

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

5853 HOUSE JUDICIARY

(1) property insurance on the common elements and, in a planned community, on property that must become common elements, insuring against all risks of direct physical loss commonly insured against or, in the case of conversion property, against fire and extended coverage perils and the total amount of insurance after application of any deductibles must be not less than 100 percent of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations, and other items normally excluded from property policies; and

(2) liability insurance, including medical payments insurance, in an amount determined by the executive board but not less than an amount specified in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements and, in cooperatives, of each unit.

(b) In the case of a building that is part of a cooperative or that contains a unit having horizontal boundaries described in the declaration, the insurance maintained under (a)(1) of this section, to the extent reasonably available, must include the unit, but need not include improvements and betterments installed by a unit owner.

(c) If the insurance described in (a) and (b) of this section is not reasonably available, the association promptly shall cause notice of the fact to be hand-delivered or sent prepaid by United States mail to each unit owner. The declaration may require the association to carry other insurance, and the association in any event may carry other insurance it considers appropriate to protect the association or the unit owners.

(d) Insurance policies carried under (a) and (b) of this section must provide that

(1) each unit owner is an insured person under the policy with respect to liability arising out of interest of the unit owner in the common elements or membership in the association;

(2) the insurer waives the right to subrogation under the policy against a unit owner or member of the household of a unit owner;

(3) an act or omission by a unit owner, unless acting within the scope of the unit owner's authority on behalf of the association, will not void the policy or be a condition to recovery under the policy; and

(4) if, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same risk covered by the policy, the policy of the association provides primary insurance.

(e) A loss covered by the property policy under (a)(1) and (b) of this section must be adjusted with the association, but the insurance proceeds for the loss are payable to an insurance trustee designated

for the purpose or to the association and not to a holder of a security interest. The insurance trustee or the association shall hold insurance proceeds in trust for the association, unit owners, and lien holders as their interests may appear. Subject to the provisions of (h) of this section, the proceeds must be disbursed first for the repair or restoration of the damaged property, and the association, unit owners, and lien holders are not entitled to receive payment of a portion of the proceeds unless there is a surplus of proceeds after the property has been completely repaired or restored or unless the common interest community is terminated.

(f) An insurance policy issued to the association does not prevent a unit owner from obtaining insurance for the benefit of the unit power.

(g) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the association and, upon written request, to a unit owner or holder of a security interest. The insurer issuing the policy may not cancel or refuse to renew it until 30 days after notice of the proposed cancellation or nonrenewal has been mailed to the association, each unit owner and each holder of a security interest to whom a certificate or memorandum of insurance has been issued at their last known addresses.

(h) A portion of the common interest community for which insurance is required under this section that is damaged or destroyed must be repaired or replaced promptly by the association unless (1) the common interest community is terminated and AS 34.08.260 applies, (2) repairs or replacement would be illegal under a state statute or municipal ordinance governing health or safety, or (3) 80 percent of the unit owners, including each owner of a unit or assigned limited common element that will not be rebuilt, vote not to rebuild. The cost of repair or replacement in excess of insurance proceeds and reserves is a common expense. If the entire common interest community is not repaired or replaced, (1) the insurance proceeds attributable to the damaged common elements must be used to restore the damaged area to a condition compatible with the remainder of the common interest community, and (2) except to the extent that other persons will be distributees, (A) the insurance proceeds attributable to a unit and limited common elements that is not rebuilt must be distributed to the owner of the unit and the owner of the unit to which the limited common elements were allocated, or to lien holders, as their interests may appear, and (B) the remainder of the proceeds must be distributed to each unit owner or lien holder, as their interests may appear, as follows: (i) in a condominium, in proportion to the common element interest of all the units and (ii) in a cooperative or planned community, in proportion to the common expense liabilities of all the units. If the unit owners vote not to rebuild a unit, the allocated interests of the unit are reallocated upon the vote as if the unit had

been condemned under AS 34.08.740(a), and the association promptly shall prepare, execute, and record an amendment to the declaration reflecting the reallocations.

The provisions of this section may be varied or waived in a common interest community if all of the units are restricted to nonresidential use. (§ 1 ch 55 SLA 1985)

Sec. 34.08.450. Surplus funds. Unless otherwise provided in the declaration, surplus funds of the association remaining after payment of or provision for common expenses and prepayment of reserves must be paid to the unit owners in proportion to common expense liabilities or credited to them to reduce future common expense assessments. (§ 1 ch 95 SLA 1985)

Sec. 34.08.460. Assessments for common expenses. (a) Until the association makes a common expense assessment, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association.

b) Except for assessments under (c)—(e) of this section, all common expenses must be assessed against each unit in accordance with the allocations set out in the declaration under AS 34.08.150(a) and (b). A past due common expense assessment or an installment of the assessment bears interest at the rate established by the association not exceeding 15 percent per year.

c) To the extent required by the declaration

1) a common expense associated with the maintenance, repair, or replacement of a limited common element must be assessed against each unit to which that limited common element is assigned, equally, or in proportion provided by the declaration;

2) a common expense or portion of the common expense benefiting fewer than all of the units must be assessed exclusively against the units benefited;

3) the costs of insurance must be assessed in proportion to risk; and

4) the costs of utilities that can be determined must be assessed in proportion to usage and if the costs of utilities cannot be determined, the cost of nondeterminable utilities shall be shared as a common expense.

d) An assessment to pay a judgment against the association may be made only against the units in the common interest community at the time the judgment was entered, in proportion to their common expense liabilities.

e) If a common expense is caused by the misconduct of a unit owner, the association may assess that expense exclusively against the unit.

(f) If common expense liabilities are reallocated, common expense assessments and any installment of the assessment not yet due must be recalculated in accordance with the reallocated common expense liabilities. (§ 1 ch 95 SLA 1985)

Sec. 34.08.470. Lien for assessments. (a) The association has a lien on a unit for an assessment levied against the unit or fines imposed against its unit owner from the time the assessment or fine becomes due. Unless the declaration otherwise provides, fees, charges, late charges, fines, and interest charged under AS 34.08.320(a)(10)—(12) are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment becomes due.

(b) A lien under this section is prior to all other liens and encumbrances on a unit except (1) a lien and encumbrance recorded before the recordation of the declaration and, in a cooperative, a lien and encumbrance which the association creates, assumes, or takes subject to; (2) a first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent, or, in a cooperative, the first security interest encumbering only the interest of the unit owner and perfected before the date on which the assessment sought to be enforced became delinquent; and (3) a lien for real estate taxes and other governmental assessments or charges against the unit or cooperative. A lien under this section is also prior to all security interests described in (2) of this subsection if the common expense assessments based on the periodic budget adopted by the association under AS 34.08.460(a) would have become due in the absence of acceleration during the six months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of a mechanic's or materialman's lien, or the priority of a lien for other assessments made by the association. A lien under this section is not subject to the provisions of AS 09.35.010.

(c) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, each lien has equal priority.

(d) The recording of the declaration constitutes record notice and perfection of the lien. Further recording of a claim of lien for assessment under this section is not required.

(e) A lien for an unpaid assessment is extinguished unless proceedings to enforce the lien are instituted within three years after the full amount of the assessment becomes due.

(f) This section does not prohibit an action to recover sums for which (a) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(g) A judgment or decree in an action brought under this section is enforceable by execution under AS 09.35.010.

(h) The association upon written request shall furnish to a unit owner a statement setting out the amount of unpaid assessments against the unit. If the interest of the unit owner is real estate, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board, and each unit owner.

(i) In a cooperative, upon nonpayment of an assessment on a unit, a unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed under this section.

(j) The association's lien may be foreclosed under this subsection:

(1) in a condominium or planned community, the lien of the association must be foreclosed as a mortgage or deed of trust on real estate is foreclosed, or as a lien is foreclosed under AS 34.35.005;

(2) in a cooperative whose unit owners' interests in the units are real estate, the lien of the association must be foreclosed as a mortgage or deed of trust on real estate is foreclosed or as a lien is foreclosed under AS 34.35.005;

(3) in a cooperative whose unit owners' interests in the units are personal property, the lien of the association must be foreclosed as a security interest under AS 45.09; or

(4) in the case of foreclosure under AS 34.20.070, the association shall give reasonable notice of its action to each lien holder of a unit whose interest would be affected.

(k) In a cooperative, if the interest of the unit owner in a unit is real estate,

(1) the association, upon nonpayment of an assessment and compliance with this subsection, may sell the unit at a public sale or by private negotiation, and at any time and place; each aspect of the sale, including the method, advertising, time, place, and terms must be reasonable; the association shall give reasonable written notice to the unit owner and a lessee of the unit owner of the time and place of the public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time after which a private disposition may be made; the same notice must also be sent to any other person who has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of a public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made; the notices required by this subsection may be sent to any address reasonable in the circumstances; sale may not be held until five weeks after the sending of the notice; the association may buy at a public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale;

(2) unless otherwise agreed, the debtor is liable for any deficiency in a foreclosure sale under AS 09.45.170;

(3) the proceeds of a foreclosure sale must be applied in the following order:

(A) the reasonable expenses of sale;

(B) the reasonable expenses of securing possession before sale including holding, maintaining, and preparing the unit for sale, payment of taxes and other governmental charges, premiums on hazard and liability insurance;

(C) satisfaction of the lien of the association;

(D) satisfaction in the order of priority of a subordinate claim of record; and

(E) remittance of any excess to the unit owner.

(4) a good faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with the requirements of this section; the person conducting the sale shall execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed after a foreclosure of the association's lien by power of sale and that person conducting the sale was empowered to make the sale; signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required by this subsection are sufficient proof of the facts recited and of the authority of the person to sign; further proof of authority is not required even if the association is named as grantee in the conveyance;

(5) at any time before the association has disposed of a unit in a cooperative or entered into a contract for its disposition under the power of sale, the unit owner or the holder of a subordinate security interest may cure the default of the unit owner and prevent sale or other disposition by tendering the performance due under the security agreement, including an amount due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender. (§ 1 ch 95 SLA 1985)

Sec. 34.08.480. Other liens. (a) In a condominium or planned community,

(1) except as provided in (2) of this subsection, a recorded judgment for money against the association is not a lien on the common elements, but is a lien in favor of the judgment lien holder against the units in the common interest community at the time the judgment was entered and no other property of a unit owner is subject to the claims of creditors of the association:

(2) if the association has granted a security interest in the common elements to a creditor of the association under AS 34.08.430, the holder of the security interest shall exercise its right against the common elements before its judgment lien on a unit may be enforced:

(3) whether perfected before or after the creation of the common interest community, if a lien, other than a deed of trust or mortgage including a judgment lien or lien attributable to work performed or materials supplied before creation of the common interest community, becomes effective against two or more units, the unit owner of an affected unit may pay to the lien holder the amount of the lien attributable to the unit, and the lien holder, upon receipt of payment, shall promptly deliver a release of the lien covering the unit; the amount of the payment must be proportionate to the ratio that the unit owner's common expense liability bears to the common expense liabilities of all unit owners whose units are subject to the lien; after payment, the association may not assess or have a lien against the unit owner's unit for any portion of the common expenses incurred in connection with the lien;

(4) a judgment against the association must be indexed in the name of the common interest community and the association and, when so indexed, is notice of the lien against the units.

(b) In a cooperative,

(1) if the association receives notice of an impending foreclosure on all or a portion of the association's real estate, the association shall promptly transmit a copy of the notice to each unit owner of a unit located within the real estate to be foreclosed; a failure of the association to transmit the notice does not affect the validity of the foreclosure;

(2) whether or not the property of a unit owner is subject to the claims of creditors of the association, other property of a unit owner is not subject to the claims. (S 1 ch 95 SLA 1985)

Sec. 34.08.490. Association records. (a) The association shall keep financial records sufficiently detailed to enable the association to comply with AS 34.08.590. Financial and other records must be made reasonably available for examination by a unit owner and an authorized agent of a unit owner.

(b) A professional manager, managing agent, accountant, or other person with whom the association has contracted for services shall return all association records within five days of the termination of the contract. If the association records are not returned within five days, the association may sue for their return and for damages. (§ 1 ch 95 SLA 1985)

Sec. 34.08.500. Association as trustee. If a third person deals with the association in the capacity of the association as a trustee, the existence of trust powers and their proper exercise by the association may be assumed without inquiry. A third person is not bound to inquire whether the association has power to act as trustee or is properly exercising trust powers. A third person, without actual knowledge that the association is exceeding or improperly exercising its powers, is fully protected in dealing with the association as if it possessed and properly exercised the powers it purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the association in its capacity as trustee. (§ 1 ch 95 SLA 1985)

Article 4. Protection of Purchasers.

Section	Section
510. Applicability	610. Release of liens
520. Liability for public offering statement requirements	620. Conversion property
530. Public offering statements generally	630. Express warranties of quality
540. Common interest communities subject to development rights	640. Implied warranties of quality
550. Time shares	650. Exclusion or modification of implied warranties of quality
560. Common interest communities containing conversion property	660. Statute of limitations for warranties
570. Common interest community securities	670. Effect of violations on rights of action
580. Purchaser's right to cancel	680. Labeling of promotional material
590. Resales of units	690. Declarant's obligation to complete and restore
600. Escrow of deposits	700. Substantial completion of units

Effective date of article. — Section 4, ch. 95, SLA 1985 provides: "This Act takes effect January 1, 1986."

Effect of amendments. — The 1986 amendment added subsections (m), (n), and (o).

Article 3. Management of the Common Interest Community.

<p>Section 320. Powers of unit owners' association 340. Transfer of association control</p>	<p>Section 440. Insurance 470. Lien for assessments</p>
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Sec. 34.08.320. Powers of unit owners' association. (a) Except as provided in (b) of this section and subject to the provisions of the declaration, the association may:

- (1) adopt and amend bylaws and rules and regulations;
- (2) adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from unit owners;
- (3) hire and discharge managing agents and other employees, agents, and independent contractors;
- (4) institute, defend, or intervene in litigation or administrative proceedings or seek injunctive relief for violations of its declaration, bylaws or rules in its own name on behalf of itself or two or more unit owners on matters affecting the common interest community;
- (5) make contracts and incur liabilities;
- (6) regulate the use, maintenance, repair, replacement, and modification of common elements;
- (7) cause additional improvements to be made as a part of the common elements;
- (8) acquire, hold, encumber, and convey in its own name any right, title, or interest to real estate or personal property, except that
 - (A) common elements in a condominium or planned community may be conveyed or subjected to a security interest only under AS 34.08.430; and
 - (B) part of a cooperative may be conveyed or all or part of a cooperative may be subjected to a security interest only under AS 34.08.430;
- (9) grant easements, leases, licenses, and concessions through or over the common elements;
- (10) impose and receive a payment, fee, or charge for the use, rental, or operation of the common elements, other than limited common elements described in AS 34.08.100(2) and (4), and for services provided to unit owners;
- (11) impose a reasonable charge for late payment of assessments and, after notice and an opportunity to be heard, levy a reasonable fine for a violation of the declaration, bylaws, rules, and regulations of the association;
- (12) impose a reasonable charge for the preparation and recording of an amendment to the declaration, the filing and recording of a plat or a statement that accompanies an amendment, resale certificate required by AS 34.08.590, or a statement of unpaid assessments;

(13) provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance;

(14) assign its right to future income, including the right to receive common expense assessments, but only to the extent the declaration expressly permits the assignment;

(15) exercise any other powers conferred by the declaration or bylaws;

(16) exercise any other power that may be exercised in the state by a legal entity of the same type as the association; and

(17) exercise any other power necessary and proper for the governance and operation of the association.

