined in AS 11.46.100 and

(1) the value of the property or services is \$50 or more but less than \$500; or

(2) the property is a credit card.

(b) Theft in the third degree is a class A misdemeanor. (§ 4 ch 166 SLA 1978)

NOTES TO DECISIONS

Failure to preserve evidence. — Convictions for second-degree theft were reduced to convictions for third-degree theft where the state failed to preserve the scrap copper which was the object of the theft. *Hatfield v. State, Ct. App. Op. No. 257* (File Nos. 6371, 6732), 663 P.2d 987 (1983).

Remand for vacation of sentence. — Where defendant appealed from convictions and sentences simultaneously entered for the offenses of first-degree robbery and theft by taking in the third degree on the ground that all of the elements involved in his conviction of theft by taking in the third degree were necessarily included in his conviction for the of-

fense of first-degree robbery and thus, the imposition of separate sentences on the theft and robbery charges was precluded by double jeopardy, and on appeal the state confessed error as to this issue and requested that the judgment and commitment entered as to the lesser offense of theft be vacated upon remand to the superior court, the court remanded for that purpose. *Dunn v. State, Ct. App. Op. No. 158* (File Nos. 5567, 5697), 653 P.2d 1071 (1982).

Cited in *Law v. State, Sup. Ct. Op. No. 2301* (File No. 4552), 624 P.2d 284 (1981); *Wasson v. State, Ct. App. Op. No. 141* (File No. 6072), 652 P.2d 117 (1982).

Sec. 11.46.150. Theft in the fourth degree. (a) A person commits the crime of theft in the fourth degree if the person commits theft as defined in AS 11.46.100 and the value of the property or services is less than \$50.

(b) Theft in the fourth degree is a class B misdemeanor. (§ 4 ch 166 SLA 1978)

Sec. 11.46.160. Theft of lost or mislaid property. (a) A person commits theft of lost or mislaid property if the person obtains property of another knowing that the property was lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient and the person fails to take reasonable measures to restore the property to the owner with intent to deprive the owner of the property.

(b) As used in this section "reasonable measures" includes notifying the identified owner or a peace officer. (§ 4 ch 166 SLA 1978)

Opinions of attorney general. — Section would apply to the disposition of a nondomestic animal found wandering loose and not endangering human life.

August 29, 1979, Op. Att'y Gen., rendered under former AS 11.20.260.

Collateral references. — Lost property as subject of larceny, 36 ALR 373.

Sec. 11.46.180. Theft by deception. (a) A person commits theft by deception if, with intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another by deception.

(b) In a prosecution based on theft by deception, if the state seeks to prove that the defendant used deception by promising performance which the defendant did not intend to perform or knew would not be performed, that intent or knowledge may not be established solely by or inferred solely from the fact that the promise was not performed.

(c) As used in this section, "deception" has the meaning ascribed to it in AS 11.81.900 but does not include falsity as to matters having no pecuniary significance or "puffing" by statements unlikely to deceive reasonable persons in the group addressed. (§ 4 ch 166 SLA 1978)

Cross references. — For provisions establishing the making of a false or misleading statement for the purpose of

obtaining or denying a workers' compensation benefit or payment as theft by deception, see AS 23.30.250.

NOTES TO DECISIONS

For cases construing former AS 11.20.260, relating to obtaining money or property by false pretenses, see *Griggs v. United States*, 158 F. 572 (9th Cir. 1908); *United States v. Pearce*, 7 Alaska 248 (1924); *Tempe v. United States*, 14 Alaska 587, 211 F.2d 73 (9th Cir.), cert. denied, 347 U.S. 1013, 74 S. Ct. 866, 98 L. Ed. 1136 (1954); *Bonney v. United States*, 17 Alaska 542, 254 F.2d 392 (9th Cir. 1958); *Ria-r v. State*, Sup. Ct. Op. No. 1053 (File No. 2074), 623 P.2d

421 (1974); *Black v. State*, Sup. Ct. Op. No. 1506 (File No. 3327), 569 P.2d 804 (1977); *Dayton v. State*, Sup. Ct. Op. No. 1882 (File No. 3945), 598 P.2d 87 (1979); *Robertson v. State*, Sup. Ct. Op. No. 2019 (File No. 4728), 606 P.2d 393 (1980).

For case construing former AS 12.45.030, relating the necessary evidence for false pretenses, see *Lanier v. State*, Sup. Ct. Op. No. 514 (File No. 932), 448 P.2d 587 (1968).

