

Presented by: The Manager  
Introduced: 12/18/2017  
Drafted by: A. G. Mead

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2017-36**

**An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Section.** CBJ 01.40.010 Violations penalty, is amended to read:

**01.40.010 Violations penalty.**

...

(b) Penalty classifications.

(1) Except as otherwise provided, a defendant convicted of a Class A misdemeanor may be sentenced to pay a fine of not more than \$25,000.00, a definite term of imprisonment, or both. The term of imprisonment imposed may not be more than:

(A) One year, if the

...

(iv) Conviction is for an assault under CBJ 42.10.010.

(B) Thirty days.

...

**Section 3. Amendment of Section.** CBJ 42.05.110 Violation of conditions of release, is amended to read:

**42.05.110 Violation of condition of release.**

- (a) A person commits the crime of violation of condition of release if the person
  - (1) has been charged with a crime or convicted of a crime;
  - (2) has been released under AS 12.30; and
  - (3) violates a condition of release imposed by a judicial officer under AS 12.30, other than the requirement to appear as ordered by a judicial officer.
- (b) Violation of condition of release is a Class B misdemeanor.

**Section 4. Amendment of Section.** CBJ 42.15.020 Larceny of money or property, is amended to read:

**42.15.020 Larceny of money or property.**

...

- (b) Larceny of money or property is a:
  - (1) Class A misdemeanor if:
    - (A) The value of the money or property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or
    - (B) The value of the money or property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 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 an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.
  - (2) Class B misdemeanor if the value of the money or property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:
    - (A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

**Section 5. Amendment of Section.** CBJ 42.15.025 Theft by failure to make required disposition of funds received or held, is amended to read:

**42.15.025 Theft by failure to make required disposition of funds received or held.**

...

(c) Theft by failure to make required disposition of funds received or held is a:

(1) Class A misdemeanor if:

(A) The value of the funds received or held, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(B) The value of the funds received or held, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 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 an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the funds received or held is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ

42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

**Section 6. Amendment of Section.** CBJ 42.15.030 Buying, receiving, concealing, or disposing of stolen property, is amended to read:

**42.15.030 Buying, receiving, concealing, or disposing of stolen property.**

...

(d) Buying, receiving, concealing, or disposing of stolen property is a:

(1) Class A misdemeanor if:

(A) The value of the property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(B) The value of the money or property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 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 an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

**Section 7. Amendment of Section.** CBJ 42.15.040 Concealment of merchandise, is amended to read:

**42.15.040 Concealment of merchandise.**

...

(c) Concealment of merchandise is a:

(1) Class A misdemeanor if:

...

(B) The value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(C) The value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 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 an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of

an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

**Section 8. Amendment of Section.** CBJ 42.15.050 Retention of lost property, is amended to read:

**42.15.050 Retention of lost property.**

...

(c) Retention of lost property is a:

(1) Class A misdemeanor if:

(A) The value of the property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(B) The value of the property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 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 an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

**Section 9. Amendment of Section.** CBJ 42.15.060 Bad checks, is amended to read:

**42.15.060 Bad checks.**

...

(d) Issuing a bad check is a:

(1) Class A misdemeanor if:

(A) The face amount of the check, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(B) The face amount of the check, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 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 an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the face amount of the check, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

**Section 10. Amendment of Section.** CBJ 42.15.070 Theft of services, is amended to read:

**42.15.070 Theft of services.**

...

(c) Theft of service is a:

(1) Class A misdemeanor if:

(A) The value of the service, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or

(B) The value of the service, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 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 an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the money or property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

**Section 11. Amendment of Section.** CBJ 42.15.080 Theft by deception, is amended to read:

**42.15.080 Theft by deception.**

...

(c) Theft by deception is a:



(1) Class A misdemeanor if:

(A) The value of the property, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00.

(B) The value of the property, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 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 an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property is less than \$250.00, adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:

(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;

(B) Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(C) A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

**Section 12. Amendment of Section.** CBJ 42.15.085 Fraudulent use of an access device, is amended to read:

**42.15.085 Fraudulent use of an access device.**

...

(b) Fraudulent use of an access device is a class A misdemeanor if the value of the property or services obtained, adjusted for inflation as provided in AS 11.46.982, is less than \$750.00.

**Section 13. Amendment of Section.** CBJ 72.10.015 Reckless driving, is amended to read:

**72.10.015 Reckless driving.**

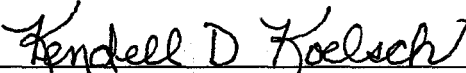
(a) A person who drives a motor vehicle in the City and Borough in a manner which creates a substantial and unjustifiable risk of harm to a person or to property is guilty of reckless driving, punishable by a fine of not more than \$1000.00 or by imprisonment for not more than one year or by both. A substantial and unjustifiable risk is a risk of such a nature and degree that the conscious disregard of it or a failure to perceive it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

(b) In addition to the penalties set forth in subsection (a), the sentence for a conviction of reckless driving may include immediate revocation of a driver's license in accordance with AS 28.15.181(a)(6).

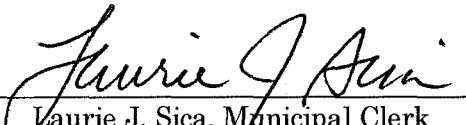
(c) Lawfully conducted automobile, snowmobile, motorcycle, or other motor vehicle racing or exhibition events are not subject to the provisions of this section.

**Section 14. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 8<sup>th</sup> day of January, 2018.

  
Kendell D. Koelsch, Mayor

Attest:

  
Laurie J. Sica, Municipal Clerk