(b) The declaration may not impose limitations on the power of the association to deal with the declarant that are more restrictive than the limitations imposed on the power of the association to deal with other persons. (§ 1 ch 95 SLA 1985; am § 23 ch 161 SLA 1988)

Effect of amendments. — The 1988 amendment, effective January 1, 1989, inserted "the filing and recording of a plat or plan that accompanies an amendment" in subsection (a)(12).

Sec. 34.08.340. Transfer of association control. (a) Before or not more than 60 days after the termination of declarant control, the declarant shall relinquish control of the common interest community and the unit owners shall accept control. At the same time, the declarant shall deliver to the common interest community all property of the unit owners and of the common interest community held or controlled by the declarant including, but not limited to

(1) the original or a photocopy of the recorded declaration and each amendment to the declaration; if a photocopy is provided, it shall be certified by affidavit of the declarant, or an officer or agent of the declarant, as being a complete copy of the actual recorded declaration;

(2) a certified copy of the common interest community articles of incorporation, trust or partnership agreement;

(3) a copy of the bylaws.

(4) the minute books, including all minutes, and other books and records of the common interest community;

(5) any rules and regulations that have been adopted;

(6) resignations of officers and members of the executive board who are required to resign because the declarant is required to relinquish control of the common interest community;

(7) the financial records, including financial statements of the common interest community, and source documents since the incorporation of the common interest community through the date of turnover;

(8) common interest community funds or control of the funds of the common interest community;

(9) all tangible personal property that is property of the common interest community, represented by the declarant to be the property of

the association or ostensibly the property of the association and an inventory of the property;

(10) a copy of the plans and specifications utilized in the construction or remodeling of improvements and the supplying of equipment to the common interest community and in the construction and installation of all mechanical components serving the improvements and the site, with a certificate in affidavit form of the declarant or an architect or engineer authorized to practice in the state that the plans and specifications represent, to the best of their knowledge and belief, the actual plans and specifications utilized in the construction and improvement of the common interest community property and for the construction and installation of the mechanical components serving the improvements;

(11) insurance policies;

(12) copies of any certificates of occupancy that may have been issued for the common interest community property;

(13) any other permits issued by governmental bodies applicable to the common interest community property in force or issued within one year before the date the unit owners other than the declarant take control of the common interest community;

(14) all written warranties of the contractor, subcontractors, suppliers, and manufacturers, if any, that are still effective;

(15) a roster of unit owners and their addresses and telephone numbers, if known, as shown on the declarant's records;

(16) leases of the common elements and other leases to which the association is a party;

(17) employment contracts or service contracts in which the common interest community is one of the contracting parties or service contracts in which the common interest community or the unit owners have an obligation or responsibility, directly or indirectly, to pay some or all of the fee or charge of the person performing the service;

(18) all other contracts to which the common interest community is a party.

(b) The records shall be reviewed by an independent certified public accountant. The minimum report required shall be a review in accordance with generally accepted accounting standards as defined by regulation by the Board of Public Accountancy. The accountant performing the review shall examine to the extent necessary supporting documents and records, including the cash disbursements and related paid invoices to determine if expenditures were for the common interest community purposes and the billings, cash receipts, and related records to determine that the declarant was charged and paid the proper amounts of assessments.

(c) Before the transfer of control from the declarant to the association, an inspection of the common areas and limited common areas subject to the association's control shall be completed by

(1) an independent registered engineer, architect, or land surveyor;
(2) an appraiser with the designation of senior residential appraiser, senior real property appraiser or senior real estate analyst of the Society of Real Estate Appraisers;

(3) a residential member or member, appraisal institute, of the American Institute of Real Estate Appraisers; or

(4) an individual with a designation established by regulation of the Alaska Housing Finance Corporation for fee appraisers who certify the completion of construction.

(d) A report shall be prepared indicating the incomplete work and repairs needed and the method of completing the work and making the repairs. The transfer of control to the association shall be based upon the declarant's obligation to complete all repairs and finish all incomplete work within a reasonable time after transfer of control under representations in the public offering statement. (§ 1 ch 95 SLA 1985)

Editor's notes. — This section is set out to make changes in capitalization.

Sec. 34.08.440. Insurance. (a) Commencing not later than the first conveyance of a unit to a person other than a declarant, the association shall maintain, to the extent reasonably available:

(1) property insurance on the common elements and, in a planned community, on property that must become common elements, insuring against all risks of direct physical loss commonly insured against or, in the case of conversion property, against fire and extended coverage perils and the total amount of insurance after application of any deductibles must be not less than 100 percent of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations, and other items normally excluded from property policies; and

(2) liability insurance, including medical payments insurance, in an amount determined by the executive board but not less than an amount specified in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements and, in cooperatives, of each unit.

(b) In the case of a building that is part of a cooperative or that contains a unit having horizontal boundaries described in the declaration, the insurance maintained under (a)(1) of this section, to the extent reasonably available, must include the unit, but need not include improvements and betterments installed by a unit owner.

(c) If the insurance described in (a) and (b) of this section is not reasonably available, the association promptly shall cause notice of the fact to be hand-delivered or sent prepaid by United States mail to

each unit owner. The declaration may require the association to carry other insurance, and the association in any event may carry other insurance it considers appropriate to protect the association or the unit owners.

(d) Insurance policies carried under (a) and (b) of this section must provide that

(1) each unit owner is an insured person under the policy with respect to liability arising out of interest of the unit owner in the common elements or membership in the association;

(2) the insurer waives the right to subrogation under the policy against a unit owner or member of the household of a unit owner;

(3) an act or omission by a unit owner, unless acting within the scope of the unit owner's authority on behalf of the association, will not void the policy or be a condition to recovery under the policy; and

(4) if, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same risk covered by the policy, the policy of the association provides primary insurance.

(e) A loss covered by the property policy under (a)(1) and (b) of this section must be adjusted with the association, but the insurance proceeds for the loss are payable to an insurance trustee designated for the purpose or to the association and not to a holder of a security interest. The insurance trustee or the association shall hold insurance proceeds in trust for the association, unit owners, and lien holders as their interests may appear. Subject to the provisions of (h) of this section, the proceeds must be disbursed first for the repair or restoration of the damaged property, and the association, unit owners, and lien holders are not entitled to receive payment of a portion of the proceeds unless there is a surplus of proceeds after the property has been completely repaired or restored or unless the common interest community is terminated.

(f) An insurance policy issued to the association does not prevent a unit owner from obtaining insurance for the benefit of the unit power.

(g) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the association and, upon written request, to a unit owner or holder of a security interest. The insurer issuing the policy may not cancel or refuse to renew it until 30 days after notice of the proposed cancellation or nonrenewal has been mailed to the association, each unit owner and each holder of a security interest to whom a certificate or memorandum of insurance has been issued at their last known addresses.

(h) A portion of the common interest community for which insurance is required under this section that is damaged or destroyed must be repaired or replaced promptly by the association unless (1) the common interest community is terminated and AS 34.08.260 applies, (2) repairs or replacement would be illegal under a state statute or municipal ordinance governing health or safety, or (3) 80 percent of

the unit owners, including each owner of a unit or assigned limited common element that will not be rebuilt, vote not to rebuild. The cost of repair or replacement in excess of insurance proceeds and reserves is a common expense. If the entire common interest community is not repaired or replaced, (1) the insurance proceeds attributable to the damaged common elements must be used to restore the damaged area to a condition compatible with the remainder of the common interest community, and (2) except to the extent that other persons will be distributees, (A) the insurance proceeds attributable to a unit and limited common elements that is not rebuilt must be distributed to the owner of the unit and the owner of the unit to which the limited common elements were allocated, or to lien holders, as their interests may appear, and (B) the remainder of the proceeds must be distributed to each unit owner or lien holder, as their interests may appear, as follows: (i) in a condominium, in proportion to the common element interest of all the units and (ii) in a cooperative or planned community, in proportion to the common expense liabilities of all the units. If the unit owners vote not to rebuild a unit, the allocated interests of the unit are reallocated upon the vote as if the unit had been condemned under AS 34.08.740(a), and the association promptly shall prepare, execute, and record an amendment to the declaration reflecting the reallocations, and file and record a plat or plan that accompanies the amendment.

(i) The provisions of this section may be varied or waived in a common interest community if all of the units are restricted to nonresidential use. (§ 1 ch 95 SLA 1985; am § 24 ch 161 SLA 1988)

Effect of amendments. — The 1988 amendment, effective January 1, 1989, substituted "execute, and record an amendment to the declaration reflecting the reallocations, and file and record a

plat or plan that accompanies the amendment." for "executed, and record an amendment to the declaration reflecting the reallocations" at the end of the last sentence in subsection (h).

Sec. 34.08.470. Lien for assessments. (a) The association has a lien on a unit for an assessment levied against the unit or fines imposed against its unit owner from the time the assessment or fine becomes due. Unless the declaration otherwise provides, fees, charges, late charges, fines, and interest charged under AS 34.08.320(a)(10) — (12) are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment becomes due.

(b) A lien under this section is prior to all other liens and encumbrances on a unit except (1) a lien and encumbrance recorded before the recordation of the declaration and, in a cooperative, a lien and encumbrance which the association creates, assumes, or takes subject to; (2) a first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent, or, in

a cooperative, the first security interest encumbering only the interest of the unit owner and perfected before the date on which the assessment sought to be enforced became delinquent; and (3) a lien for real estate taxes and other governmental assessments or charges against the unit or cooperative. A lien under this section is also prior to all security interests described in (2) of this subsection if the common expense assessments based on the periodic budget adopted by the association under AS 34.08.460(a) would have become due in the absence of acceleration during the six months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of a mechanic's or materialman's lien, or the priority of a lien for other assessments made by the association. A lien under this section is not subject to the provisions of AS 09.38.010.

(c) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, each lien has equal priority.

(d) The recording of the declaration constitutes record notice and perfection of the lien. Further recording of a claim of lien for assessment under this section is not required.

(e) A lien for an unpaid assessment is extinguished unless proceedings to enforce the lien are instituted within three years after the full amount of the assessment becomes due.

(f) This section does not prohibit an action to recover sums for which (a) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(g) A judgment or decree in an action brought under this section is enforceable by execution under AS 09.35.010.

(h) The association upon written request shall furnish to a unit owner a statement setting out the amount of unpaid assessments against the unit. If the interest of the unit owner is real estate, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board, and each unit owner.

(i) In a cooperative, upon nonpayment of an assessment on a unit, a unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed under this section.

(j) The association's lien may be foreclosed under this subsection.

(1) in a condominium or planned community, the lien of the association must be foreclosed as a lien is foreclosed under AS 34.35.005;

(2) in a cooperative whose unit owners' interests in the units are real estate, the lien of the association must be foreclosed as a mortgage or deed of trust on real estate is foreclosed or as a lien is foreclosed under AS 34.35.005; or

(3) in a cooperative whose unit owners' interests in the units are personal property, the lien of the association must be foreclosed as a security interest under AS 45.09.

(k) In a cooperative, if the interest of the unit owner in a unit is real estate,

(1) the association, upon nonpayment of an assessment and compliance with this subsection, may sell the unit at a public sale or by private negotiation, and at any time and place; each aspect of the sale, including the method, advertising, time, place, and terms must be reasonable; the association shall give reasonable written notice to the unit owner and a lessee of the unit owner of the time and place of the public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time after which a private disposition may be made; the same notice must also be sent to any other person who has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of a public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made; the notices required by this subsection may be sent to any address reasonable in the circumstances; sale may not be held until five weeks after the sending of the notice; the association may buy at a public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale;

(2) unless otherwise agreed, the debtor is liable for any deficiency in a foreclosure sale under AS 09.45.170;

(3) the proceeds of a foreclosure sale must be applied in the following order:

(A) the reasonable expenses of sale;

(B) the reasonable expenses of securing possession before sale including holding, maintaining, and preparing the unit for sale, payment of taxes and other governmental charges, premiums on hazard and liability insurance;

(C) satisfaction of the lien of the association;

(D) satisfaction in the order of priority of a subordinate claim of record; and

(E) remittance of any excess to the unit owner.

(4) a good faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with the requirements of this section; the person conducting the sale shall execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed after a foreclosure of the association's lien by power of sale and that person conducting the sale was empowered to make the sale; signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of

the assessment and of the giving of the notices required by this subsection are sufficient proof of the facts recited and of the authority of the person to sign; further proof of authority is not required even if the association is named as grantee in the conveyance;

(5) at any time before the association has disposed of a unit in a cooperative or entered into a contract for its disposition under the power of sale, the unit owner or the holder of a subordinate security interest may cure the default of the unit owner and prevent sale or other disposition by tendering the performance due under the security agreement, including an amount due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender. (§ 1 ch 95 SLA 1985; am § 7 ch 61 SLA 1986)

Effect of amendments. — The 1986 amendment in subsection (j) in paragraph (1) deleted "as a mortgage or deed of trust on real estate is foreclosed, or" preceding "as a lien," deleted former paragraph (4),

concerning notice from the association in the event of foreclosure, and made related word and punctuation changes. For the prior version of this section, see the main pamphlet.

Article 4. Protection of Purchasers.

Section

590. Resales of units

620. Conversion property

Section

700. Substantial completion of units

Sec. 34.08.590. Resales of units. (a) Except for a sale in which delivery of a public offering statement is required, or unless the sale is exempt under AS 34.08.510(b), a unit owner shall furnish to a purchaser before execution of a contract for sale of a unit or before conveyance a copy of the declaration, as amended, the bylaws, the rules or regulations of the association, and a certificate containing a statement disclosing

(1) the effect on the proposed disposition of a right of first refusal or other restraint on the free alienability of the unit;

(2) the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner;

(3) any other fee payable by unit owners;

(4) any capital expenditures in excess of \$3,000 approved by the executive board for the current and two next succeeding fiscal years;

(5) the amount of reserves for capital expenditures and of any portions of the reserves designated by the association for a specified project;

(6) the most recent regularly prepared balance sheet and income and expense statement, if any, of the association;

(7) the current operating budget of the association;

FISCAL NOTE

REQUEST:

Revision Date: 2/3/89
 Title: An Act relating to common interest community managers.
 Sponsor: Senator Faiks
 Requestor: Senate Labor & Commerce

Agency Affected: Commerce & Econ. Dev.
 BRU: Occupational Licensing
 Components: Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		7.9	7.9	7.9	7.9	7.9
TRAVEL						
CONTRACTUAL		1.5	1.5	1.5	1.5	1.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		9.4	9.4	9.4	9.4	9.4
CAPITAL						
REVENUE		5.0	.5	6.0	.5	7.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		9.4	9.4	9.4	9.4	9.4
TOTAL		9.4	9.4	9.4	9.4	9.4

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This fiscal note is based on the assumption that 50 individuals will be licensed initially, with a growth rate of at least five new applicants each year. The revenues to be generated are assuming licensees will pay \$50.00 per year and renew on a biennial cycle.

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: 2/6/89

Approved by Commissioner: Larry Mercurieff Date: 2/3/89
 Agency: Department of Commerce & Economic Development

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. SB 25

The differences in revenues and costs are expected to be covered by the division's operating budget until the fees are reassessed.

Calculations for this fiscal note assume that common interest community managers, like all other licensing programs, will be responsible for sharing in the administrative costs of the division. Therefore, based on 50 licensees, common interest community managers will be responsible for covering .19% of the administrative costs. The .19% is derived by dividing the anticipated number of licensees (50) into the total number of licensees (26,995), not including business licenses.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Econ. Dev.
 Title: An Act relating to common interest BRU: Occupational Licensing
community managers.
 Sponsor: Senator Faiks Components: Administration
 Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	7.9	7.9	7.9	7.9	7.9	7.9
TRAVEL						
CONTRACTUAL	1.5	1.5	1.5	1.5	1.5	1.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	9.4	9.4	9.4	9.4	9.4	9.4

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

REVENUE	5.0	5.0	.5	6.0	.5	7.0
---------	-----	-----	----	-----	----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER	9.4	9.4	9.4	9.4	9.4	9.4
TOTAL	9.4	9.4	9.4	9.4	9.4	9.4

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) No fiscal impact for FY 90.
 This fiscal note is based on the assumption that 50 individuals will be licensed initially, with a growth rate of at least five new applicants each year. The revenues to be generated are assuming licensees will pay \$50.00 per year and renew on a biennial cycle.