Collateral references. — Obtaining money for goods not intended to be delivered as false pretenses, 17 ALR 199.

Appropriation of property after obtaining possession by fraud as larceny, 26 ALR 381.

Larceny by appropriation of property, possession of which was obtained by impersonating owner thereof, 26 ALR 389.

Purchase of property on credit without intent to pay for it as larceny, 35 ALR 1336.

Criminal offense of obtaining money

under false pretenses predicated upon receipt or claim of benefits under insurance policy, 135 ALR 1167.

Criminal charge predicated upon fraudulent obtaining of check, note, etc., or signature thereon, from a person executing the same, 141 ALR 210.

Use of fictitious or assumed name, 49 ALR2d 852.

Changing the price tags by patron in self-service store as criminal offense, 60 ALR3d 1293.

Sec. 11.46.190. Theft by receiving. (a) A person commits theft by receiving if the person buys, receives, retains, conceals, or disposes of stolen property with reckless disregard that the property was stolen.

(b) As used in this section, "receives" includes acquiring possession, control, or title, or lending on the security of the property. (AS 11.46.190 SLA 1978)

Cross references. — For definition of "stolen property," see AS 11.46.990(7).

NOTES TO DECISIONS

I. General Consideration.

II. Former Law.

I. GENERAL CONSIDERATION.

Interpretation of "reckless disregard". — The term "reckless disregard" in subsection (a) of this section must be interpreted in light of the statutory definition of recklessness found in AS 11.81.900(a)(3). *Andrew v. State*, Ct. App. Op. No. 164 (File No. 6468), 653 P.2d 1063 (1982).

Standard of "reckless disregard" is constitutional. — The standard of "reckless disregard" specified in this section suffices to meet the due process requirement of criminal intent. *Andrew v. State*, Ct. App. Op. No. 164 (File No. 6468), 653 P.2d 1063 (1982).

This section is not impermissibly vague since the two-fold standard of recklessness set out in AS 11.81.900(a)(3) is sufficiently precise to be understood and applied by persons of ordinary intelligence. *Andrew v. State*, Ct. App. Op. No. 164 (File No. 6468), 653 P.2d 1063 (1982).

Intent to deprive owner of property. — The requirement of an intent by the accused to deprive the owner of property which has been stolen must be implied as an element of criminal intent under this section. *Andrew v. State*, Ct. App. Op. No. 164 (File No. 6468), 653 P.2d 1063 (1982).

The implicit requirement of an intent to deprive under this section should be identical to the intent specified for the offense of theft by taking, as set forth in AS 11.46.100(1). *Andrew v. State*, Ct. App. Op. No. 164 (File No. 6468), 653 P.2d 1063 (1982).

Cited in *Namen v. State*, Ct. App. Op. No. 264 (File No. 5662), 665 P.2d 557 (1983).

Editor's note: Many of the cases in the notes below were decided under former AS 11.20.350.

Former section did not define "receiving" or "concealing." *Beavers v. State*, Sup. Ct. Op. No. 765 (File No. 1387), 492 P.2d 88 (1971).

Elements of offense. — There are three essential components of a charge of receiving and concealing: (1) the property was stolen; (2) the defendants were in possession; (3) and, while in possession, they knew the property was stolen. *Nelson v. State*, Sup. Ct. Op. No. 2350 (File No. 4773, 4774), 628 P.2d 884 (1981).

Constructive possession is sufficient for the possession element of the offense of receiving and concealing stolen property. *Nelson v. State*, Sup. Ct. Op. No. 2350 (File Nos. 4773, 4774), 628 P.2d 884 (1981).

It was only necessary that constructive possession be present. *Beavers v. State*, Sup. Ct. Op. No. 765 (File No. 1387), 492 P.2d 88 (1971).

There need only have been shown such a nexus or relationship between the defendant and the goods that it was reasonable to treat the extent of the defendant's dominion and control as if it had been actual possession. *Beavers v. State*, Sup. Ct. Op. No. 765 (File No. 1387), 492 P.2d 88 (1971).

It was unnecessary to prove actual, manual possession of the property if the requisite intent was shown under former AS 11.20.350. *Beavers v. State*, Sup. Ct. Op. No. 765 (File No. 1387), 492 P.2d 88 (1971).

