

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepared by: Department of Law

For reading: July 15, 2008

*Postponed indefinitely
9/16/08*

ANCHORAGE, ALASKA

AO No. 2008-86

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 8.15.010
2 TO RAISE THE MINIMUM VALUE OF PROPERTY IN THE CRIME OF THEFT BY
3 SHOPLIFTING; AMENDING SECTION 8.75.160 TO RAISE THE VALUE THRESHOLD
4 AND ADD A CIVIL VIOLATION ALTERNATIVE REMEDY; AND AMENDING
5 SECTION 14.60.030 TO ESTABLISH A FINE AND CONFER JURISDICTION ON THE
6 ADMINISTRATIVE HEARING OFFICER.
7

8
9 THE ANCHORAGE ASSEMBLY ORDAINS:

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11 **Section 1.** Anchorage Municipal Code section 8.15.010 is amended to read as follows:

12
13 **8.15.010 Theft defined.**

- 14
15 A. A person commits theft if:
16 1. With the intent to deprive another of property or to appropriate
17 property of another to oneself or a third person, the person obtains the
18 property of another; or
19 2. The person commits theft of lost property under AMC 8.15.020; or
20 3. The person commits theft by deception under AMC 8.15.030; or
21 4. The person commits theft of services under AMC 8.15.040; or
22 5. The person commits theft by shoplifting under AMC 8.15.050.
23 B. Penalties. The crime of theft as defined in AMC 8.15.010A. is punishable by a
24 fine of not more than:
25 1. \$2,000.00 or imprisonment of not more than six months, or both such
26 fine and imprisonment, if the value of the property or services is \$5.00
27 or more but less than \$50.00; except if the crime is theft by shoplifting
28 under subsection A.5. above, then the aforementioned fine applies if
29 the value of the property is \$25.00 or more but less than \$50.00.
30 2. \$10,000.00 or imprisonment of not more than one year, or both such
31 fine and imprisonment, if the value of the property or services is \$50.00
32 or greater.

33 (AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

34
35 **Section 2.** Anchorage Municipal Code section 8.75.160 is amended to read as follows:

36
37 **8.75.160 Shoplifting under \$25.00 [5.00].**

- 38
39 A. *Removal of merchandise.* It is unlawful for any person to take or remove any
40 merchandise or thing valued at less than \$25.00 from the premises where such
41 merchandise or thing of value is kept for purposes of sale, barter or storage

without the consent of the owner or person lawfully entitled to its possession.

B. *Concealment of merchandise.* It is unlawful for any person, without authority, willfully to conceal upon or about his person any merchandise or thing valued at less than \$25.00 upon the premises where such merchandise or thing of value is kept for the purposes of sale, barter or storage. Any merchandise or thing of value found concealed upon or about the person and which has not theretofore been purchased by the person is prima facie evidence of willful concealment.

C. *"Consent" defined.* As used in this section, the term "consent" shall mean express consent, or consent implied by possession of a sales ticket, slip or receipt issued for and accompanied by the article of merchandise or thing of value.

D. Violation of this section shall be punished by a fine of not more than \$500.00.

E. As an alternative to the remedies, procedures and penalties provided in this Title and Section 1.45.010, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Title 14 and in such case shall be punishable by a civil penalty in accordance with Chapter 14.60.

(GAAB 18.05.040; AO No. 89-52; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

Section 3. Anchorage Municipal Code section 14.60.030 is amended to read as follows (the remainder of the section is not affected and therefore not set out):

14.60.030 Fine schedule.

The fine schedule under this chapter is as follows:

TABLE INSET:

<u>Code Section</u>	<u>Offense</u>	<u>Penalty/Fine</u>
*** *** ***		
<u>8.75.160</u>	<u>Shoplifting under \$25.00</u>	<u>up to \$500</u>

*** *** ***
(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00;

AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07)

Section 4. This ordinance shall become effective thirty (30) days after its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2008.