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: 4/28/90

Approved by Commissioner: Larry Mercutieff Date: 5/30/90
 Agency: Department c: Commerce & Economic Development

Distribution (by preparer):

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

CONTINUATION OF FISCAL NOTE ANALYSIS - CSSB 25 (L&C)

The differences in revenues and costs are expected to be covered by the division's operating budget until the fees are reassessed.

Calculations for this fiscal note assume that common interest community managers, like all other licensing programs, will be responsible for sharing in the administrative costs of the division. Therefore, based on 50 licensees, common interest community managers will be responsible for covering .019% of the administrative costs. The .019% is derived by dividing the anticipated number of licensees (50) into the total number of licensees (26,995), not including business licenses.

CSHB 146(Fin) am "An Act limiting civil liability for damages relating to peer review committees, licensing boards, and impaired physician programs; authorizing temporary courtesy licenses for certain occupations; relating to powers and duties of the State Medical Board; requiring persons licensed by the State Medical Board to make reports relating to the outcome of malpractice claims and civil actions; and providing for an effective date."

This bill contains a number of provisions which would increase the effectiveness of the State Medical Board in the performance of its duties relating to 1) licensing and permitting medical professionals; 2) reviewing the malpractice claims histories of physicians licensed in Alaska; and 3) creating a retired status license for physicians retired from active practice. In addition, the bill somewhat increases the immunity provisions for persons -- including witnesses -- assisting occupational licensing boards in general in carrying out their enforcement duties and functions, and creates a "courtesy" status permit for various professionals visiting Alaska.

Section 1 of the bill, amends AS 08.02.020 by extending and clarifying the "limitation of liability" provisions already in law to encompass witnesses, medical board convened physician review panels, and impaired practitioner program volunteers who assist the Medical Board through the provision of consultation and expert testimony services relative to Division of Occupational Licensing (hereinafter "division") disciplinary cases.

At the present time, various licensing boards and the division have experienced difficulty in identifying in-state licensed professionals willing to serve in advisory capacities to the boards on individual discipline cases or involve themselves in physician impaired practitioner programs. This reluctance flows from the professionals' legitimate personal liability fears that licensees ("respondents" in discipline cases) who are being investigated will decide to personally sue the professional or witness who is providing their services to a board or the division.

The department supports the protections this will provide to persons assisting the division and its regulatory boards in licensing actions. Without this language, the state's ability to turn to licensees or other witnesses to assist in disciplinary matters will continue to be severely impeded.

Section 2 of the bill would give the state's twenty-one (21) licensing boards and commissions the ability to issue a "courtesy" license to visiting professionals. This idea was originally conceived in order to accommodate Olympic team physicians when it was anticipated that the Olympics would be coming to Alaska.

In working up this proposal, it was discovered that there are many other occasions when a courtesy license would be helpful: visiting Iditarod veterinarians; international sporting teams playing in Anchorage accompanied by their team physician; visiting foreign delegations accompanied by a variety of professionals. This new provision would allow for the courtesy licensing of visiting professionals and would allow the boards to authorize limited practice restricted to the treatment of or professional assistance to members of their sports team or delegation while visiting in the state.

Section 3 amends AS 08.64.101 to clarify the Medical Board's (hereinafter "board's") authority to contract with a private professional organization to establish an impaired physician program. The word "contract" is a more accurate term for the relationship between the board, the division, and the private organization establishing such a program, and creates a legal bond between the state and the program in order that the program can be designated an agent of the board for purposes of liability limitations under AS 08.02.020. This section also adds language which more clearly states the range or scope of the impaired physician program, and requires that the board adopt regulations concerning the impaired medical professionals program.

Thus, this section extends immunity protections to physicians serving in a voluntary capacity on the impaired physician program committee. Currently, the physicians and intervenors serving on the impaired physician committee have done so with considerable personal risk, given their vulnerability to suit by an angry colleague.

Section 4 of HB 146 pertains to board records and adds two new subsections to AS 08.64.130. The first new subsection [subsection (b)] directs the board to maintain records on each licensed physician concerning civil malpractice actions and their outcomes. The second new subsection [subsection (c)] simply requires that the malpractice records received under new subsection (b) be available to the public, just as board records regarding the admission of licensed physicians are already available to the public.

Section 5 amends AS 08.64.190 to add to the list of application procedures the requirement that the applicant provide his or her medical work history. The board has, by policy decision, already begun independent verification of each applicant's medical school and internship program records. Section 5 amends AS 08.64.190 to place into statute the specific authority of the board to scrutinize the applicant's medical work history.

Section 6 of the bill amends board provisions concerning the qualifications of physician applicants. The bill adds language to AS 08.64.200 to require the physician applicant to provide an explanation of all negotiated settlements or judgments in claims or civil actions alleging medical malpractice against the applicant.

New language in this section also provides for the board, or the division on its behalf, to contact other licensing jurisdictions directly if an applicant for licensure in Alaska was licensed in a jurisdiction that does not report its disciplinary actions affecting physicians to the Federation of State Medical Boards. The Federation maintains the disciplinary data bank which is accessed by most jurisdictions for information on physician applicants.

Section 7 amends AS 08.64.205 which deals with qualifications for licensure of osteopathic physician applicants and merely makes these sections equivalent to the allopathic physician applicant requirements in AS 08.64.200, as amended in Section 6 of this bill.

Similarly, Section 8 makes parallel amendments for podiatry applicants.

Section 9 amends the statutory provisions affecting foreign medical graduates by clarifying the language for verification of foreign medical credentials. The proposed language more accurately identifies the national agency responsible for accrediting medical schools and moves the examination specifications into regulation. This action will accommodate substantial changes expected over the next two years as the Educational Commission for Foreign Medical Graduates (ECFMG) exam is phased out and all medical school graduates (U.S. and foreign alike) are required to follow the same examination pathway.

Sections 10 and 11 of the bill clarify the interview requirement for licensure.

Section 12 amends the grounds on which the board may refuse to grant a license. This amendment closes an existing loophole in the statute. Currently, persons who have surrendered a license in another jurisdiction while under disciplinary investigation by that jurisdiction are free to apply for licensure in Alaska. It then falls to the board to spend considerable time and money investigating the causes of the disciplinary problem in that other jurisdiction (in a sense, duplicating the actions of that jurisdiction) in order to determine whether it is appropriate to license the physician, deny the license, or place some conditions on the license.

It seems sensible from a public protection standpoint to require that the physician under disciplinary review in one jurisdiction resolve his or her discipline problem in that jurisdiction before being eligible to apply for licensure in Alaska.

Section 13 contains primarily housekeeping changes to recognize applicants from both the provinces and territories of Canada and to allow for flexibility concerning upcoming changes in the medical examination pathways by putting exam specifications into regulation.

Sections 14 and 15 of HB 146 amends physician "temporary" permit provisions by changing the present nature of a temporary permit. Currently, a temporary permit is available to a physician who is applying for a permanent license in the state, has completed all of the documentation for application, and is merely awaiting the next medical board meeting to have his or her application reviewed by the board. The new provisions in this section would allow physicians to serve temporary "tours of duty" in Alaska or to come to Alaska for a brief period of time to determine whether or not they wish to relocate their practice to Alaska.

This section provides that physicians seeking temporary licensure must complete a full, permanent license application and would be issued a temporary permit for up to six months at a reduced fee. If, at the end of that period of time, the physician with the temporary license wishes to seek permanent licensure, he or she would merely pay the remainder of the licensing fees for the biennial licensing period. If the physician has decided not to stay, the temporary permit expires. A temporary license could not be renewed under the proposed amendment.

Section 16 contains primarily housekeeping changes to bring the requirements for intern and resident-in-training permits in line with requirements for other physician applicants, and providing for interviews by the medical board executive secretary or other board designated person.

Section 17 limits a locum tenens permit to sixty (60) consecutive days from its current 120 days, and allows the executive secretary of the board to conduct interviews and issue permits to locum tenens physicians.

The board also wishes to restrict the use of the locum tenens permit to its intended statutory purpose, which is to allow a physician licensed in another state to substitute for an Alaska-licensed physician for a limited period of time. These amendments in Section 17-20 are companion to the changes made to the temporary permit in Sections 14 and 15 of the bill and would further clarify the distinction between those physicians coming to Alaska specifically to substitute for an Alaska licensed physician (locum tenens permit) and those coming to take a "look-see" to determine if they wish to pursue practice in Alaska (temporary permit).

Also in these sections are some housekeeping changes which would bring this section into line with the rest of the medical practice act relative to interviews and references to both the provinces and territories of Canada.

Sections 18 and 19 contain housekeeping changes similar to those in Section 16.

Section 20 limits the length of time a physician could work under a locum tenens permit. If a physician found it necessary to work more than 240 days during any consecutive 24 months, the physician would be required to meet the requirements for full licensure.

Section 21 of HB 146 creates a new section, AS 08.64.276, establishing a retired status license. There are a number of physicians who retain licensure far beyond the time it is reasonable for them to practice, mostly out of a sense of pride that licensure brings them and because of an oddity in statute that prohibits them from using the "M.D." after their name if not licensed. (That statute, 08.02.010, is designed to prevent the unlicensed from deluding the public as to their qualifications.)

It is felt that a permanent retired license status will both serve elderly physicians wishing to retain their M.D. title and protect the public. Retired status should also appeal to those physicians who are effectively retired and presently faced with CME requirements they cannot meet due to age and infirmity. The proposed language also empowers the board to make very certain the physician is competent, should a retired physician wish to return to active status.

Section 21 also creates a new section (AS 08.64.279) that authorizes the executive secretary or other designee of the board to conduct certain physician candidate interviews. This greatly enhances the efficiency and effectiveness of the board without compromising the standards for license and permit requirements. The executive secretary or board designee would conduct interviews for the variety of short-term licenses and permits that are issued by the Medical Board; however, this amendment does not remove the requirement that a physician getting permanently licensed in Alaska must be interviewed by a member of the board itself.

In recent years, individual board members have encountered severe difficulty in accommodating the requirement imposed on board members to interview locum tenens physicians. As a result, the board has, by policy, delegated to the executive secretary the authority to conduct these interviews where feasible. This language would put that authority into statute.

Section 22 amends the grounds for imposition of disciplinary sanctions in AS 08.64.326. The amendments are primarily very minor housekeeping changes, but do include a fairly controversial revision to the "professional incompetence" standard (page 11, lines 3 - 5). This section adds a qualifier stating that the board may not impose disciplinary sanctions "solely on the basis that a licensee's practice is unconventional or experimental in the absence of demonstrable physical harm to a patient."

The medical board considers this inclusion unnecessary and, while we would no doubt prefer no amendment to this section, in the spirit of acceptable compromise the division and the board do not object to this language.

Section 23 of the bill amends board statutes which address reports of disciplinary action to the Federation of State Medical Boards and the National Practitioner Data Bank. Present language specifies that disciplinary action taken against licensees is to be reported. The changes in this section broaden the reporting to include temporary, residency, locum tenens and physician assistant permit holders, as well. The board reports disciplinary actions against permit holders, considering that such reporting falls under the legislative intent of the statute, but we believe it would be best to have specific language in the statute authorizing such reporting.

Section 24 amends the "duty to report" provisions of the Medical Board' statute by strengthening the subsection having to do with peer review and physician assistance in investigatory cases, making clear that the limited liability provisions of amended AS 08.02.020 (Sec. 1 of this bill) apply to those persons assisting the board in determining the competency of a physician and his or her potential danger to the public. This section also specifically includes the impaired physician program volunteers in the immunity protections provided for in this section of the statute.

Section 25 amends the board statutes by creating a new section that requires licensed physicians to report to the board the outcome of each medical malpractice claim or civil action in which damages have been or are to be paid by or on behalf of the licensee to the claimant.

Although this section has been controversial, neither the board nor the division opposes this section of the bill at this time, mainly because this section requires reporting similar to that of present Federal Public Law 99-660.

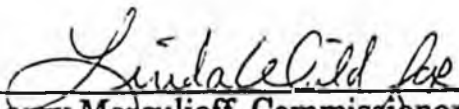
Section 26 amends the definitions section to clarify the issue of who may use the designation "physician," "M.D.," "D.O.," etc. There is presently a great deal of concern over this statute because it effectively prohibits a person who is trained as a physician and received an M.D. degree but who is not licensed or practicing medicine from using the designation M.D. in teaching, authoring books, or other types of activities. It is hoped that the proposed language will clarify this issue and allow persons to use the academic designations they earned without misleading the public that they are licensed to diagnose and treat patients.

Position Paper
Page Seven

Section 27 is the effective date clause.

The State Medical Board and the division have spent considerable time following this bill through the legislative process and feel that HB 146 would greatly enhance not only the effectiveness of all occupational licensing boards vis-a-vis their discipline cases, but that the provisions directly impacting the Medical Board would solve a great many existing licensing complications and substantially benefit Alaska's consumers of medical services.

For the reasons stated above, this department supports passage of CSHB 146 (Fin) am.



Larry Meyculieff, Commissioner

Date: 4-30-90

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26

ALASKA STATE LEGISLATURE

While in Ketchikan
352 Front Street
Ketchikan, AK 99901
907-225-9675



While in Juneau
P.O. Box V
Juneau, AK 99811
907-465-3743

Senator Lloyd Jones

MEMORANDUM

TO: Representative Peter Goll, Co-Chair
Representative Max Gruenberg, Co-Chair
House Judiciary Committee

FROM: Senator Lloyd Jones *LJ*

DATE: February 14, 1989

SUBJECT: Senate Bill 26, relating to the crime of joyriding

Senate Bill 26 strengthens the penalty associated with the first time offense of motor vehicle theft. This bill was developed in response to requests from around the State. Under current law a thief going into a home and stealing a microwave oven worth \$600 will be charged with a felony, and yet the same person can take a \$15,000 vehicle and be let off with a misdemeanor, often with no penalty whatsoever.

SB 26 imposes a mandatory minimum sentence for the misdemeanor offense of joyriding. While the crime remains a misdemeanor, the mandatory jail time and fine will provide a greater deterrent effect. The bill also calls for restitution to be paid to the victim.

Thank you for hearing SB 26. I believe it is a law which will have a very practical, positive impact on crime in our State.

ALASKA STATE LEGISLATURE

While in Ketchikan
352 Front Street
Ketchikan, AK 99901
907-225-9675



While in Juneau
P.O. Box V
Juneau, AK 99811
907-465-3743

Senator Lloyd Jones

MEMORANDUM

TO: Representative Peter Goll, Co-Chair
House Judiciary Committee

FROM: Senator Lloyd Jones *LJ*

DATE: April 18, 1989

SUBJECT: Senate Bill 26, regarding penalties associated with
criminal mischief III (Joyriding)

Attached is a copy of statistics compiled by Dean Guaneli of the department of law, which show sentences imposed for joyriding referrals in FY 88. I have marked cases found guilty, but which received less than three days jail time, with a red mark. The total number of these cases is 56, or roughly 14.2 percent of all cases. Some of these cases are referred to as a suspended imposition of sentence, other cases received sentences, but had all the jail time suspended. I believe this will be self explanatory once you take a look at the statistics.