Determining mens rea. — When the act is that of receiving stolen property or aiding and abetting property-related crimes, the same significance cannot be

attached to the defendant's capacity to reflect maturely and meaningfully as when determining the requisite mens rea for a particular degree of homicide. *Hensel v. State*, Sup. Ct. Op. No. 1983 (File No. 2432), 604 P.2d 222 (1979).

"Negation of mens rea element. — Mens rea element of crime of receiving and concealing stolen property could be negated by evidence of diminished capacity. *Hensel v. State*, Sup. Ct. Op. No. 1983 (File No. 2432), 604 P.2d 222 (1979).

Subsection (a) of former section, in cases of concealment, did not require that someone other than the defendant had stolen the property in question. *Hayes v. State*, Sup. Ct. Op. No. 1662 (File No. 2814), 581 P.2d 221 (1978).

Evidence of other crimes. — See *Howard v. State*, Sup. Ct. Op. No. 754 (File No. 1210), 491 P.2d 154 (1971).

Sufficiency of evidence. — See *Beavers v. State*, Sup. Ct. Op. No. 765 (File No. 1387), 492 P.2d 88 (1971); *Nelson v. State*, Sup. Ct. Op. No. 2350 (File Nos. 4773, 4774), 628 P.2d 884 (1981).

Instructions. — See *Howard v. State*, Sup. Ct. Op. No. 754 (File No. 1210), 491 P.2d 154 (1971).

Collateral references. — 66 Am. Jur. 2d, Receiving and Transporting Stolen Property, §§ 1 — 34.

76 C.J.S., Receiving Stolen Goods, §§ 1 — 23.

Entrapment to commit crime of receiving stolen property, 18 ALR 187; 66 ALR 478; 86 ALR 263.

Sec. 11.46.200. Theft of services. (a) A person commits theft of services if

(1) the person obtains services, known by that person to be available only for compensation, by deception, force, threat, or other means to avoid payment for the services; or

(2) having control over the disposition of services of others to which the person is not entitled, the person knowingly diverts those services to the person's own benefit or to the benefit of another not entitled to them.

(b) Absconding without paying for hotel, restaurant, or other services for which compensation is customarily paid immediately upon the receiving of them is prima facie evidence that the services were obtained by deception. (§ 4 ch 166 SLA 1978)

Sec. 11.48.210. Theft by failure to make required disposition of funds received or held. (a) A person commits theft by failure to make required disposition of funds received or held if the person

Multiple convictions. — It was improper for the court to enter convictions against defendant for both receiving and concealing stolen property and armed robbery. *Pierce v. State*, Ct. App. Op. No. 017 (File No. 4675), 627 P.2d 211 (1981).

Defendant who was convicted strictly on a theory of aiding or abetting a theft offense could not also be convicted of receiving or concealing the same stolen property. *Sundberg v. State*, Ct. App. Op. No. 22 (File No. 6270), 636 P.2d 610 (1981).

Sentences upheld. — See *Horton v. State*, Sup. Ct. Op. No. 1515 (File No. 3359), 570 P.2d 482 (1977); *Klenke v. State*, Sup. Ct. Op. No. 1688 (File No. 3203), 581 P.2d 1119 (1978); *Preston v. State*, Sup. Ct. Op. No. 1717 (File No. 3833), 583 P.2d 787 (1978); *Saganna v. State*, Sup. Ct. Op. No. 1841 (File No. 4019), 594 P.2d 69 (1979); *Reynolds v. State*, Sup. Ct. Op. No. 1849 (File No. 4024), 595 P.2d 21 (1979).

Sentence too lenient. — See *Davenport v. State*, Sup. Ct. Op. No. 1479 (File No. 2885), 568 P.2d 939 (1977).

Possession of recently stolen goods by one charged with receiving them as evidence on question of guilty knowledge, 68 ALR 187.

Receiver of stolen goods as accomplice of thief for purposes of corroboration, 74 ALR3d 560.

(1) obtains property from anyone or personal services from an employee upon an agreement or subject to a known legal obligation to make specified payment or other disposition to a third person, whether from that property or its proceeds or from the person's own property to be reserved in equivalent amount; and

(2) exercises control over the property or services as the person's own and fails to make the required payment or disposition.

(b) It is not a defense to a prosecution based on theft by failure to make required disposition of funds received or held that it may be impossible to identify particular property as belonging to the victim at the time of the defendant's failure to make the required payment or disposition.

