

SENATE BILL NO. 43

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY SENATOR COGHILL

Introduced: 2/4/13
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to theft offenses; and providing for an effective date."**

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

3 *** Section 1.** AS 11.46.130(a) is amended to read:

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

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

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

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

10 (4) the property is taken from a vessel and is vessel safety or survival
11 equipment;

12 (5) the property is taken from an aircraft and the property is aircraft
13 safety or survival equipment;

14 (6) the value of the property is \$250 [\$50] or more but less than \$1,500
15 [\$500] and, within the preceding five years, the person has been convicted and

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

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

4 (B) a crime set out in this subsection or an offense under
5 another law or ordinance with similar elements;

6 (C) an offense under AS 11.46.140(a)(1), or an offense under
7 another law or ordinance with similar elements; or

8 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an
9 offense under another law or ordinance with similar elements; or

10 (7) the property is an access device.

11 * **Sec. 2.** AS 11.46.140(a) is amended to read:

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

14 (1) the value of the property or services is \$250 [\$50] or more but less
15 than \$1,500 [\$500]; **or**

16 (2) [REPEALED]

17 (3) the value of the property is less than \$250 [\$50] and, within the
18 past five years, the person has been convicted and sentenced on two or more separate
19 occasions in this or another jurisdiction of theft or concealment of merchandise, or an
20 offense under another law or ordinance with similar elements.

21 * **Sec. 3.** AS 11.46.150(a) is amended to read:

22 (a) A person commits the crime of theft in the fourth degree if the person
23 commits theft as defined in AS 11.46.100 and the value of the property or services is
24 less than \$250 [\$50].

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

26 (c) Concealment of merchandise is

27 (1) a class C felony if

28 (A) the merchandise is a firearm;

29 (B) the value of the merchandise is \$1,500 [\$500] or more; or

30 (C) the value of the merchandise is \$250 [\$50] or more but less
31 than \$1,500 [\$500] and, within the preceding five years, the person has been

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

3 (i) the offense of concealment of merchandise under
4 this paragraph or (2)(A) of this subsection, or an offense under another
5 law or ordinance with similar elements; or

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

9 (2) a class A misdemeanor if

10 (A) the value of the merchandise is \$250 [\$50] or more but less
11 than \$1,500 [\$500]; or

12 (B) the value of the merchandise is less than \$250 [\$50] and,
13 within the preceding five years, the person has been convicted and sentenced
14 on two or more separate occasions of the offense of concealment of
15 merchandise or theft in any degree, or an offense under another law or
16 ordinance with similar elements;

17 (3) a class B misdemeanor if the value of the merchandise is less than
18 \$250 [\$50].

19 * **Sec. 5.** AS 11.46.260(b) is amended to read:

20 (b) Removal of identification marks is

21 (1) a class C felony if the value of the property on which the serial
22 number or identification mark appeared is \$1,500 [\$500] or more;

23 (2) a class A misdemeanor if the value of the property on which the
24 serial number or identification mark appeared is \$250 [\$50] or more but less than
25 \$1,500 [\$500];

26 (3) a class B misdemeanor if the value of the property on which the
27 serial number or identification mark appeared is less than \$250 [\$50].

28 * **Sec. 6.** AS 11.46.270(b) is amended to read:

29 (b) Unlawful possession is

30 (1) a class C felony if the value of the property on which the serial
31 number or identification mark appeared is \$1,500 [\$500] or more;

1 (2) a class A misdemeanor if the value of the property on which the
 2 serial number or identification mark appeared is \$250 [\$50] or more but less than
 3 \$1,500 [\$500];

4 (3) a class B misdemeanor if the value of the property on which the
 5 serial number or identification mark appeared is less than \$250 [\$50].

6 * **Sec. 7.** AS 11.46.280(d) is amended to read:

7 (d) Issuing a bad check is

8 (1) a class B felony if the face amount of the check is \$25,000 or more;

9 (2) a class C felony if the face amount of the check is \$1,500 [\$500] or
 10 more but less than \$25,000;

11 (3) a class A misdemeanor if the face amount of the check is \$250
 12 [\$50] or more but less than \$1,500 [\$500];

13 (4) a class B misdemeanor if the face amount of the check is less than
 14 \$250 [\$50].

15 * **Sec. 8.** AS 11.46.285(b) is amended to read:

16 (b) Fraudulent use of an access device is

17 (1) a class B felony if the value of the property or services obtained is
 18 \$25,000 or more;

19 (2) a class C felony if the value of the property or services obtained is
 20 \$1,500 [\$50] or more but less than \$25,000;

21 (3) a class A misdemeanor if the value of the property or services
 22 obtained is less than \$1,500 [\$50].

23 * **Sec. 9.** AS 11.46.360(a) is amended to read:

24 (a) A person commits the crime of vehicle theft in the first degree if, having
 25 no right to do so or any reasonable ground to believe the person has such a right, the
 26 person drives, tows away, or takes

27 (1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft
 28 of another;

29 (2) the propelled vehicle of another and

30 (A) the vehicle or any other property of another is damaged in a
 31 total amount of \$1,500 [\$500] or more;

1 (B) the owner incurs reasonable expenses as a result of the loss
2 of use of the vehicle, in a total amount of \$1,500 [\$500] or more; or

3 (C) the owner is deprived of the use of the vehicle for seven
4 days or more;

5 (3) the propelled vehicle of another and the vehicle is marked as a
6 police or emergency vehicle; or

7 (4) the propelled vehicle of another and, within the preceding seven
8 years, the person was convicted under

9 (A) this section or AS 11.46.365;

10 (B) former AS 11.46.482(a)(4) or (5);

11 (C) former AS 11.46.484(a)(2);

12 (D) AS 11.46.120 - 11.46.140 of an offense involving the theft
13 of a propelled vehicle; or

14 (E) a law or ordinance of this or another jurisdiction with
15 elements substantially similar to those of an offense described in (A) - (D) of
16 this paragraph.