Thank you for taking the time to look at these statistics. I appreciate your concern regarding this bill and all other legislation coming before your committee. If I, or my staff, can be of further assistance regarding this legislation, please let me know.

COMPARISON OF GOVERNOR'S PROPOSED BUDGETS FOR TOURISM AND ASMI

TOURISM		ASMI

Program Receipts	1,535.5	2,700.0
General Fund	9,632.7	1,654.7
G/F Match	0.0	495.0
Federal Funds	0.0	3,100.0
	-----	-----
Total Budget	11,168.2	\$ 8,149.7
19 Full Time Positions		6 Full-Time Positions
3 Part-Time Positions		
(15% industry support)		(33% industry support)

COMPARISON OF SUBCOMMITTEE'S PROPOSED BUDGETS FOR TOURISM AND ASMI

TOURISM		ASMI

Program Receipts	1,535.5	2,692.0
General Fund	9,448.3	1,654.7
G/F Match	0.0	495.0
Federal Funds	0.0	3,300.0
	-----	-----
Total Budget	10,983.8	\$ 8,141.7
19 Full Time Positions		6 Full-Time Positions
3 Part-Time Positions		
(15 % industry support)		(33% industry support)

Note: The subcommittee cut \$279.4 out of the Tourism Budget and added \$95.0 in grants, for a net reduction of \$184.4. The decrease was taken from professional services (a 3% reduction).

The subcommittee cut \$8.0 out of ASMI's travel budget from the Governor's proposal.

4/17/89



City of Petersburg
P. O. Box 329
Petersburg, Alaska 99833

February 29, 1988

Senator Lloyd Jones
Pouch V
Juneau, Alaska 99811

Dear Senator Jones:

A petition has been circulated by Petersburg residents calling for the crime of Criminal Mischief in the Third Degree (a Class A misdemeanor) (for vehicle theft) be increased to a felony offense category.

The Petersburg Police Chief has advised the City Manager that the District Attorney's office has been reluctant to charge persons stealing cars in Petersburg with Theft in the Second Degree, a C Felony, because one of the elements of that offense is that the person taking the vehicle has the intent to deprive the owner of the property indefinitely. In that Petersburg is on an island, the District Attorney's office feels that proving that element would be difficult or impossible and have elected to charge under the criminal Mischief statutes. Unless there is damage done over \$500 to the vehicle taken, Criminal Mischief statutes require that the person be charged with Criminal Mischief in the Third Degree, an A Misdemeanor.

It seems somewhat incongruent that a person in Petersburg can enter a home and take a \$600 VCR and be later apprehended and charged with Burglary in the Second Degree, a C Felony, and that another person can take a \$10,000 vehicle from the street or a driveway and when apprehended only be charged with Criminal Mischief in the Third Degree, an A Misdemeanor.

During 1987, registered owners reported ten vehicles stolen and the investigations into these thefts showed the registered owners suffered a property damage loss totaling \$481.30. These losses did not include losses such as inconvenience to the owners such as towing, etc. So far in 1988, the police department has had three vehicles reported stolen and property damage has amounted to \$15,771.72 which should result in one to two felony charges due to the excessive damages.

Most other states classify auto theft as a felony and with the increasing cost of vehicles and the inconvenience of such a loss, it seems appropriate that the State of Alaska increase the penalty and level of this offense so that it is consistent with the theft of other valuable property.

Sincerely,

Patricia Curtis
Jos.

Doug Barber, Mayor
City of Petersburg

Alaska State Legislature



House of Representatives House Judiciary Committee

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

April 17, 1990

Mr. Franklin E. Schug
P.O. Box 21-2544
Anchorage, AK 99521

Dear Mr. Schug:

Thank you for your recent letter regarding SB 26, relating to the criminal penalty for car theft, and for the additional backup information you enclosed.

I will make sure that your letter and the information are placed in the committee members' files.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter Goll".

Peter Goll

FRANKLIN E. SCHUG
P. O. Box 21-2544
Anchorage, Alaska 99521

RECEIVED APR 13 1990

April 9, 1990

Representative Peter Goll
House Judiciary Committee
P. O. Box V
Juneau, Alaska 99811

Dear Representative Goll:

On October 8, 1989, my car was stolen along with over \$8,000 worth of tools and electronic testing equipment. My car was locked and parked in my driveway. As of this date it has not been recovered.

I, as a concerned citizen, continued to investigate as to why our Police Department cannot locate my car. Les Withers, head of the Property & Crimes Section, Auto Theft Unit, Anchorage Police Department, informed me that there are between 1,000 - 1,500 cars stolen each year in Anchorage and about 80% - 85% are recovered. Les and I started what we call A.C.T. (Auto Car Theft) and we now have a growing group of very interested people providing assistance wherever possible (information enclosed).

We find the laws so lax that a car theft is out of jail before the police can fill out the paperwork. I met with Senator Pat Pourchot and Representative David Finkelstein at a recent constituent meeting and Pat informs me S.B. 26 (copy enclosed) passed the Senate 18-2 (February 7, 1989) and was moved to the House chaired by you and there it sits.

I urge you, Representative Goll, to get this bill on the floor and get it passed this session. We need to have the teeth in the laws to prosecute these car thieves.

I trust you will act immediately.

Sincerely,

Frank Schug

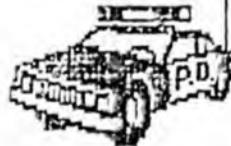
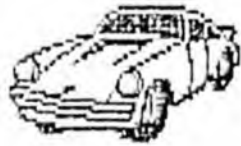
Frank Schug

FS;bj
HJA/PG.FES

Hagman

"If You See A Stolen Car-"

Anti **C**ar **T**heft



A.C.T. pays \$50 for the recovery of stolen vehicles within the Municipality of Anchorage
Call The Anchorage Police Dept.
786-8900

we are raising money for this program now with first donation from all state insurance others will follow to support are non profit group without state funding. Small

Cars each week not recovered

STOLEN VEHICLES

Nov. 9 through Nov. 15

Year	Color	Make/Model	License plate
1977	silver	Mazda	BHZ911
1981	maroon	Chevrolet Malibu	BGH489
1988	gray	Subaru hatchback	RAE L
1984	white	Dodge pickup	6851CB
1989	maroon	Mazda 4-door 626	CDK895
1984	bronze	GMC	CCL906
1978	maroon	4-door Chevrolet	BFZ360
1987	blue	4-door Toyota	CDL857
1976	gray	Chevrolet Camaro	CDT453
1975	bronze	Ford pickup	Texas 9240LG
1978	blue/white	Ford van	9269BH
1982	white	Merc. Cougar/wagon	CDJ443
1981	tan	2-door Plymouth	BVE448
1980	white	Toyota pickup	7516BF
1978	green	Chevrolet pickup	852.71

STOLEN VEHICLES

Nov. 22 through Nov. 29

Year	Color	Make/Model	License plate
1985	red/tan	4-door/AMC	BSN446
1989	maroon	2-door/Chevy Beretta	CDF525
1983	red	Ford Bronco	BNC521
1978	blue	GMC	6285CB
1986	white	Ford Ranger	9439CB
1973	black/red	2-door/Chevy Malibu	Calif. 2BDA062
1985	black	Toyota pickup	4432CK

STOLEN VEHICLES

Dec. 6 through Dec. 14

Year	Color	Make/Model	License plate
1981	gray	4-door VW Jetta	BSA312
1972	black	Datsun 240-Z/2-door	BGR738
1985	uavailable	Ford pickup	6868CA
1989	black	BMW 325	no plate
1988	gray	2-door Chevy Camaro	CDH705
1980	red	Datsun 200-SX	BFK460

STOLEN VEHICLES

Dec. 13 through Dec. 21

Year	Color	Make/Model	License plate
1983	blue	Honda Civic/4-door	BNN807
1988	gray	Chevy Camaro/2-door	CDH705
1980	red	Datsun 200-SX	BFK460
1989	blue	2-door Nissan	no plate
1976	white	Ford van	8826BP
1982	silver	2-door Ford	CDE948
1984	red/silver	Mazda pickup	8920BZ
1987	beige	Ford Tempo 4-door	CBM385
1984	blue	Chevy pickup	9697CK
1983	tan	Plymouth Horizon	BMR863
1989	white	2-door Ford	no plate
1984	blue	Ford Escort 2-door	BPS975
1980	white	Volks wagon Jetta	CEY945
1981	brown	Mercury Cougar	BGX915
1982	brown	Mercury Cougar	EDDI

24 total stolen
STOLEN VEHICLES

Nov. 16 through Nov. 21

Year	Color	Make/Model	License plate
1988	silver	4-door Mitsubishi	CCJ312
1989	gray	Dodge van	CET908
1985	blue	Ford LTD	STE725
1984	blue	Chevrolet	BRD150
1988	black	Honda Prelude	CCP933

12 **STOLEN VEHICLES**

Dec. 21 through Dec. 28

Year	Color	Make/Model	License plate
1990	gray	4-door Jeep	no plate
1983	silver	Olds Cutlass/4-door	BUD123
1985	blue	Chevy pickup	6130BZ
1975	blue	Chevy pickup	PACVAN
1980	red	Toyota Corolla/2-door	BSU858
1975	yellow	Chevy pickup	55478G

14 **STOLEN VEHICLES**

Dec. 29 through Jan. 4

Year	Color	Make/Model	License plate
1990	blue	4-door Olds Cutlass	CFM845
1976	brown	Ford pickup	3002CH
1982	brown/tan	Pontiac station wagon	BUY814

17 **STOLEN VEHICLES**

Jan. 5 through Jan. 11

Year	Color	Make/Model	License plate
1986	blue	2-door Buick Regal	CEA932
1985	blue	American Eagle	BTH379
1981	gray	American Eagle	BCS127
1984	red	Chevy truck	BRL510
1978	silver	Dodge Colt	BDY707
1982	gray	4-door Dodge	CFG825
1982	maroon	Ford Thunderbird	BPE121
1985	red/white	Ford pickup	7435CE
1984	white	4-door Olds Omega	BRR841
1989	white	Ford pickup	no plate
1989	not listed	2-door Nissan	CDB298
1973	yellow	Toyota pickup	6606BR

18 **STOLEN VEHICLES**

Jan. 12 through Jan. 17

Year	Color	Make/Model	License plate
1988	blue	2-door Buick Regal	CEA932
1985	blue	American Eagle	BTH379
1981	gray	American Eagle	BCS127

11 **STOLEN VEHICLES**

Jan. 18 through Jan. 25

Year	Color	Make/Model	License plate
1984	black	Ford Bronco	BWB526
1987	gray	Hyundai	Texas 394QDL
1981	maroon	Chevrolet Malibu	BGH489
1973	orange	Ford pickup	4274BJ

33 **STOLEN VEHICLES**

Jan. 25 through Jan. 31

Year	Color	Make/Model	License plate
1989	blue/silver	Plymouth Colt	CFH476
1988	red	Buick Skylark	CBW778
unknown	green/white	Blazer	CFL800
1983	red	Chevrolet pickup	1255BW
1989	maroon	Mazda 4-door	CDK895
1990	black	GMC	no plate
1990	black	Mazda	no plate
1980	blue	Olds Deluxe	CBJ331
unknown	red	Honda	no plate
1988	silver	Subaru 4-door	CDE895
1987	white	Subaru 4-door	CBC349
1984	blue	Ford	no plate

23 **STOLEN VEHICLES**

Feb. 1 through Feb. 7

Year	Color	Make/Model	License plate
1984	blue	Ford Bronco	BSC521
1973	red	Opel GT	CAY479
1982	gray	Ford Escort	BGX659
1978	black	Chevrolet pickup	6268CE
1980	silver/gray	Porsche	BTY634
1984	black	Jeep	CBD826
1984	blue	Chevrolet Blazer	BVB777
1982	gray	4-door Olds Omega	DAV258
1989	gray	Chevrolet Cavalier	CDF487
1979	green	Mercury Capri	CCE652

34 **STOLEN VEHICLES**

Feb. 8 through Feb. 14

Year	Color	Make/Model	License plate
1979	blue	Chevrolet	CEJ685
1975	yellow	Toyota Celica	BCU428
1986	blue	Chevrolet Blazer	8353CK
1985	brown	Plymouth Reliant	BTE953
1978	green	Toyota Corolla	BKA765
1982	black	Pontiac Coupe	BVS143
1982	silver/maroon	American Eagle	BLB752

29 **STOLEN VEHICLES**

Feb. 15 through Feb. 21

Year	Color	Make/Model	License plate
1982	black	Pontiac Coupe	BVS143
1982	silver/maroon	American Eagle	BLB752
1982	silver	Mazda 2-door	BFA357
1976	gray	Oldsmobile Cutlass	BXH174
1979	maroon	Plymouth	CFA955
1989	tan	Chrysler Lebaron	CFM291
1980	red	Chevrolet Blazer	2803BH
1988	white	Dodge Daytona	CBW744
1980	maroon	Datsun	BFT597
1983	blue	Mercury Lynx	CFT390
1985	gray	Volkswagon Jetta	BTK520
1980	blue	Datsun	BTC666
1990	blue	Nissan Sentra	Jeep 7
1988	silver	Honda Prelude	CBW965
1986	maroon	Chevrolet 2-door	CAA585

Help find stolen cars

Many times we do not pay attention to what goes on in our city or state until something happens to us. My 1981 Chevrolet Malibu (four-door, burgundy, license number BGF-489) was stolen Oct. 8 while locked up in my driveway. As of this writing, it has not been recovered.

The Bible reads in the Ten Commandments: "Thou shall not steal." Where did we get these bums? There are over 1,000-1,500 vehicles stolen in Anchorage and Alaska a year. I, with the assistance of the police department and the Anchorage Daily News, now have a description and license number of vehicles stolen each week in the Daily News' Monday Briefing section.

If you see an unfamiliar vehicle near your home or business, check the Daily News' stolen vehicle list; it may have been stolen. Do this first, as the police are busy. Take a description and license number of the vehicle and call the police (786-8900) and ask for records. They will tell you if the vehicle is stolen.

My thanks to Les Withers, property crime section, auto theft unit, Anchorage Police Department; to Stephanie Kind Brown and the management of the Anchorage Daily News for making the stolen vehicle list available to us.

— Frank Schug

Jan 2-90

Stolen vehicles

Feb. 13-22

Pontiac, 1962, black, BV5143.
 American Eagle, 1962, station wagon, silver/
 maroon, BLB752.
 Mazda, 1962, two-door, silver, BFA357.
 Oldsmobile Cutlass, 1976, 4-door, gray,
 BXH174.
 Plymouth Champion, 1979, 2-door, maroon,
 CFA955.
 Chrysler LeBaron, 1989, 4-door, tan, CFM291.
 Chevy Truck, 1980, pick-up, red, 2803BH.
 Dodge Daytona, 1988, 2-door, white, CBW744.
 Datsun, 1980, maroon, BFT367.
 Mercury Lynch, 1983, blue/blue, CFT390.
 Volkswagen Jetta, 1985, 2-door, gray,
 BTK520.
 Datsun, 1980, blue/blue, BTC868.
 Nissan Sentra, 1980, 5-door, blue/blue,
 JEEP7.
 Polaris Snowmachine, 1990, black.
 Honda Prelude, 1988, silver/silver, CBW965.
 Chevy, 1986, 2-door, maroon, CAA585.
 Honda Acura, 1980, maroon/maroon, 4099DL.

TIMES - FEB. 28 - 90

City police tracking car thieves

Tipster leads dealer to stash of Subarus

By JACQUES PICARD
 Times Writer

Police late Sunday were searching for thieves who may have rammed a truck through a fence at the Port of Anchorage to steal five new cars.