(c) In a prosecution based on theft by failure to make required disposition of funds received or held, the fact that the defendant was a fiduciary or an officer or employee of a government or a financial institution is prima facie evidence

(1) that the defendant exercised control over property or services as the defendant's own if the defendant failed to pay or account upon lawful demand or if an audit reveals a shortage or falsification of accounts; and

(2) that the defendant knew any legal obligation relevant under (a)(1) of this section. (§ 4 ch 166 SLA 1978; am § 10 ch 102 SLA 1980)

Cross references. — For definition of "financial institution," see AS 11.46.990(3).

Effect of amendments. — The 1980 amendment substituted "based on theft by failure to make required disposition of funds received or held" for "under this sec-

tion" near the beginning of subsection (b).
Legislative history reports. — For report on Chapter 102, SLA 1980 (HCS CSSB 511), see 1980 Senate Journal Supplement, No. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 29, 1980.

NOTES TO DECISIONS

Former embezzlement statutes construed. — See *United States v. Clark*, 76 F. 560 (D. Alaska 1896); *Lindgren v. United States*, 260 F. 772 (9th Cir. 1919); *Allred v. United States*, 10 Alaska 460, 146 F.2d 193 (9th Cir. 1944); *Coughlan v. United States*, 15 Alaska 153, 216 F.2d 324 (9th Cir. 1954); *Empire Printing Co. v. Roden*, 17 Alaska 209, 247 F.2d 8 (9th Cir. 1957); *United States v. Maulding*, 16 Alaska 666, 147 F. Supp. 693 (D. Alaska

1956), rev'd on other grounds, 17 Alaska 592, 257 F.2d 58 (9th Cir. 1958); *Dickens v. State*, Sup. Ct. Op. No. 283 (File No. 486), 398 P.2d 1008 (1965); *Amidon v. State*, Sup. Ct. Op. No. 1434 (File Nos. 2511, 2512), 565 P.2d 1248 (1977); *Mullins v. State*, Sup. Ct. Op. No. 1549 (File No. 3284), 573 P.2d 860 (1978); *Smith v. State*, Ct. App. Op. No. 128 (File No. 5211), 651 P.2d 7 (1982).

Collateral references. — 26 Am. Jur. 2d, Embezzlement, §§ 1 et seq.; 63 Am. Jur. 2d, Public Officers and Employees, §§ 324, 443.

29 C.J.S., Embezzlement, § 1 et seq.
Criminal responsibility of one cooperating in offense of embezzlement which he is incapable of committing

personally, 5 ALR 784; 74 ALR 1110; 131 ALR 1322.

Embezzlement by appropriating money or proceeds of paper mistakenly delivered in excess of the amount due or intended, 14 ALR 899.

Partner's action against copartner for embezzlement of firm money, 21 ALR 124; 168 ALR 1117.

Embezzlement as "infamous offense" within constitutional or statutory provision in relation to presentment or indictment by grand jury, 24 ALR 1009.

Who are within statutes relating to embezzlement by trustees or other persons acting in "fiduciary capacity," 41 ALR 474.

Misappropriation of executor, administrator, guardian or trustee as embezzlement, 75 ALR 299.

Receivers, assignees in insolvency or trustees in bankruptcy within classes of persons described by statute denouncing defense of embezzlement, 113 ALR 744.

Misappropriation of public money by one not in possession, 128 ALR 1373.

Statutes relating to embezzlement of public money by officer in charge thereof as applicable to employee or subordinate, 144 ALR 590.

Distinction between embezzlement and larceny, 146 ALR 532.

Embezzlement, larceny, false pretenses or allied criminal fraud by a partner, 82 ALR3d 822.

Retailer's failure to pay to government sales or use tax funds as constituting larceny or embezzlement, 8 ALR4th 1068.

Sec. 11.46.220. Concealment of merchandise. (a) A person commits the crime of concealment of merchandise if without authority the person knowingly conceals on or about the person the merchandise of a commercial establishment, not purchased by the person, while still upon the premises of the commercial establishment, with intent to deprive the owner of the merchandise or with intent to appropriate the merchandise.

(b) Merchandise found concealed upon or about the person which has not been purchased by the person is prima facie evidence of a knowing concealment.

