



LAWS OF ALASKA

1991

Source

HCS CSSB 105(JUD)

Chapter No.

53

AN ACT

Amending the penalty for the crime of criminal mischief in the third degree involving the unauthorized taking of a propelled vehicle.

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

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Approved by the Governor: June 15, 1991
Actual Effective Date: September 13, 1991

AN ACT

1 Amending the penalty for the crime of criminal mischief in the third degree involving
2 the unauthorized taking of a propelled vehicle.
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6 * Section 1. FINDINGS. The legislature finds that

7 (1) many defendants convicted for the first time of violating AS 11.46.484(a)(2)
8 (joyriding) are not now receiving an adequate sentence; and

9 (2) the public's interest in deterring people from violating AS 11.46.484(a)(2) and in
10 rehabilitating those convicted of violations of the statute will be served by the court imposing sentences
11 of imprisonment on those convicted of this crime.

12 * Sec. 2. PURPOSE. It is the purpose of this Act to ensure that a defendant convicted of criminal
13 mischief in the third degree in violation of AS 11.46.484(a)(2), whose conviction is not a felony under
14 AS 11.46.484(c), does not receive a wholly suspended sentence. However, in light of statistics showing
15 that over 50 percent of defendants sentenced under current law are required to serve 10 or more days
16 in jail, and recognizing that a second conviction for criminal mischief in the third degree is a felony, the
17 legislature does not anticipate that judges will routinely impose only the mandatory minimum sentence
18 for persons convicted of a misdemeanor violation of AS 11.46.484(a)(2). Instead, the legislature intends
19 that judges consider the factors set out in AS 12.55.005, and the applicable court decisions, in
20 determining the appropriate sentence.

21 * Sec. 3. AS 12.55.045 is amended by adding a new subsection to read:

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1 (e) If a defendant is convicted of criminal mischief in the third degree in violation of
2 AS 11.46.484(a)(2), and the victim of the offense incurs damage or loss as a result of the offense,
3 the court shall order the defendant to pay restitution.

4 * Sec. 4. AS 12.55.055 is amended by adding a new subsection to read:

5 (f) The court may order a defendant convicted of criminal mischief in the third degree
6 in violation of AS 11.46.484(a)(2), whose conviction is not a felony under AS 11.46.484(c), to
7 perform community work in lieu of all but 24 hours of a sentence of imprisonment. Substitution
8 of community work shall be at a rate of eight hours for each day of imprisonment.

9 * Sec. 5. AS 12.55.135(e) is repealed and reenacted to read:

10 (e) Except as provided in AS 12.55.055(f), if a defendant is sentenced under (c), (d), or
11 (f) of this section,

12 (1) execution of sentence may not be suspended and probation or parole may not
13 be granted until the minimum term of imprisonment has been served;

14 (2) imposition of a sentence may not be suspended except upon condition that the
15 defendant be imprisoned for no less than the minimum term of imprisonment provided in the
16 section; and

17 (3) the minimum term of imprisonment may not otherwise be reduced.

18 * Sec. 6. AS 12.55.135 is amended by adding a new subsection to read:

19 (f) A defendant convicted of criminal mischief in the third degree in violation of
20 AS 11.46.484(a)(2), whose conviction is not a felony under AS 11.46.484(c), shall be sentenced
21 to a definite term of imprisonment of at least 72 hours but not more than one year.