The cars were recovered during the weekend.

The thieves apparently drove five top-of-the-line Subarus through a hole in the fence enclosing the Wrightway Auto Carriers storage lot Thursday, said Chuck Webster, a manager at Continental Motors. The hole may have been made by a truck, Webster said.

The dealer's cost for the vehicles was \$80,000, he said.

Webster said he found the five cars parked at the Richardson Vista Apartments on Government Hill late Saturday after a man telephoned and said he had information about the theft.

"It was fairly late at night and I couldn't get anybody else around here. I figured it was worth the risk. I just told him I'd meet him on a street corner downtown," Webster said.

The man led him to the cars, Webster said.

Three people were in one of the vehicles when Webster and the tipster approached.

"When they saw us they just abandoned the car and ran off," Webster said.

Webster said he left the informant with the vehicles and went to call police.

The cars had less than a gallon of gasoline in the tanks, and the thieves may have been getting gas to drive them off, Webster said.

"If we catch the people, believe me, it would be quite good for everybody, because these are the same people who have been stealing quite a few cars."

Anchorage policeman Dan Seely said there have been similar thefts from Wrightway in the past two weeks and investigators have leads.

Webster said he did not know how the tipster knew about the stolen cars.

The cars were shipped from Portland, Ore. They were being stored at the lot awaiting transportation to the dealership, Webster said.



Petersburg Vol. Fire Dept.

P.O. Box 75
Petersburg, Alaska 99833
Ph. 907-772-3355



Lloyd Jones
Alaska State Senate
P.O.Box V
State Capitol
Juneau, Alaska 99811

Dear Senator Jones:

We, of the Petersburg Volunteer Fire Department, are in accord with the proposed compromised legislation, on joy-riding. We feel that the person who takes an automobile without permission must have a deterrent, in order to make him think twice about it in the first place.

By making the punishment, a mandatory three days in jail, a minimum fine of Two Hundred and Fifty Dollars, and restitution to the vehicle owner, we feel that justice will have been served.

Thank you in your efforts to help us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Norm Fredricksen".

Norm Fredricksen
Chief



City of Petersburg

Police Department
P.O. Box 328
Petersburg, Alaska 99833
(907) 772-3838

January 31, 1989


Senator Lloyd Jones
P.O. Box V
State Capital Building
Juneau, Alaska 99811

Dear Senator Jones:

The Petersburg Police Department is in support of the change in the joyriding law currently before the Senate.

We believe the compromise reached over last year's proposed legislation is excellent, and that what is currently before you will make a very workable, effective law.

Sincerely,


Marvin E. Ronimus
(Acting Chief of Police)

MER/ko

ALASKA PEACE OFFICERS ASSOCIATION

State APOA Office • P.O. Box 240108 • Anchorage, AK 99524-0108 • (907) 378-5481

January 31, 1989

Senator Lloyd Jones
Alaska State Legislature
Pouch V
Juneau, Alaska

Dear Senator Jones,

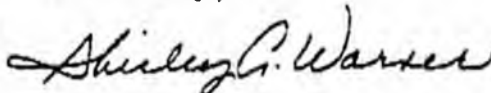
The Alaska Peace Officers Association and the Alaska Association of Chiefs of Police are very much in favor of Senate Bill 26, amending the penalty for joyriding.

When the bill was introduced, and passed, a couple of years ago making a second conviction of joyriding a felony we had expressed a very real concern. That concern was that so many times a first time offender is given a suspended imposition of sentence; no record is made on the first offense; and the offender could realistically become a repeat offender with no deterrence from this act.

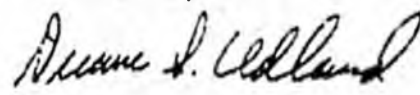
This bill would alleviate that from ever occurring. The Anchorage Police Department receives 1,500 cases per year which fit under the statute of Criminal Mischief in the Third Degree. Approximately 85% of these are repeat offenders.

There are many cases in which an offender steals one car; leaves it in the spot of the second car they steal; and on and on. We frequently handle cases where cars worth \$20,000 or more are stolen. Since it is a misdemeanor the offender is merely given a suspended imposition of sentence. Thefts in these amounts is a Class C felony and have been recognized for their seriousness. This amendment will certainly send a clear message that we are serious about the theft of our citizens' vehicles and create a stronger deterrent for the true first time offender.

Sincerely,



Shirley A. Warner
President, APOA



Duane S. Udland
Vice-President, AACP



EXECUTIVE DIRECTOR

M. James Measick

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**National
Car Rental**

National Car Rental
Alaska Sales and Service, Inc.
1300 East Fifth Avenue
Anchorage, Alaska 99501
(907) 274-3605

1/29/89
Alaska State Legislature
Ray Matiashowski
Assistant to Senator Lloyd Jones
PO Box V
Juneau, Alaska 99811

Dear Mr. Matiashowski,

In regard to SB 26, Joyriding Legislation.

National Car Rental is the largest car rental in the State of Alaska. We are pleased and we do support SB 26 which amends the penalty of joyriding.

National can cite many cases in which our vehicles have been used for "joyriding" and we are then left helpless because of a lean joyride law.

We strongly urge a stiff sentence to those individuals who use an automobile for joyriding purposes. It costs everyone in the long run and it seems the person who is not affected is the joyrider himself.

Please do what you can to pass SB 26.

Sincerely yours,

Courtland E. Marchant

Courtland E. Marchant
General Manager
National Car Rental
also
President of CATRALA



PRACTICAL[®]
used car rental

2/1/89

Senator Lloyd Jones
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: Joyriding Legislation

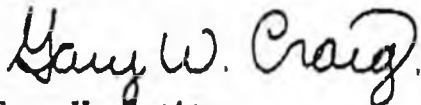
Dear Senator Jones:

As owner and Manager of a Car Rental Agency in Anchorage, Alaska,
do support your efforts to strengthen the Joyriding Legislation.

On many occasions we have reported this instance to the local
authorities; but complaints go to naught. Last year, 1988, on three
different occasions, automobiles were taken from our lot on a "joyride"
we reported as stolen but were not able to prosecute, only if we wanted
to file a civil suit at our expense.

Please help us all in the Rental Business.

Regards,



Gary W. Craig
Owner
Practical Used Car Rental

AVIS RENT A CAR SYSTEM /

BOX 190028, ANCHORAGE, ALASKA 99518-0028 /

(907) 243-4300



LICENSEE

February 1, 1989

The Honorable Senator Jones
P.O. Box V
Juneau, Alaska 99811

Dear Senator Jones:

AVIS/ALASKA RENT A CAR would like to take this opportunity to express our support of Senate Bill 26 (increasing the penalty for "joyriding" in the State of Alaska).

We are sure our experience with stolen vehicles are similar to many - not only to other businesses but also to the general public. Frustration and a sense of helplessness is felt each time one of our vehicles is involved in a "joyriding" incident. Frustration because the vehicle is usually returned to our inventory damaged from abuse; a sense of helplessness because it is extremely hard to obtain restitution; and knowing that the people involved will walk away with barely a slap on the wrist even though in many instances the perpetrators had no intention of ever returning the vehicle.

For many people an automobile is their largest investment. The average cost of a new automobile has reached \$15,000.00. This is a lot of money. People are sitting in jail for stealing far less.

The time has come to act on this. We believe by increasing the penalty for the unauthorized taking of a vehicle there would be a clear message to would-be thieves that the State of Alaska is getting tough on crime.

Cordially,

AVIS/ALASKA

A handwritten signature in black ink, appearing to read "Gary Zimmerman", written over a circular stamp or mark.

Gary Zimmerman
Director of Operations

:cm

Licensee
3730 Seward Rd
Anchorage AK 99517-2876
907 276 2855
Fax 907 279 1326

Out of Town Reservations
1-800-FOR-CARS



FAX TRANSMISSION COPY

DATE: 1-30-89
TO : Ray Matrasowski RE Senate Lloyd Jones Rm 9
Capitol Bld.
FROM : Clair Floyd
REGARDING RE House Bill #26 Joyriding

THIS TRANSMISSION CONSISTS OF 5 PAGES IF YOU DID NOT
RECEIVE THE COMPLETE TRANSMISSION PLEASE CALL

(907) 276-2855

OFFICE HOURS OF 6AM TO 10PM ALASKA STANDARD TIME

THE CAR YOU WANT . . . AT A RATE YOU'LL LOVE



SUBCOMPACT
Dodge Colt or similar



COMPACT
Dodge Shadow or similar



MIDSIZE
Plymouth Reliant or similar



FULLSIZE 2-DOOR
Chrysler LeBaron Coupe or similar



FULLSIZE 4-DOOR
Dodge Dynasty or similar



LUXURY
Chrysler New Yorker or similar



MINI-VAN
Plymouth Voyager or similar



PASSENGER VAN
12 passengers
Dodge Van or similar

Licenses
3730 Spenard Rd
Anchorage AK 99517-2679
307 276 2855
Fax 907 279 1226

Out of Town Reservations
1-800-FOR-CARS



January 30, 1989

Attn: Senator Lloyd Jones

RE: BILL #26 JOYRIDING

Please accept my support for Senate Bill #26. I would like to show what has happened to me, because of the lax of the present law.

On December 1, 1986 the lock on my security fence was broken and 4 cars stolen by John Weber and friends. One 1987 Chrysler 5TH Avenue was torched a total loss of \$15000.00, one 1987 Chrysler 5TH Avenue wrecked a loss of \$7,500.00, one 1987 Plymouth Reliant left damaged stuck in the ice on Campbell Creek a loss of \$1,211.61, one 1986 Dodge Colt abandoned minor damage of \$10.

The prosecuting attorney in Anchorage would not prosecute, when these men were caught and admitted to the thefts. Because the "Jails are to full" the judge will let them go on account of the way the law reads.

You can see from the attached subpoena from Palmer's District Attorneys Office. We finally found someone who was willing to do something as Mr. Weber was involved in several separate thefts in that area.

We need some relief from these people who have no responsibility for damages they cause with and to a stolen vehicle. In my grandfather's days they hung horse thieves.

Sincerely,

A handwritten signature in cursive script that reads "Clair A. Floyd".

CLAIR A. FLOYD
Alaska Franchise Owner
Thrifty Car Rental

CAF:lah

LIC00300
3730 Spenard Rd
Anchorage, AK 99517-2675
907 276 2955

Out of Town Reservations
1-800-FOR-CARS



March 28, 1988

Joe Alutius
Department of Corrections
809 Chugiak
Palmer, Ak. 99645

RE: Case # 86-108647

To whom it may concern,

The damage breakdown for the December 1, 1986 break in is as follows:

1987 Chrysler Fifth Avenue Plate # 1234567890 the vehicle on fire.	\$ 15,000.00
1987 Chrysler Fifth Avenue involved in a Hit and Run accident.	\$ 7,500.00
1986 Plymouth Reliant found in Campbell Creek with car broke through ice.	\$ 1,211.61
1986 Dodge Colt damaged fuse link when car found.	\$ 10.00

Total loss amount*	\$ 23,721.61

* This is the amount of repairs not accounting for interest on the money from the date of the repairs. Loss of use has not been included in these figures also.

The above damages can be documented with repair estimates or copies of the invoices on the total loss car.

All license plates were removed and the cars were being operated on Temporary License Plates.

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA AT PALMER
SUBPOENA TO APPEAR/PRODUCE

To: Darrell Floyd or designee
DOB:
Home Phone:
Home Address:

Other Info:
SSN:
Work Phone: 276-2855
Work Address: Thrifty Car Rental
3730 Spenard Rd, Anchorage

You are commanded to appear and testify in court or before the grand jury
RESTITUTION HEARING

Date: 6/27/88 Court Address: 268 E. Firweed, Palmer, Alaska
Time: 3:30 p.m. Courtroom: superior

In the case of STATE v. JOHN WEBER Court No. 887-288/1555 CR

This subpoena shall remain in effect from the date you appear until you are granted leave to depart by the court or by an officer acting at the direction of the court. If you fail to appear and testify as ordered, a warrant may be issued for your arrest.

You are ordered to bring with you documentation/receipts of damage to vehicles

RUSH

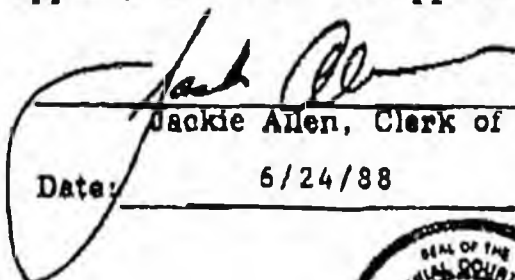
This subpoena is issued at the request of the State of Alaska. You are entitled to witness fees from the District Attorney and (if you live more than 30 miles from the court) travel and living expenses. You must contact the District Attorney's Office before you travel if you want to be paid travel expenses. Failure to make prior contact may make you ineligible for payment of travel and witness fees.

Witnesses subpoenaed for court can call 745-8423 after 4:30 p.m. on weekdays (and all day on weekends and holidays) for taped witness information about trials scheduled the next business day. Both grand jury and court witnesses must call the District Attorney's office on the day before your scheduled appearance to find out whether you are still required to appear, the time to appear and any other instructions.

Telephone: 745-5027

Contact person: cindy belchar
Gene Cyrus, DA

District Attorney's Office
808 S. Chugach Street, Suite 3
Palmer, Alaska 99645
745-6027 8:00-4:30 weekdays
745-8423 recorded message after 4:30



Jackie Allen, Clerk of Court
Date: 6/24/88



RETURN

I served the above subpoena on _____,
the person to whom it is addressed, on _____ in _____,
Alaska. (date)

Signature Title Type or Print Name
CR-240 PALMER DA (7/87) (st.3) Crim. R. 17, Admin. R. 7

STATE OF ALASKA THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 6, 1989

SUBJECT: Criminal offenses and juvenile justice
(SB 26)

TO: Senator Lloyd Jones

FROM: Jack Chenoweth
Legislative Counsel 

By way of follow-up to Thursday's Judiciary Committee conversation about joyriding juveniles, let me try to address the relationship between criminal offenses and juvenile justice.

For any crime for which an adult may be prosecuted and convicted, a minor (defined as a person under the age of 18) may also be charged. Charges against minors are referred to the juvenile justice system and handled not under AS 12 (the criminal procedure provisions), but under AS 47.10.010 - 47.10.100. There are exceptions, discussed below, but as a general rule, if the minor has violated a criminal law, the superior court must inquire to determine whether the minor should be treated as a "delinquent." Treatment under the delinquency statutes precludes imposition of the criminal penalties normally applicable to convicted adults.

Procedurally, a delinquency adjudication literally involves a preliminary investigation or inquiry and the preparation of a petition. The minor and his or her parents may be required to appear voluntarily, or summons may issue. Following a hearing, the court may enter an order. The penalties that may be imposed may include commitment to the custody of the Department of Health and Social Services or probation back to the minor's parents, and may include an order directing payment of suitable restitution, but specifically exclude incarceration or the payment of a fine. A delinquency adjudication is not a conviction, and no civil liabilities that might attach to a criminal conviction follow from the adjudication.

There are two exceptions.

One category involves specific exceptions. AS 47.10.010(b) provides that, for certain criminal offenses, the minor shall be treated as an adult:

When a minor is accused of violating a traffic statute or regulation, a traffic ordinance or regulation of an incorporated municipality, AS 11.76.105 relating to the purchase of tobacco by a minor, a fish and game statute or regulation under AS 16, or a parks and recreational facilities statute or regulation under AS 41.21, excepting a statute the violation of which is a felony, the procedure prescribed in AS 47.10.020 - 47.10.090 may not be followed The minor accused of an offense specified in this subsection shall be charged, prosecuted, and sentenced in the district court in the same manner as an adult.