(c) Concealment of merchandise is

(1) a class C felony if the merchandise is a firearm or the value of the merchandise is \$500 or more;

(2) a class A misdemeanor if the value of the merchandise is \$50 or more but less than \$500;

(3) a class B misdemeanor if the value of the merchandise is less than \$50. (§ 4 ch 166 SLA 1978; am § 11 ch 102 SLA 1980)

Effect of amendments. — The 1980 amendment added "or with intent to appropriate the merchandise" at the end of subsection (a), and inserted "merchandise

is a firearm or the" preceding "value of the" near the middle of paragraph (1) in subsection (c).

NOTES TO DECISIONS

An arrest and subsequent search by a store security guard of a suspected shoplifter in which nondeadly force was used was legal and reasonable and

therefore permissible under state and federal constitutions. Jackson v. State, Ct. App. Op. No. 211 (File No. 6664), 657 P.2d 405 (1983).

Collateral references. — 50 Am. Jur. 2d, Larceny, §§ 49, 50, 143.
52A C.J.S., Larceny, § 1(5).

Validity, construction, and effect of statutes establishing shoplifting as specific criminal offense, 80 ALR2d 811.

Sec. 11.46.230. Reasonable detention as defense. (a) In a civil or criminal action upon the complaint of a person who has been detained in or in the immediate vicinity of a commercial establishment for the purpose of investigation or questioning as to the ownership of merchandise, it is a defense that

(1) the person was detained in a reasonable manner and for not more than a reasonable time to permit investigation or questioning by a peace officer or by the owner of the commercial establishment or the owner's agent; and

(2) the peace officer, owner, or owner's agent had probable cause to believe that the person detained was committing or attempting to commit concealment of merchandise.

(b) As used in this section, "reasonable time" means the time necessary to permit the person detained to make a statement, or refuse to make a statement, and any additional time necessary to examine employees and records of the commercial establishment relative to the ownership of the merchandise. (§ 4 ch 166 SLA 1978)

NOTES TO DECISIONS

Statute is consistent with the supreme court's view of the common law. Malvo v. J.C. Penney Co., Sup. Ct. Op. No. 901 (File No. 1630), 512 P.2d 575 (1973), decided under former AS

11.20.277, which was similar to this section.

Stated in Jackson v. State, Ct. App. Op. No. 211 (File No. 6664), 657 P.2d 405 (1983).

Collateral references. — Construction and effect, in false imprisonment action, of statute providing for detention of suspected shoplifters, 47 ALR3d 998.

Liability of storekeeper for injury to customer arising out of pursuit of shoplifter, 14 ALR4th 950.

Sec. 11.46.260. Removal of identification marks. (a) A person commits the crime of removal of identification marks if, with intent to cause interruption to the ownership of another, the person defaces, erases, or otherwise alters or attempts to deface, erase, or otherwise alter any serial number or identification mark placed or inscribed on a propelled vehicle, bicycle, firearm, movable or immovable construction tool or equipment, appliance, merchandise, or other article or its component parts.

DATE: December 8, 1987

TO: Sgt. John Grohol, Anchorage Police Department

FROM: Officer L. T. Johnson, Anchorage Police Department

SUBJECT: Request for a criminal statute establishing a class "C" felony penalty on any subsequent misdemeanor theft within five (5) years of an initial theft conviction.

AMATEUR versus PROFESSIONAL

Thieves or shoplifters can be divided into two basic groups; amateurs and professionals. This paper is specifically directed toward the professional adult thief.

The amateur thief is considered to be the rational, responsible individual who in a moment of weakness will give in to temptation. Once caught, the shame and remorse felt by the amateur thief is usually a sufficient deterrent against further similar activity. Very few, if any, can claim in total honesty that they have never taken anything that did not belong to them, but the majority can claim the common sense to have learned from our mistakes.

The professional adult thief is considered to be the rational, irresponsible individual who will continue to steal following a conviction for theft and fail to make any attempt at reformation.

It is the professional or habitual adult thief that must be considered a worse offender than the amateur with no previous theft convictions.

THE PROBLEM

Over the past year I have been specifically assigned to investigate reports of shoplifts and other misdemeanor thefts committed in the Anchorage area. During this time I have become increasingly aware of approximately 400 people that have been caught stealing subsequent to misdemeanor theft convictions.

Interviews conducted with some of these individuals provided me with insight as to their motive. The primary motive for continuing to commit thefts was to support drug habits. Several of the interviewed individuals added that, "It was an easy way to make a living".