17 * **Sec. 10.** AS 11.46.482(a) is amended to read:

18 (a) A person commits the crime of criminal mischief in the third degree if,
19 having no right to do so or any reasonable ground to believe the person has such a
20 right,

21 (1) with intent to damage property of another, the person damages
22 property of another in an amount of \$1,500 [\$500] or more;

23 (2) the person recklessly creates a risk of damage in an amount
24 exceeding \$100,000 to property of another by the use of widely dangerous means; or

25 (3) the person knowingly

26 (A) defaces, damages, or desecrates a cemetery or the contents
27 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,
28 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
29 memorial appears to be abandoned, lost, or neglected;

30 (B) removes human remains or associated burial artifacts from
31 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,

1 tomb, grave, or memorial appears to be abandoned, lost, or neglected.

2 * **Sec. 11.** AS 11.46.484(a) is amended to read:

3 (a) A person commits the crime of criminal mischief in the fourth degree if,
4 having no right to do so or any reasonable ground to believe the person has such a
5 right

6 (1) with intent to damage property of another, the person damages
7 property of another in an amount of \$250 [\$50] or more but less than \$1,500 [\$500];

8 (2) the person tampers with a fire protection device in a building that is
9 a public place;

10 (3) the person knowingly accesses a computer, computer system,
11 computer program, computer network, or part of a computer system or network;

12 (4) the person uses a device to descramble an electronic signal that has
13 been scrambled to prevent unauthorized receipt or viewing of the signal unless the
14 device is used only to descramble signals received directly from a satellite or unless
15 the person owned the device before September 18, 1984; or

16 (5) the person knowingly removes, relocates, defaces, alters, obscures,
17 shoots at, destroys, or otherwise tampers with an official traffic control device or
18 damages the work upon a highway under construction.

19 * **Sec. 12.** AS 11.46.486(a) is amended to read:

20 (a) A person commits the crime of criminal mischief in the fifth degree if,
21 having no right to do so or any reasonable ground to believe the person has such a
22 right,

23 (1) with reckless disregard for the risk of harm to or loss of the
24 property or with intent to cause substantial inconvenience to another, the person
25 tampers with property of another;

26 (2) with intent to damage property of another, the person damages
27 property of another in an amount less than \$250 [\$50]; or

28 (3) the person rides in a propelled vehicle knowing it has been stolen
29 or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

30 * **Sec. 13.** AS 11.46.530(b) is amended to read:

31 (b) Criminal simulation is

1 (1) a class C felony if the value of what the object purports to represent
2 is \$1,500 [\$500] or more;

3 (2) a class A misdemeanor if the value of what the object purports to
4 represent is \$250 [\$50] or more but less than \$1,500 [\$500];

5 (3) a class B misdemeanor if the value of what the object purports to
6 represent is less than \$250 [\$50].

7 * **Sec. 14.** AS 11.46.620(d) is amended to read:

8 (d) Misapplication of property is

9 (1) a class C felony if the value of the property misapplied is \$1,500
10 [\$500] or more;

11 (2) a class A misdemeanor if the value of the property misapplied is
12 less than \$1,500 [\$500].

13 * **Sec. 15.** AS 11.46.730(c) is amended to read:

14 (c) Defrauding creditors is a class A misdemeanor unless that secured party,
15 judgment creditor, or creditor incurs a pecuniary loss of \$1,500 [\$500] or more as a
16 result to the defendant's conduct, in which case defrauding secured creditors is

17 (1) a class B felony if the loss is \$25,000 or more;

18 (2) a class C felony if the loss is \$1,500 [\$500] or more but less than
19 \$25,000.

20 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 APPLICABILITY. 11.46.130(a), as amended by sec. 1 of this Act, AS 11.46.140(a),
23 as amended by sec. 2 of this Act, AS 11.46.150(a), as amended by sec. 3 of this Act,
24 AS 11.46.220(c), as amended by sec. 4 of this Act, AS 11.46.260(b), as amended by sec. 5 of
25 this Act, AS 11.46.270(b), as amended by sec. 6 of this Act, AS 11.46.280(d), as amended by
26 sec. 7 of this Act, AS 11.46.285(b), as amended by sec. 8 of this Act, AS 11.46.360(a), as
27 amended by sec. 9 of this Act, AS 11.46.482(a), as amended by sec. 10 of this Act,
28 AS 11.46.484(a), as amended by sec. 11 of this Act, AS 11.46.486(a), as amended by sec. 12
29 of this Act, AS 11.46.530(b), as amended by sec. 13 of this Act, AS 11.46.620(d), as amended
30 by sec. 14 of this Act, and AS 11.46.730(c), as amended by sec. 15 of this Act, apply to
31 offenses committed on or after the effective date of this Act.

1 * **Sec. 17.** This Act takes effect July 1, 2013.