



LAWS OF ALASKA

1989

Source

CSHB 130(Jud)

Chapter No.

49

AN ACT

Relating to the crime of theft and concealment of merchandise;
and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 26, 1989
Actual Effective Date: May 27, 1989

AN ACT

Relating to the crime of theft and concealment of merchandise; and providing for an effective date.

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

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

[(1)] the value of the property or services is \$25,000 or more [; OR

(2) THE VALUE OF THE PROPERTY OR SERVICES IS \$500 OR MORE BUT LESS THAN \$25,000 AND WITHIN THE PRECEDING FIVE YEARS THE PERSON HAS BEEN CONVICTED AND SENTENCED ON TWO OR MORE SEPARATE OCCASIONS IN THIS OR ANOTHER JURISDICTION OF A CRIME SET OUT IN (1) OF THIS SUBSECTION OR AS 11.46.130(a)(1) - (3) OR AN OFFENSE UNDER ANOTHER LAW OR ORDINANCE WITH SIMILAR ELEMENTS].

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

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

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

(2) the property is a firearm or explosive;

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

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

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1 and sentenced on two or more separate occasions in this or another
2 jurisdiction of

3 (A) AS 11.46.120, or an offense under another law or
4 ordinance with similar elements;

5 (B) a crime set out in [(1) - (3) OF] this subsection
6 or an offense under another law or ordinance with similar ele-
7 ments; [OR]

8 (C) AS 11.46.140(a)(1) or (2), or an offense under
9 another law or ordinance with similar elements; or

10 (D) AS 11.46.220(c)(1) or (c)(2)(A), or an offense
11 under another law or ordinance with similar elements.

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

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

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

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

18 (3) the value of the property is less than \$50 and within
19 the past five years the person has been convicted and sentenced on two
20 or more separate occasions in this or another jurisdiction of theft or
21 concealment of merchandise, or an offense under another law or ordi-
22 nance with similar elements.

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

24 (c) Concealment of merchandise is

25 (1) a class C felony if

26 (A) the merchandise is a firearm;

27 (B) the value of the merchandise is \$500 or more; or

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

1 been convicted and sentenced on two or more separate occasions in
2 this or another jurisdiction of the offense of

3 (i) concealment of merchandise under this para-
4 graph or (2)(A) of this subsection, [THAT HAS A VALUE OF
5 \$50 OR MORE] or an offense under another law or ordinance
6 with similar elements; or

7 (ii) AS 11.46.120, 11.46.130, or 11.46.140(a)(1)
8 or (a)(2), or an offense under another law or ordinance with
9 similar elements;

0 (2) a class A misdemeanor if

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

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

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

10 * Sec. 5. AS 11.46.295 is amended to read:

11 Sec. 11.46.295. PRIOR CONVICTIONS. For purposes of considering
12 prior convictions in prosecuting a crime of theft under AS 11.46.-
13 130(a)(4) [AS 11.46.120(a)(2), 11.46.130(a)(4),] or 11.46.140(a)(3),
14 or in prosecuting the crime of concealment of merchandise under
15 AS 11.46.220(c), a conviction for an offense under another law or
16 ordinance with similar elements is a conviction of an offense having
17 elements similar to those of an offense defined as such under Alaska
18 law at the time the offense was committed.

19 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).