Wallets or purses, stolen from vehicles or buildings, provide the thief with easy access to the victim's credit cards or bank account through the use of a stolen automated teller machine (ATM) card. Items such as; cartons of cigarettes, compact disks, liquor, etc., are routinely sold for approximately 50% of the initial retail price, and with cartons of cigarettes providing the adult thief with a \$5 return per carton, a case of cigarettes provides a substantial return of over \$100 for a minimal amount of effort.

December 8, 1987
Habitual theft offender statute

APATHY BREEDS CONTEMPT

During an interview with one habitual theft offender, he readily admitted that he and his friends stole items to sell to support their cocaine habits. He also stated that he was glad that he was in jail so that he could be forced into attending drug rehabilitation because he did not possess the will power necessary to stop on his own. The charges against this individual were subsequently dropped and he is back with his friends, stealing to support their drug habits.

Petty theft, for the most part, is as common place as motorists exceeding the posted speed limits. It has no age, economic, social, racial or religious barriers. The impact of shoplifting alone is demonstrated by the annual \$2,000,000,000 loss attributed to shoplifting reported by our nation's retailers. The loss is naturally passed on to the law abiding consumer in higher product costs.

Most retail stores usually have a minimal amount of sales people on their floors and their merchandise is mass-displayed for customer ease in shopping. Given this opportunity, it is far less dangerous to; shoplift, steal a radio from a vehicle, or take a purse from an unattended desk, than to steal a car or hold up a liquor store, and the penalties are much less severe. The minimal penalties imposed on misdemeanor thefts is not a deterrent to the professional adult thief and does not encourage him or her to reform.

TYPICAL SENTENCES

Standard judicial practice on first time theft offenders is to apply a suspended imposition of sentence. This provides the first time offender an opportunity to have the guilty sentence for his theft removed from his criminal record after he or she has satisfactorily completed the judicially imposed probationary period. The standard probationary period, on suspended imposition of sentences, is six months to one year. Most defendants (amateur thieves) take full advantage of suspended imposition of sentences and are never involved in another theft. However, as previously mentioned this document is specifically directed toward the career or habitual criminal.

Members of the Judicial branch of government are not ignorant concerning the professional adult thief. With the majority of the thefts committed by these individuals being misdemeanor crimes, Judge's sentences are limited by the maximum penalty allowable for misdemeanor crimes.

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STATE AND LOCAL LAWS

Current state statutes provide the following maximum penalties for theft and theft related crimes.

<u>Classification</u>	<u>Fine (and/or)</u>	<u>Jail Term</u>
B Misdemeanor.....	..\$1,000.....	0-90 days
A Misdemeanor.....	..\$5,000.....	0- 1 year
C Felony.....	..\$50,000.....	0- 5 years
B Felony.....	..\$50,000.....	0-10 years
A Felony.....	..\$50,000.....	0-20 years

Briefly, a theft involving property or services under \$50 is classified as a B Misdemeanor. Between \$50 and \$499, the theft is classified as an A Misdemeanor. Between \$500 and \$24,999, the theft is classified as a C Felony. A theft involving \$25,000 or more is considered a B Felony. Robbery, a violent theft, appropriately carries the classification of a class A Felony.

Theft ordinances for the Municipality of Anchorage impose a maximum penalty of no more than six months imprisonment and/or a fine of not more than \$1,000.

Painfully evident is the fact that there is no serious potential deterrent against the professional adult thief if he limits his thefts to items under \$500. The habitual adult thief usually concentrates on stealing items that he can quickly sell for between \$5 and \$100 so that he can use the money to support his personal habit which can cost approximately \$150 per day to support. With most people not having immediate access to amounts over \$500, the thief usually takes items that he knows that he can sell for approximately 50% of the retail price. Because of this, the professional thief generally steals items costing under \$500, thereby avoiding the penalties imposed by the felony statutes.

APPREHENSION TO CONVICTION

The cost in apprehending and prosecuting a thief is not a factor in determining the classification of the criminal charge, but is naturally passed on to the consumer/taxpayer in higher costs.

How much does it cost? Anchorage Municipal Prosecutor Jim Wolf estimates that the total cost is approximately \$2,500 per defendant. Why does it cost so much money to prosecute a single person for a "minor" misdemeanor theft? Let me explain.

From the moment of initial observation of a thief, a clock begins ticking. This clock represents the hourly wage paid to all of the people who become involved in the disposition of the thief.

