

HOUSE BILL NO. 238

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 1/8/24

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal mischief in the third degree; and providing for an effective**
2 **date."**

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

4 *** Section 1.** AS 11.46.482(a) is amended to read:

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

8 (1) with intent to damage property of another, the person damages
9 property of another in an amount of \$750 or more;

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

12 (3) the person knowingly

13 (A) defaces, damages, or desecrates a cemetery or the contents
14 of a cemetery or a tomb, grave, or memorial regardless of whether the tomb,

1 grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or
 2 memorial appears to be abandoned, lost, or neglected;

3 (B) removes human remains or associated burial artifacts from
 4 a cemetery, tomb, grave, or memorial regardless of whether the cemetery,
 5 tomb, grave, or memorial appears to be abandoned, lost, or neglected;

6 **(C) defaces, damages, or desecrates a building, structure, or**
 7 **personal property used for worship or any other religious purpose.**

8 * **Sec. 2.** AS 11.46.482(b) is amended to read:

9 (b) It is an affirmative defense to a prosecution under (a)(3) of this section that
 10 the defendant, at the time of the offense, was

11 (1) an employee of the cemetery and was engaged in an authorized
 12 activity on behalf of the cemetery; [OR]

13 (2) authorized by law or state permit to engage in the conduct; **or**

14 **(3) an employee of a religious institution or the owner or operator**
 15 **or employee of the owner or operator of a building, structure, or personal**
 16 **property used for worship or any other religious purpose, and was engaged in an**
 17 **authorized activity on behalf of the religious institution or the owner or operator**
 18 **of the building, structure, or personal property.**

19 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).