Subsection (d) of that same section also directs that AS 47.10 is inapplicable to proceedings against the driver's license of a minor under AS 28.15.185, directing that proceedings involving license revocations shall proceed as in the manner for adults. (This latter exception is the one alluded to by Commissioner Humphrey-Barnett.)

The second involves waivers of juvenile justice proceedings. Under AS 47.10.060:

(a) If the court finds at a hearing on a [delinquency] petition that there is probable cause for believing that a minor is delinquent and finds that the minor is not amenable to treatment under [AS 47.10], it shall order the case closed. After a case is closed under this subsection, the minor may be prosecuted as an adult.

(b) A minor is unamenable to treatment under this chapter if the minor probably cannot be rehabilitated by treatment under this chapter before reaching 20 years of age. In determining whether a minor is unamenable to treatment, the court may consider the seriousness of the offense the minor is alleged to have committed, the minor's history of delinquency, the probable cause of the minor's delinquent behavior, and the facilities available . . . for treating the minor.

Senator Lloyd Jones

Page 3

February 6, 1989

The waiver procedure is covered by Delinquency Rule 20, and there are a number of cases that define the application of the statutory standards in waiver determinations.

In sum, non-criminal treatment of minors is the rule. Excepting only criminal offenses for which delinquency adjudication is specifically made inapplicable, the system presumes treatment of juveniles within the delinquency adjudication process, not under criminal law. The court may, nevertheless, find, at the conclusion of a waiver hearing, that a juvenile is "unamenable to treatment under [AS 47.10]" and allow prosecution of the juvenile as an adult.

Hope this helps . . .

JC:gc
WKG6/088

JAN 25 1989

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 25, 1989

SUBJECT: Amending the penalty for misdemeanor
joyriding (Senate Bill 26)

TO: Senator Lloyd Jones, Chair
Senate Transportation Committee

FROM: Jack Chenoweth
Legislative Counsel

The legislation imposes a mandatory minimum sentence for a first conviction for the offense of misdemeanor joyriding ("criminal mischief in the third degree") involving the taking of a propelled vehicle in which the damage or expenses are less than \$500. A first conviction for the offense is defined as a class A misdemeanor, with normal maximum penalties of a \$5000 fine and one year in jail. Under this bill, one convicted would face a mandatory sentence of

- imprisonment for a minimum of 72 hours;
- a minimum fine of \$250; and
- payment of restitution as the court may order.

The court would be precluded from suspending imposition or execution of sentence and would be precluded from admitting the convicted defendant to probation unless the minimum sentence was served.

In essence, the penalty incorporates the content of the penalty for first offense Driving While Intoxicated (AS 28.35.030(c)).

As we learned during last year's review of SB 497, although the Senate Bill 26 suggests a "go to jail" approach, under AS 33.30.151 - 33.30.161, the mandatory sentence required by the bill may be served in a correctional restitution center.

Senator Lloyd Jones

Page 2

January 25, 1989

The penalty for felony joyriding, involving damage to the vehicle of \$500 or more--a class C felony--is unchanged: a maximum fine of \$50,000 and maximum term of imprisonment of five years.

JC:lmb

L6/156

MAR 2 1988

February 26, 1988

Senator Lloyd Jones
P.O. Box V (MS-3100)
Juneau, Alaska 99811

Dear Senator Jones:

Enclosed please find copies of the petition that has been circulating in Petersburg. The citizens of Petersburg would like the Legislature to change the Laws regarding Stolen Vehicles. We feel that a person who steals a vehicle, be it an automobile, boat, or airplane; should be prosecuted as having committed a Felony, rather than Criminal Mischief. The fact that we live on an island is immaterial, and should not make a difference in the level of punishment for stealing a vehicle.

Only you, as our elected representative, can author a Bill to change the Law. So we are formally requesting you to do this.

If I can be of any assistance to you in doing this, please feel free to contact me.

We still have petitions out, in Petersburg, but it appears that we have 100% of the adult population in favor of the above change; AND we also have the endorsement of the Petersburg City Council.

Respectfully yours,


Gayle M. Eastwood

enc:

cc: Governor Cowper
Representative Sund
Representative Taylor

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a crime of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS	
Dave N. Ohmer	413 Sandy Beach Road	Dave Oh
Arthur Powell	Box 627	Petersburg
Alvin L. Collins	501 Main Beach Road - Apt # 312 - Petersburg Alaska	Petersburg Alaska
James R. Bump	214 "Million"	2nd Flr
Willie J. J.	110 HARBOR WAY	W.H.J.
John Robinson	1125	John Robinson
W.E. T. Johnson	Box 1655	
Spencer Munsen	Box 1701	
TERRY HEARD	PO Box 1135	
R.H. Sherman	PO Box 59	3419
Fay Willard	Box 941	Ch.
Jim Dan Lyle	Box 1751	25
Helen Dean	Box 689	503 Nordic Dr. Helen Dean
Donald W. L.	Box 1002	
Walt L. L.	PO Box 35	MILITARY A.F.
Paul P.	PO Box 1091	Petersburg
Charles W. P.	PO Box 39	117B Valkyrie St. Petersburg, AK
W. J. P.	PO Box 201	Petersburg, AK
Paul J. P.	Box 782	Petersburg, AK
Paul J. P.	Box 936	Petersburg
Paul J. P.	Box 32	AK
Paul J. P.	Box 1524	Petersburg
George P. P.	Box 447	Petersburg AK
George P. P.	Box 978	PSG
George P. P.	Mike Del.	PSG, AK 99833
George P. P.	Box 1275	PSG, AK 99833
Paul J. P.	Box 544	CITY
Christina M. P.	Box 1746	CITY
Paul J. P.	Box ?	PSG
Paul J. P.	PO Box 1725	PSG
Robert C. P.	Box 516	PSG
Robert C. P.	Box 76	PSG
Robert C. P.	Box 988	PSG
Robert C. P.	Box 1767	PSG
Robert C. P.	Box 424	PSG
Robert C. P.	Box 662	PSG
Robert C. P.	Box 1264	PSG
Robert C. P.	Box 296	PETERSBURG, AK
Robert C. P.	" 1628	
Robert C. P.	" 1628	
Robert C. P.	" 26A	PSG AK
Robert C. P.	Box 1505	PSG AK
Robert C. P.	" 1505	
Robert C. P.	" 1505	

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----- Please put Street address. -----

NAME	ADDRESS
Rebecca Clayton	Rebecca Clayton Box 882 Petersburg AK 99833 #9 Beach St.
Vance Wright	Wright " " " "
Sharon Jubiter	Box 1602 PSC
Wince D. Kugel	P.O. Box 1440 Petersburg AK 99833
Jennie Capen	Box 1378 Petersburg AK 99833
Mark R. Lyden	Box 1021 Petersburg AK 99833-1021
Julian Berk	Box 547 Petersburg AK 99833
Rita Nash	Box 332 400 3rd Ave. N Petersburg AK
Jocelyn Gault	Box 315 105 55th St Petersburg AK 99833
Margaret Kuntz	Box 1113 1004 N. Nordic Dr Petersburg AK 99833
Jessie Stoebe	200 Sammie Beach Road Petersburg AK 99833
Stammiller	301A Mitkof Highway PSC AK 99833
Warren Severson	Box 1502 PSC AK 99833
Debra T. Carroll	Box 374 384 Mitkof Hwy PSC AK 99833
Teresa Gordon	Box 1565 PSC AK 99833
Beverly Hammer	Box 773 200 Fremont St PSC AK 99833
Paula Sela	200 2nd St Petersburg AK 99833
Michael & Marlene	Box 11301 Petersburg AK 99833
William Ruel	Box 1010 Mitkof Highway Petersburg AK 99833
Eric Rosell	Box 1114 703 Mitkof Highway Petersburg
Debra Ruth	Box 1008 3101 S. Nordic Dr Petersburg AK 99833
Victoria McDonald	Box 556 103 Lewis Lane Petersburg AK 99833
MARGARET DREYER	Box 873 602 IRA ST. Petersburg AK 99833
Leona Wigstrom	Box 1010 1113A Jalkbush Petersburg AK 99833
Leola E. Taylor	Box 16 706 N. Nordic Dr Petersburg AK 99833
Martha (Berk)	11021 1010 N. Nordic Dr Petersburg AK 99833
KATHY CHANEY	1276 1008B N. NORDIC DR. PETERSBURG AK 99833
David E. Holmick	PO Box 913 Pope's Landing Petersburg
Flora Ball	P.O. Box 1474 Petersburg Alaska
Wesley Burdfield	706 Odin Piburg AK
Cecilia Freeman	P.O. 1404 Petersburg Alaska
Marie Bush	Box 147 Petersburg Alaska
John & Sylvia Piller Pillerite	Box 882 Petersburg AK 99833
Jane Whitte	Tina Lauer Box 123 Petersburg Alaska 78 HUNTERFORD Hill
Ray Beam	321 Mitkof Highway Petersburg AK 99833 (Box 1618)
Gene & White	Box 246 Petersburg AK 99833
Kathy A. Wood	Box 742 PSC AK 99833
Yuhart Neucci	Box 1086 541 Mitkof Highway Petersburg AK 99833
Dick Aho	Box 1272 103 Cornelius Ed Petersburg AK 99833
Yvonne Elmerberg	Box 160 285 Mitkof Highway Petersburg AK 99833
Bill Miller	Box 105 Pet AK
Mike Spaul	Holmick Hwy AK
Dawn Capen	Box 524 PSC AK 99833 (205 Fram)
Mar 108	

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS	
Thomas Duncan	711 W. Wrennell Ave.	Petersburg
W. H. M. Gibson	1116 W. Wrennell Rd.	Petersburg
Arthur A. Benth	405 Haulen Dr.	Petersburg
Robert L. Venable	405 Haulen Dr.	Petersburg
Donald M. White	723 W. Wrennell	Petersburg
Richard D. White	301 Canal St	Petersburg
Clark Moulton	P.O. 266	Petersburg
W. H. White	P.O. 271	Petersburg City
Tom Dinsell	74 200 2nd St Bx 622	Petersburg City
Audine Masterson	1306 Wrennell Bx 385	Petersburg
W. H. White	P.O. Box 1628	Petersburg
Marcia Lewis	P.O. Box 815	Petersburg
Wanda Buttrick	P.O. Box 1718	Petersburg
Howard L. Moulton	P.O. Box 921	Petersburg
Ellis Letford	Box 947	Petersburg
Charles Thomas	Box 74	Petersburg
Elsie G. Ward	Box 1093	Petersburg
Archie D. Niburg	Box 1043	Petersburg
Mamie Cunningham	Box 730	Petersburg
Bernice A. Moulton	General Delivery	Petersburg
Felicia White	Box 710	Petersburg
Richard P. Gibson	Box 695	Petersburg
Bene MacDonald	Box 1434	Petersburg
Pat Walker	Box 575	Petersburg
David B. White	Box 495	Petersburg
Margaret Black	P.O. Box 273	Petersburg
Louis B. White	P.O. Box 443	Petersburg
John Boettcher	P.O. Box 190	Petersburg
Julius Nelson	P.O. Box 1063	Petersburg
W. H. White	P.O. Box 427	Petersburg
Theresa H. Gibson	P.O. Box 119	Petersburg
Raymond H. Gibson	Box 1735	Petersburg
Bernice Thomas	Box 1516	Petersburg
Brenda M. Gibson	Box 1111	Petersburg
John H. White	Box 81	Petersburg
John H. White	Box 1082	Petersburg
John H. White	Box 1082	Petersburg
John H. White	Box 1327	Petersburg
John H. White	Box 487	Petersburg
John H. White	Box 6473	Petersburg
John H. White	Box 1111	Petersburg
John H. White	Box 1516	Petersburg
John H. White	Box 930 301 Fran	Petersburg
John H. White		Petersburg

Many names on this list
 have not been listed
 Petersburg City
 Petersburg P.O. Box 174 City
 Petersburg P.O. Box 174 City

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NAME	ADDRESS
Ernest H. Tork	Box 1333 400 2nd Ave. N. Petersburg, AK 99833
HARLES M. JENSEN	Box 1440 Psg. AK. 99833
Robert W. Lusk	Box 881 Psg. AK 99833
Ed. Weissinger	Box 86 Psg. AK. 99833
Digney, Margaret	Box 1152 Psg. AK 99833
Gregory M. Mautner	Box 1124 Psg. AK 99833
Robert McCallister	Box 1724 Psg. AK. 99833
Russ (Lusk?)	Box 1353 Psg. AK. 99833
Richard W. Lusk	Box 1411 Psg. AK 99833
John D.	1314 " " "
Eick, Fritz	Box 271 " " "
Chris Lusk	Box 285 Psg. AK 99833
John Lusk	Box 1412 Psg. AK 99833
Kenne, Lorraine	Box 1610 Psg. AK 99833
John S. Ballantyne	Box 481 Psg. AK 99833
Allyn Steele	Box 843 Psg. AK 99833
John Lusk	Box 966 Psg. AK 99833
Walter Knight	Box 1658 Psg. AK 99833
Patricia D. Knight	Box 97 " " 99833
Rebecca Perry	Box 1033 " " "
John D. Lusk	Box 325 " " "
Christine Lusk	Box 253 Psg. AK 99833
Miss Teresa Lusk	Box 279 Psg. AK 99833
Lily Kramer	Box 125 " " "
Bob Lusk	Box 1477 Psg. AK "
Donald A. Lusk	Box 363 Psg. AK 99833
Robert M. Callahan	Box 163 Psg. AK 99833
John Lusk	Box 373 Psg. AK "
Paul Kozak	1256 Town "
John C. Lusk	Box 173 Psg. ALASKA 99833
John Lusk	181 " " "
Sandra Kaye	Box 458 Psg. AK 99833
Joe E. Lusk	Box 1655 Psg. AK 99833
John Lusk	Box 1315 Psg. AK 99833
Willy Jean Lusk	Box 745 Psg. AK 99833
John Lusk	Box 149 Psg. AK 99833
Donald Lusk	Box 1778 Psg. AK 99833
John Lusk	Box 1606 Psg. AK 99833
John Lusk	Box 1223 Psg. AK 99833
John Lusk	Box 1555 Psg. AK 99833
Tom Lusk	Box 523 Psg. AK 99833
William K. Lusk	Box 473 Psg. AK 99833

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NAME	ADDRESS	ADDRESS
Courtney Lyons	Box 189	+14 Maxwell Petersburg AK
Armand J. Adams	Box 907	Petersburg AK
Joni [unclear]		
Mary [unclear]	Box 1468	Petersburg AK
[unclear]	Box 846	AK AK
[unclear]	Box 89	AK AK
Jade [unclear]	Box 1473	AK AK
Robert [unclear]	Box 898	" "
Michael R. Peterson	Box 65	Petersburg AK 99833
Luella [unclear]	Box 1722	Petersburg AK 99833
[unclear]	"	" " "
Marlene [unclear]	Box 331	Petersburg AK 99833
[unclear]	Box 1026	Petersburg AK 99833
[unclear]	Box 75	Petersburg AK 99833
[unclear]	Box 1864	Petersburg AK 99833
[unclear]	Box 118	AK 99833
[unclear]	Box 1053	Petersburg AK
[unclear]	379	AK
[unclear]	Box 1119	AK 99833
[unclear]	PO 365	AK 99833
[unclear]	PO 1025	AK 99833
[unclear]	P.O. Box 512	Petersburg AK 99833
[unclear]	P.O. Box 1630	Petersburg AK 99833
[unclear]	Box 1524	AK 99833
[unclear]	Box 1005	AK 99833
[unclear]	Box 761	Petersburg AK 99833
[unclear]	Box 1555	Petersburg AK 99833
[unclear]	Box 133	AK 99833
[unclear]	Box 1624	AK 99833
[unclear]	Box 690	Petersburg AK 99833
[unclear]	Box 423	AK 99833
[unclear]	Box 363	Petersburg AK 99833
[unclear]	Box 267	AK 99833
[unclear]	Box 200	" " "
[unclear]	Box 134	" " "
[unclear]	Box 170	" " "
[unclear]	Box 935	AK
[unclear]	Box 237	AK
[unclear]	Box 162	Petersburg AK 99833
[unclear]	Box 641	AK
[unclear]	365	AK
[unclear]	Box 174	AK 99833
William E. [unclear]	Petersburg AK Del	Steal a car go to jail