A typical apprehension takes the following form and involves the following people.

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TYPICAL THEFT SCENARIO

A store security officer initiates his observations of a suspected thief. The clock begins ticking. He establishes sufficient probable cause that a theft has been committed and arrests the suspect. Following the arrest, he conducts his interview with the suspect to complete his required documentation of the incident. He then phones a police dispatcher who radios a police officer to respond to the store.

The police officer drives to the store and contacts the store security officer who relates the circumstances of the arrest. That officer then interviews the suspect and witnesses so that he can document the incident in his report to the prosecutor's office.

The police officer leaves the store with the arrested suspect and any evidence, driving the suspect to the Magistrate's office for a bail hearing. The Magistrate establishes the Defendant's bail and the officer drives the Defendant to the jail for booking.

At the jail the Defendant is turned over to a Corrections officer who completes the required documentation concerning the detention.

The police officer returns to the Police Department and completes his report. He then gives his report to a records clerk who distributes the copies of the report for filing and forwards a copy to the Prosecutor's office. Any evidence seized by the officer is given to the Property and Evidence personnel for safeguarding.

At arraignment, the Defendant pleads not guilty before a Judge or Magistrate. A public defender is provided by the Municipality and a trial date is established.

A Municipal Prosecutor reviews the case and determines who will be required to testify in court. Subpoenas are completed and given to an officer to serve on the Complainant and witnesses.

The trial begins and lasts for approximately two days during which the following people are present; the Judge, court recorder, Municipal Prosecutor, Public Defender, six jury members, the reporting police officer, the Complainant and any witnesses.

Completion of the trial essentially stops the clock representing the wages paid to the people involved in the incident.

The estimated \$2,500 cost in processing an apprehended thief is readily apparent and may in fact be higher, given the time and number of people involved to bring an adult thief to justice.

How prevalent is the crime of petty theft? The following statistical data clearly demonstrates the impact of this crime, but keep in mind that the statistics do not reflect the hidden costs of theft offenders.

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 Habitual theft offender statute

NATIONAL THEFT STATISTICS

The following information was obtained from the U.S. Department of Commerce, Bureau of the Census and represents the most current reported 1985 national statistical information available.

Type of Theft (*)	NUMBER OF OFFENSES IN 1985	PERCENTAGE OF TOTAL	AVERAGE DOLLAR LOSS PER INCIDENT
Total			
Larceny/theft.....	6,453,000.....	100%.....	\$393.00
Pocket picking.....	73,000.....	1.1%.....	\$257.00
Purse snatching.....	78,000.....	1.2%.....	\$206.00
Shoplifting.....	901,000.....	14.0%.....	\$ 85.00
From vehicles.....	1,275,000.....	19.8%.....	\$428.00
Vehicle accessories...	1,079,000.....	16.7%.....	\$283.00
Bicycles.....	528,000.....	8.2%.....	\$159.00
From buildings.....	1,005,000.....	15.6%.....	\$615.00
From coin machines.....	55,000.....	9%.....	\$130.00
All other.....	1,459,000.....	22.6%.....	\$ unkn

(*)Does not include statistical data for robbery or burglary

MUNICIPALITY OF ANCHORAGE STATISTICS

The following statistical information was compiled from the records of the Anchorage Police Department and represents the reported thefts from January 1986, through August 1987.

Type of Theft (*)	NUMBER OF OFFENSES Jan '86-Aug '87	PERCENTAGE OF TOTAL	AVERAGE DOLLAR LOSS PER INCIDENT
Total			
Larceny/theft.....	17,752.....	100.0%.....	\$346.00
Pocket picking.....	66.....	0.4%.....	\$577.00
Purse snatching.....	54.....	0.3%.....	\$122.00
Shoplifting.....	5,488.....	30.9%.....	\$ 54.00
From vehicles.....	3,011.....	16.9%.....	\$441.00
Vehicle accessories...	1,701.....	9.6%.....	\$381.00
Bicycles.....	1,418.....	8.0%.....	\$222.00
From buildings.....	1,667.....	9.4%.....	\$343.00
From coin machines.....	126.....	0.7%.....	\$ 32.00
All other.....	4,251.....	23.9%.....	\$690.00

(*)Does not include statistical data for robbery or burglary

In Anchorage the total reported dollar loss attributed to thefts other than robbery or burglary, between January 1986 and August 1987, was \$6,139,425.