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NAME	ADDRESS
James Adams - James Stulpe	2000 SANDY BEACH RD
Mrs. A. H. H. H.	501 HALGON DR. Box 258
Donald B. B.	Box 341 805 D
John K. K.	Box 716 800 318 th ST CITY
Lennie G. G.	Box 7562 4151 MILK & F HWY.
Wendy A. A.	Box 786 14 S. 3 rd ST.
W.C. W.	Box 725 PSC AK
Archie Buckwell	Box 819 D-20 AK
Jack M. M.	Box 1290 D-20 AK
Elias Lucas	Box 1161 PSC AK
Mitchell, E. E.	Box 15 PSC AK
Paul A. A.	Box 1454 PSC AK
Ernie E. E.	Box 1292 PSC AK
Sam M. M.	Box 707 PSC AK
Chris C. C.	Box 1006 PSC AK
Mike M. M.	Box 1704 PSC AK
James J. J.	Box 1326 PSC AK
Walter W. W.	Box 752 PSC AK
Rick R. R. Rick Fleming	Box 1092 - Petersburg AK 99833
Jon J. J. STEPHEN	Box 524 PSC AK 99833
Joseph M. M. Hubbard	P.O. Box 566 PSC AK 99833
Beth B. B. Rhoda	Box 426 - PSC AK 99833
Anna Lou A. A. SADLER	Box 1463 PSC AK 99833
Tracy T. T. & Alex Reid	Box 117 Petersburg AK 99833
Wesley W. W. Jackson	Box 257 Petersburg AK 99833
Doreen D. D. G. G.	
James J. J. Emmerson	Box 730 PSC AK 99833
Richard R. R. Burrell II	Box 75 Petersburg AK 99833
Bron B. B. At Falls	Box 141 PETERS BURG AK 99833
Bob B. B. Davis	Box 1326 11
John W. W. Jerome	7 1/2 mi Milk & F Hwy
Paul P. P. W. W. Hunt	Box 1312 PSC AK 99833
Charles C. C. Hunt	Box 524 PSC AK
Lance L. L. Weiner	Box 1424 PSC AK 99833
Charles C. C. Jensen	Box 952 PSC AK 99833
Ronna R. R. Martensen	1306 Waincell Ave - Box 205 Petersburg
Lannis L. L. Rogers	257 Waincell Ave Box 205 Petersburg AK
Pete P. P. W. W. L.	Box 414 1/2 mi Milk & F Hwy AK 99833
Paul P. P. G. G.	Box 414 1/2 mi Milk & F Hwy AK 99833
Tim T. T. M. M.	Box 1173 Petersburg AK
R. D. R. D. McCay	Box 161 PSC AK 99833
Steve S. S. Connor	Box 1174 PSC AK
Richard R. R. HILLER	Box 1361 PSC AK
Mike M. M. DEAN	Box 1361 PSC AK

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NAME	ADDRESS	
Sig Mathison	Box 1460	Petersburg, Alaska 99833
Edna Mathison	Box 239	"
John Mathison	Box 503	"
Jama L. Mathison	P.O. Box 1530	Petersburg, AK
Joseph W. Mathison	Box 114	"
Edna Eide	P.O. Box 947	"
William W. Mathison	Box 274	"
Edna Eide	Box 830	Petersburg, Alaska 998
Wes Abbott	Box 185	Petersburg, AK 99833
David H. Clayton	Box 882	Petersburg, AK 99833
Madison J. Clayton	Box 882	PETERSBURG AK 99833
Jack H. Clayton	Box 1745	PETERSBURG AK 99833
W. H. Clayton	General Delivery	Petersburg AK 99833
Margaret A. Clayton	Box 981	Petersburg AK 99833
Thomas H. Clayton	Box 981	Petersburg, AK 99833
Bird Clayton	Box 697	Petersburg AK
George P. Clayton	Box 615	PSG
William Clayton	Box 1520	PSG
Jack H. Willis	Box 204	PSG
Louise Clayton	Box 507	"
Ray Clayton	Box 552	PSG
John Clayton	Box 532	PSG
Ray Clayton	Box 504	PSG
Drake Clayton	Box 875	PSG
Anna Clayton	Box 1367	AK
Cherry Clayton	Box 991	Petersburg
John W. Clayton	Box 152	PETERSBURG AK
William Clayton	Box 523	PSG
Wes Clayton	Box 125	PSG
William A. Price	Men. Del.	Petersburg AK 99833
Cindy Leonard	Box 16	"
George H. Price	Box 1303	"
Charles Price	Box 143	"
William Price	Box 561	"
Wes Howard	Box 173	"
Wes Howard	Box 580	"
Wes Howard	Box 659	"
Cindy Howard	Box 685	"
Wes Howard	Box 863	"
Wes Howard	Box 571	"

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NAME

ADDRESS

NAME	ADDRESS	
Shirley Marston	Box 623	P.S.G.
Rocky M. Keith	Box 446	
David M. Hushak	Box 155	
Wesley Jones	Box 206	Petersburg
Michael Conklin	1580	7456
Mary Christman	Box 1	P.S.G.
15711 R. 125	Box 1176	P.S.G.
Brenda F. Hart	Box 1562	P.S.G.
John M. Lewis	Box 1302	P.S.G. AK
Robert Hill	Box 25	P.S.G. AK
W. Hill	Box 923	P.S.G. AK
John R. King	Box 135	P.S.G. AK
Robert W. Phillips	Gen. Del.	P.S.G. AK
GARY PAINTER	P.O. Box 1147	P.S.G. AK
John Ferguson	P.O. Box 502	P.S.G.
Jayle A. Belington	P.O. Box 130	Petersburg (P.S.G.)
Robert Jackson	P.O. Box 123	Petersburg (P.S.G.)
Butte Jackson	Box 1161	P.S.G. AK 89833
Charles A. Hanson	P.O. Box 1651	P.S.G. AK 89833
Charles K. Lee	Box 530	P.S.G.
John S. Albert	Box 873	P.S.G.
Fam. Oliver	Box 681	Petersburg
Stephene Davis	Box 1423	City
Mike Poirer	Gen. Del.	City
Bill D. Poirer	Box 174	City
John D. Poirer	Box 174	City
Andy Kramer	432	"
Harold Jensen	264	"
Sara Newman	830	"
Michael G. Montgomery	Box 1145	P.S.G.
Paul Smith	Box 166	P.S.G.
John G. Smith	Box 938	P.S.G.
Gladys Flugvog	Box 131	P.S.G.
John G. Smith	Box 1007	"
John G. Smith	Box 1325	"
John G. Smith	Box 1273	Petersburg
Elaine Thompson	Box 1044	Petersburg
Michael Rogers	Box 1243	Petersburg
John G. Smith	Box 446	"
John G. Smith	Box 62	Petersburg
John G. Smith	Box 375	Petersburg
John G. Smith	Box 1185	Petersburg
John G. Smith	Box 485	Petersburg

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NAME PRINT	SIGNATURE	STREET ADDRESS	Box #
Chris Valentine	Chris Valentine	P.O. Box 1146	PSG
Jeanne Wheat	Jeanne Wheat	Sur 1330	PSG
Toni Wheat	Toni Wheat	Box 1274	PSG
Marge Fike	Marge Fike	Box 181	PSG
Linda Bunge	Linda Bunge	Box 298	PSG
Edward Buzarski	Edward Buzarski	Box 1414	PSG
Pamela Nurst	Pamela Nurst	Box 1104	PSG
Billie Taylor	Billie Taylor	Box 1267	PSG
Susan Hestrod	Susan Hestrod	Box 1757	PSG
H.C. Gilliland	H.C. Gilliland	Box 107	PSG
Jack Wilson	Jack Wilson	Box 1300	PSG
Julu Milner	Julu Milner	Box 1287	PSG
Fahe Enri's	Fahe Enri's	Box 263	PSG
Beryl G. Luhn	Beryl G. Luhn	188 Miller Highway	Petersburg
MARK WEAVER	Mark Weaver	Box 1181	PETERSBURG
Barbara Chickard	Barbara Chickard	Box 511	"
Ruthi Sandvik	Ruthi Sandvik	Box 526	"
Shelley Hiert	Shelley Hiert	Box 1586	PSG
Joy JANSSEN	Joy Janssen	Box 1671	8025 Nordic Dr. Petersburg, AK Box 3
COLLEEN SITTEN	Colleen Sitten	Box 1480	PSG
RICHARD J. WALSH	Richard J. Walsh	Box 1480	PSG
Cynthia L. Britten	Cynthia L. Britten	Box 693	PSG
Laura G. Compton	Laura G. Compton	Box 943	Petersburg
Denise Huberich	Denise Huberich	Box 775	Petersburg
Alice Longworth	Alice Longworth	Box 328	PSG AK
Kenneth H. Elmire	Kenneth H. Elmire	Box 643	PSG AK
Tina M. CURTIS	Tina M. Curtis	P.O. Box 878	PETERSBURG AK 99833 907-772-3995
William P Sharp	William P Sharp	Box 227	Petersburg AK 99833 907-772-4442

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taking someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS		
DON KOENIGS	Don Koenigs P.O. Box 674	700 EST. PETERSBURG, AK	99833
Myrtle SKAFLESTAD	344 304 Sande Beach		99833
Muriel A. Phillips	P.O. Box 1289	200 S 2nd St., Petersburg	99833
Lilly Plutken	Richtshilla P.O. Box 414	110 N 3rd	11
Kim McEadyen	Kim McEadyen ""	592 129 Kings Row	99833
Miriam Hubbard	Miriam Hubbard Box 981	1109 S. Nordic Drive	99833
ALLY AMRUS	ALLY AMRUS Box 1332	Petersburg, AK	99833
Phillip M. Anderson	Phillip M. Anderson Box 1054	371 Mutt of Hwy	99833
John E. W. Stees	P.O. Box 157	Petersburg AK	99833
TINA Hilbert	Tina Hilbert Box 973	Petersburg AK	99833
Loren Cornelius	Loren Cornelius P.O. Box 1727	Petersburg, AK	99833
Ruth Dawson	Ruth Dawson P.O. Box 206	Petersburg, AK	99833
Margaret Smith	Box 702	Petersburg, AK	99833
Jylva Jansen	Box 802	Petersburg, AK	99833
PETER PETRULIS	Box 1637	Petersburg AK	99833
Joy Davis	Box 1236	Petersburg AK	99833
Nancy K. Wright	Box 265	Petersburg AK	99833
John S. Wilke	P.O. Box 1587	Petersburg, AK	99833
John Corbett	P.O. Box 1354	Petersburg, AK	99833
Margaret Hunt	Margaret J. Hunt Box 9101	Petersburg, AK	99833
James & Alex Reid	Box 1137	Petersburg, AK	99833
Roy & Sandra Sandler	Box 1676	Petersburg, AK	99833
Christina Morrison	Box 324	Petersburg, AK	99833
VIVIAN F. HEASLEY	Vivian F. Heasley 6160V	Petersburg AK	99833
Carol A. Woody	Gen Del Petersburg	AK	99833
Gary J. Weavil	Box 1181	Petersburg, AK	99833
Jessith A. Brown	Box 771	Petersburg, AK	99833
Shirley Hala	Box 514	Petersburg	99833
Therese Johnson	Box 491	Petersburg	99833
James E. Philander	Box 206	Petersburg	99833
Mortis Foxer	Mortis Foxer Box 691	Petersburg, AK	99833
Thomas McKown	Box 326	Petersburg AK	99833
Michael R. Heddy	Michael R. Heddy P.O. Box 608	Petersburg, AK	99833
Ethel Dawson	Ethel Dawson Box 1734	Petersburg	99833
Edith Allison Strauss	Edith Allison Strauss Box 967	Petersburg	99833
John S. Wilke	Box 1463	Petersburg	99833
Patricia A. Wokny	Box 97	Petersburg	99833
Jilly A. Krenzel	Box 968	Petersburg	99833
Judy E. Schaefer	Box 364	Petersburg	99833
Dee Brantley	Box 838	Petersburg	99833
Dee Brantley	Box 1530	Petersburg	99833

Alan P. Eubank

Box 234 City

Thomas W. Rockne

Box 1305

Petersburg

Louis McNeil

Box 601

Petersburg

City

Wendy Storr

Box 142

Petersburg

99833

Darry E. Bracken Box 1201 705 Sandy Beach Road

Jean A. Curry 572 509 " " " PS 56

Ma Teyner Box 583

Margaret Durbin Box 1207 907 Wrangell

Kathi Hamner BX 194 104 S. Single Alley P.O. AK 99833

Betty Thomsen 304 60P 206 So 2nd P.O. AK 99833

Bob Bennett Box 916 mi 4. mi. of Hwy. P.O., Ak. 99833



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P O Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

April 21, 1989

MEMORANDUM

TO: Representative Peter Goll

FROM: Brad Pierce *BP*
Legislative Analyst

RE: Joyriding Cases in Southeast
Research Request 89.359

You asked that we provide information on the disposal of joyriding cases (criminal mischief) by the courts in Ketchikan, Wrangell and Petersburg during the past five years. Specifically, you wanted to know the number of cases charged, convictions and sentences. You are interested in determining if the disposition of cases in these three courts is consistent with other jurisdictions in the state.

Attached is a Department of Law printout of criminal misdemeanor joyriding cases--involving 60 individuals during the past five years--recorded by the courts in these three cities. The printout entries are self-explanatory. (Apparently the department has not yet received the paperwork for the five cases with missing disposition entries.) According to Dean Guaneli, assistant attorney general, the disposition of these cases is quite similar to those in other courts around the state. The vast majority of those convicted (or who plead guilty or no contest) served at least some jail time--14 of the 19 individuals convicted in Ketchikan went to jail, three of the four in Petersburg and nine of the ten in Wrangell also received jail sentences.

* * *

I hope this is enough information for your purposes. Please call if you have questions.

Attachment

DATE 04/19/89

ALASKA VERSION OF ON-LINE PROMIS

PAGE 01
NAME CODE: CRIM3D

CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS		COURT LOC	: KETCHIKAN			
1)	DOB	CHARGE TRANS	DISP TRANS	TOTAL JAIL TIME	TOTAL FINE	SUS IMPOS SENT
2)		CHARGE	DISPOSITION			
2)		CHARGE TRANS	REASON TRANS	TIME SUSPENDED	FINE SUSPENDED	DATE CAS
2)		CHARGE CONVICTED	AMENDMENT REASON			
1)	02/15/56	CRIM MISC III				02/10
2)						
1)	06/06/56	CRIM MISC III				02/10
2)						
1)	10/31/65	CRIM MISC III				01/17
2)						
1)	07/28/64	CRIM MISC III	PROS DECL/DISM REQ			12/16
2)			ESSENTIALLY A CIVIL MATTER			
1)	01/27/66	CRIM MISC III	PROS DECL/NO DISM RQ			10/30
2)			ESSENTIALLY A CIVIL MATTER			
1)	01/04/58	CRIM MISC III	PROS DECL/NO DISM RQ			01/16
2)			VICTIM DECLINES TO PROSECUTE			
1)		CRIM MISC III	PROS DECL/NO DISM RQ			10/03
2)			INSUFF EVID-OTHER ESS ELEMENT			
1)		CRIM MISC III	PROS DECL/NO DISM RQ			11/03
2)			INADEQUATE CORROBORATION			
1)	12/31/65	CRIM MISC III	PROS DECL/NO DISM RQ			11/26
2)			ESS WITNESS NOT CREDIBLE			
1)	08/05/70	CRIM MISC III	PROS DECL/NO DISM RQ			11/13
2)			INSUFF EVID-OTHER ESS ELEMENT			
1)	12/30/66	CRIM MISC III	JT-GUILTY AS CHARGED	30D	500+	12/23
2)				27D	400+	
1)	07/16/63	CRIM MISC III	JT-GUILTY AS CHARGED	1Y	+	02/13
2)					+	
1)		CRIM MISC III	JT-GUILTY AS CHARGED	1Y	+	02/13
2)					+	
1)		CRIM MISC III	JT-GUILTY AS CHARGED	1Y	+	02/13
2)					+	

CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS		COURT LOC	: KETCHIKAN				
1)	DOB	CHARGE TRANS	DISP TRANS	TOTAL JAIL TIME	TOTAL FINE	SUS IMPOS	SENT
2)		CHARGE	DISPOSITION				
2)		CHARGE TRANS	REASON TRANS	TIME SUSPENDED	FINE SUSPENDED		DATE CAS
2)		CHARGE CONVICTED	AMENDMENT REASON				
1)	02/27/62	CRIM MISC III	PROS DECL/NO DISM RQ				08/20
2)			OTHER DISCRETIONARY REASONS				
1)	11/10/42	CRIM MISC III	PROS DECL/NO DISM RQ				08/20
2)			OTHER DISCRETIONARY REASONS				
1)	02/03/69	CRIM MISC III	PROS DECL/NO DISM RQ				08/11
2)			REFERRED TO JUVENILE AUTH				
1)	03/12/61	CRIM MISC III	PLED AS CHARGED	360D	500+		08/05
2)				300D	500+		
1)	09/26/69	CRIM MISC III	PLED AS CHARGED	30D	+		01/03
2)				29D	+		
1)	10/30/62	CRIM MISC III	NOLO PLEA AS CHARGED	30D	500+		01/08
2)				27D	200+		
1)	10/28/53	CRIM MISC III	DISM BY PROSECUTOR				02/12
2)			OTHER DISCRETIONARY REASONS				
1)	07/06/61	CRIM MISC III	NOLO PLEA AS CHARGED	60D	+		07/03
2)				50D	+		
1)	08/29/57	CRIM MISC III	NOLO PLEA AS CHARGED		+	Y	08/20
2)					+		
1)	03/01/62	CRIM MISC III	NOLO PLEA AS CHARGED		75+		09/03
2)					+		
1)	03/09/63	CRIM MISC III	DISM BY PROSECUTOR				09/09
2)			ESS WITNESS NOT CREDIBLE				
1)	12/01/60	CRIM MISC III	DISM BY PROSECUTOR				01/06
2)			OTHER DISCRETIONARY REASONS				
1)	10/13/64	CRIM MISC III	NOLO PLEA AS CHARGED	60D	+		02/03
2)				40D	+		
1)	05/22/67	CRIM MISC III	NOLO PLEA AS CHARGED	120D	500+		03/28
2)				100D	500+		

CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS COURT LOC : KETCHIKAN

1) 1) 2) 2)	DOB	CHARGE TRANS CHARGE CHARGE TRANS CHARGE CONVICTED	DISP TRANS DISPOSITION REASON TRANS AMENDMENT REASON	TOTAL JAIL TIME TIME SUSPENDED	TOTAL FINE FINE SUSPENDED	SUS IMPOS SENT DATE CAS
1) 2)	12/15/63	CRIM MISC III	NOLO PLEA AS CHARGED	60D 60D	500+ +	06/26
1) 2)	08/03/66	CRIM MISC III	NOLO PLEA AS CHARGED	1Y 6M	+ +	06/26
1) 2)	07/16/63	CRIM MISC III	NOLO PLEA AS CHARGED	180D	+ +	08/07
1) 2)	03/06/68	CRIM MISC III	NOLO PLEA AS CHARGED	20D 17D	+ +	09/02
1) 2)	11/04/66	CRIM MISC III	NOLO PLEA AS CHARGED	120D 113D	1,000+ 1,000+	10/10
1) 2)	10/10/68	CRIM MISC III	NOLO PLEA AS CHARGED	60D 60D	1,000+ 650+	04/02
1) 2)	05/09/69	CRIM MISC III	NOLO PLEA AS CHARGED	180D 180D	+ +	07/13
1) 2)	12/30/67	CRIMINAL MISCHIEF II CRIM MISC III	NOLO-AMENDED CHARGE INSUFF EVID-PROOF OF VALUE		+ +	Y 12/31
1) 2)	08/21/69	CRIM MISC III	NOLO-SENT BARGAIN	120D 120D	1,000+ 1,000+	04/27
1) 2)	09/24/64	CRIM MISC III	DISM BY PROSECUTOR EXCULPATORY EVID DISCOVERED			07/17
1) 2)	12/15/63	CRIM MISC III	DISM BY PROSECUTOR EXCULPATORY EVID DISCOVERED			10/25
1) 2)	06/20/62	CRIM MISC III	DISM BY PROSECUTOR OTHER MISCELLANEOUS REASONS			03/05
1) 2)	09/22/64	CRIM MISC III	DISM BY PROSECUTOR INTEREST OF JUSTICE			03/31
1) 2)	10/07/68	CRIM MISC III	DISM BY PROSECUTOR DEF CONVICTED IN ANOTHER CASE			11/04

CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS		COURT LOC	: KETCHIKAN			
1)	DOB	CHARGE TRANS	DISP TRANS	TOTAL JAIL TIME	TOTAL FINE	SUS IMPOS SENT
2)		CHARGE CONVICTED	DISPOSITION	TIME SUSPENDED	FINE SUSPENDED	DATE CA'
			REASON TRANS			
			AMENDMENT REASON			
1)	10/07/68	CRIM MISC III	DISM BY PROSECUTOR			11/00
2)			INTEREST OF JUSTICE			
1)	07/16/63	CRIM MISC III	DISM BY PROSECUTOR			12/20
2)			DEF CONVICTED IN ANOTHER CASE			
1)	12/29/64	CRIM MISC III	DISM BY PROSECUTOR			05/10
2)			RESTITUTION MADE/IN PROGRESS			
1)	12/28/66	CRIM MISC III	DISM BY PROSECUTOR			02/00
2)			DEF CONVICTED IN ANOTHER CASE			
1)	08/08/62	CRIM MISC III	DISM BY PROSECUTOR			12/20
2)			OTHER DISCRETIONARY REASONS			
1)	12/25/64	CRIM MISC III	DISM BY PROSECUTOR			05/10
2)			OTHER EVIDENTIARY REASONS			
1)	07/27/66	CRIM MISC III	DISM BY PROSECUTOR			05/20
2)			VICTIM DECLINES TO PROSECUTE			
1)	09/22/70	CRIM MISC III	DISM BY PROSECUTOR			12/20
2)			REFERRED TO JUVENILE AUTH			

DATE 04/19/89

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NAME CODE: CPIM3D

CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS COURT LOC : PETERSBURG

1) 1) 2) 2)	DOB	CHARGE TRANS CHARGE CHARGE TRANS CHARGE CONVICTED	DISP TRANS DISPOSITION REASON TRANS AMENDMENT REASON	TOTAL JAIL TIME TIME SUSPENDED	TOTAL FINE FINE SUSPENDED	SUS IMPOS SENT DATE CAS
1) 2)	07/02/65	CRIM MISC III				02/06
1) 2)	07/13/53	CRIM MISC III	PLED AS CHARGED		+	Y 09/06
1) 2)	05/08/67	CRIM MISC III	NOLO PLEA AS CHARGED	90D 65D	+	08/28
1) 2)	06/08/66	CRIM MISC III	NOLO PLEA AS CHARGED	90D 45D	+	07/22
1) 2)	12/01/65	CRIM MISC III	NOLO PLEA AS CHARGED	90D 90D	+	11/10
1) 2)	10/31/67	CRIM MISC III	NOLO PLEA AS CHARGED	60D 40D	+	02/08
1) 2)	08/18/60	CRIM MISC III	DISM BY PROSECUTOR OTHER DISCRETIONARY REASONS			08/01

CRIMINAL MISDEMEANOR JOYRIDING CASES

COURT LOC TRANS		COURT LOC	: WRANGELL			
1)	CHARGE TRANS		DISP TRANS	TOTAL JAIL TIME	TOTAL FINE	SUS IMPOS SENT
1)	CHARGE		DISPOSITION			
2)	CHARGE TRANS		REASON TRANS	TIME SUSPENDED	FINE SUSPENDED	DATE CAS
2)	CHARGE CONVICTED		AMENDMENT REASON			
1)	02/18/57	CRIM MISC III				10/30
2)						
1)	07/22/62	CRIM MISC III	NOLO PLEA AS CHARGED	60D	+	03/05
2)				30D	+	
1)		CRIM MISC III	NOLO PLEA AS CHARGED	60D	+	03/05
2)				30D	+	
1)	11/09/67	CRIM MISC III	NOLO PLEA AS CHARGED	5D	+	02/25
2)					+	
1)	11/04/66	CRIM MISC III	NOLO PLEA AS CHARGED	10D	+	07/31
2)				10D	+	
1)	12/20/64	CRIM MISC III	NOLO PLEA AS CHARGED	3Y	+	12/25
2)				1Y	+	
1)	02/23/68	CRIM MISC III	NOLO PLEA AS CHARGED	20D	+	02/25
2)				15D	+	
1)	10/27/68	CRIM MISC III	NOLO PLEA AS CHARGED	30D	+	07/15
2)				27D	+	
1)	05/15/61	CRIM MISC III	NOLO PLEA AS CHARGED		100+	07/15
2)					↓	
1)	10/04/66	CRIM MISC III	NOLO PLEA AS CHARGED	20D	300+	11/15
2)				10D	200+	
1)	08/10/66	CRIM MISC III	NOLO PLEA AS CHARGED	180D	+	12/05
2)				120D	+	
1)	09/19/62	CRIM MISC III	NOLO-AMENDED CHARGE	5D	+	06/25
2)	CRIMINAL MISCHIEF IV		OTHER WITNESS PROBLEM	3D	+	

EXTRACT SELECT COUNT IS 69

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act amending the penalty for the
 crime of criminal mischief..."
 Sponsor: Senator Jones
 Requestor: _____

Agency Affected: Department of Corrections
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

This legislation will have minimal impact on the Department of Corrections. Very few persons actually serve jail time for the offense of Criminal Mischief III and if they actually do, the time served tends to be greater than this mandatory minimum.

Susan E. Knighton

Prepared by: Susan E. Knighton, Director
 Division: Administrative Services

Phone: 465-3376
 Date: 2-1-89

Approved by Commissioner Humphrey-Barnett
 Agency: Department of Corrections

Date: 2-1-89

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Law
 Title: "An Act amending the penalty... ..taking of a propelled vehicle." BRU: Prosecution
 Sponsor: Sen. Jones Components: All
 Requestor: Sen. Jones

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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. Peeues, Director Phone: 465-3672
 Division: Administrative Services Date: January 26, 1989
 Approved by Commissioner: Richard I. Peeues / FOR
 Agency: Department of Law Date: January 26, 1989
 Approved by Commissioner: Grace Berg Schaible, Atty. Gen.

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. ^{SB}~~HB~~ 26

This bill amends AS 11.46.484 by adding a new subsection that imposes a mandatory minimum sentence for joyriding of a term of imprisonment of not less than 72 hours, a fine of not less than \$250, and restitution. These sentencing provisions will not have a fiscal impact on the Department of Law. It should be noted that some additional prosecutor time will be needed because defendants can be expected to offer a more vigorous defense in the face of a mandatory jail term. Prosecutor workload in most of the state's district attorney offices is currently at or near the saturation point. Consequently, adoption of this bill and other similar measures, that do not individually have a fiscal impact, will cumulatively diminish the department's ability to handle more serious offenses. Lastly, the bill could have a substantial impact on the Department of Corrections.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SB 26
PUBLISH DATE: 2/6/89

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: Amending the penalty for the BRU: Alaska State Troopers
taking of a propelled vehicle
Sponsor: Senator Jones Component: _____
Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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						
FEDERAL FUNDS						
OTHER						
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)

This bill would require a mandatory minimum sentence of three days in jail and a \$250 fine for a first offense "joy-riding" conviction. (Second and subsequent offenses are felonies.) This is the same mandatory minimum sentence imposed upon first offense drunk drivers.

Passage of this legislation would have no fiscal impact on the Department of Public Safety.

Prepared by: Gayle A. Horetski, Deputy Commissioner Phone: 465-4322
Division: Office of the Commissioner Date: 2/2/89

Approved by Commissioner: Arthur English Date: 2/2/89
Agency: Department of Public Safety

FISCAL NOTE

REQUEST:

Revision Date: 1-8-90
Title: Minimum penalty for joyriding

Agency Affected: Public Safety
BRU: Alaska State Troopers

Sponsor: Senator Jones
Requestor: House Judiciary

Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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						
OTHER/PROG RCPT						
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)

This bill would require a mandatory minimum sentence of three days in jail and a \$250 fine for a first offense "joy-riding" conviction. (Second and subsequent offenses are felonies.) This is the same mandatory minimum sentence imposed upon first offense drunk drivers.

Passage of this legislation would have no fiscal impact on the Department of Public Safety.

Prepared by: Gavle A. Horetski, Deputy Commissioner
Division: Office of the Commissioner

Phone: 465-4322
Date: 12/19/89

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 1-8-90
Page 1 of 1

W.A.
12/21/89

1 IN THE SENATE

BY JONES

2

SENATE BILL NO. 26

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act amending the penalty for the crime of criminal mischief in the third degree involving the unauthorized taking of a propelled vehicle."

7

8

9

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

10

* Section 1. AS 11.46.484 is amended by adding a new subsection to

11

read:

12

(d) The court shall sentence a person convicted under (a)(2) of

13

this section whose conviction is not a felony under (c) of this section

14

to a minimum term of imprisonment of not less than 72 hours,

15

payment of a fine of not less than \$250, and restitution. The court

16

may not suspend imposition or execution of sentence and may not grant

17

probation except on condition that the minimum imprisonment provided

18

in this subsection is served.

19

6-0180H
Chenoweth
3/9/89

Original sponsors: Jones, Halford
and Coghill

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 26 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending the penalty for the crime of crimi-
7 nal mischief in the third degree involving the unau-
8 thorized taking of a propelled vehicle."

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

10 * Section 1. AS 11.46.484 is amended by adding new subsections to read:

11 (d) The court shall sentence a person convicted under (a)(2) of
12 this section whose conviction is not a felony under (c) of this sec-
13 tion to

14 (1) a minimum term of imprisonment of not less than

15 (A) 72 consecutive hours; or

16 (B) 24 consecutive hours, and 48 hours of community

17 service;

18 (2) payment of a fine of not less than \$250; and

19 (3) payment of restitution.

20 (e) Unless the defendant is required to serve the minimum im-
21 prisonment provided in (d)(1)(A) of this section or the minimum term
22 of imprisonment and period of community service provided in (d)(1)(B)
23 of this section, and to pay the restitution ordered under (d)(3) of
24 this section, the court may not suspend imposition or execution of
25 sentence or grant probation.

S B

4 3