Chair

ATTEST:

Municipal Clerk

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MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2008- 86

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 8.15.010 TO RAISE THE MINIMUM VALUE OF PROPERTY IN THE CRIME OF THEFT BY SHOPLIFTING; AMENDING SECTION 8.75.160 TO RAISE THE VALUE THRESHOLD AND ADD A CIVIL VIOLATION ALTERNATIVE REMEDY; AND AMENDING SECTION 14.60.030 TO ESTABLISH A FINE AND CONFER JURISDICTION ON THE ADMINISTRATIVE HEARING

Sponsor: MAYOR
 Preparing Agency: Anchorage Police Department
 Others Impacted: Dept. of Law

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY08	FY09	FY10	FY11	FY12	
Operating Expenditures						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -	
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp						

PUBLIC SECTOR ECONOMIC EFFECTS:

There may be a nominal increase in the caseload at the Administrative Hearing Office, but the ordinance is not expected to have significant public sector economic effects.

PRIVATE SECTOR ECONOMIC EFFECTS:

The ordinance is not expected to have any significant private sector economic effects.

Prepared by: Captain Bill Miller

Telephone: 786-8558

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 450-2008

Meeting Date: July 15, 2008

1 **From:** MAYOR

2
3 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
4 SECTION 8.15.010 TO RAISE THE MINIMUM VALUE OF
5 PROPERTY IN THE CRIME OF THEFT BY SHOPLIFTING;
6 AMENDING SECTION 8.75.160 TO RAISE THE VALUE
7 THRESHOLD AND ADD A CIVIL VIOLATION ALTERNATIVE
8 REMEDY; AND AMENDING SECTION 14.60.030 TO ESTABLISH A
9 FINE AND CONFER JURISDICTION ON THE ADMINISTRATIVE
10 HEARING OFFICER.

11
12 The Anchorage Police Department issues civil citations for violations of Anchorage Municipal
13 Code section 8.75.160, "Shoplifting under \$5.00" and submits this ordinance to increase the
14 threshold amount to \$25.00 and convey authority for adjudication to the administrative hearing
15 officer (AHO) under Title 14. In 1998, the Department of Law prepared AO 98-59(S) which
16 provided the language necessary to confer jurisdiction on the AHO to hear citations for several
17 violations listed in AMC chapter 8.75, but omitted to do so in this "Shoplifting under \$5.00"
18 section. This ordinance inserts the language necessary to confer jurisdiction on the AHO to
19 hear and decide alleged violations of AMC 8.75.160, and adds an amount to the fine schedule
20 in Title 14. In addition, the Anchorage Police Department and Department of Law felt the
21 threshold of \$5.00 for the shoplifted item was too low at today's prices for most consumer
22 goods and recommends the new threshold of \$25.00. The Administrative Hearing Office
23 supports the amendments.

24
25 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 8.15.010
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29 SECTION 14.60.030 TO ESTABLISH A FINE AND CONFER JURISDICTION ON THE
30 ADMINISTRATIVE HEARING OFFICER.

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33 Prepared by: Department of Law
34 Approved by: Rob Heun, Chief of Police
35 Concur: Sharon Weddleton, Chief Fiscal Officer
36 Concur: James N. Reeves, Municipal Attorney
37 Concur: Michael K Abbott, Municipal Manager
38 Respectfully submitted: Mark Begich, Mayor

Content ID: 006507

Type: Ordinance - AO

Title: ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 8.15.010

Author: smiko

Initiating Dept: APD

Description: ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 8.15.010

Date Prepared: 6/17/08 2:51 PM

Assembly Meeting Date: 7/15/08

Public Hearing Date: ~~7/29/08~~ 8/12/08

2008 JUL -3 09:11:25
 CLERK OFFICE

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	7/3/08 9:00 AM	Exit	Heather Handyside	Public	006507
MuniMgrCoord_SubWorkflow	7/3/08 9:00 AM	Approve	Heather Handyside	Public	006507
MuniManager_SubWorkflow	7/2/08 1:22 PM	Approve	Michael Abbott	Public	006507
Legal_SubWorkflow	6/20/08 10:41 AM	Approve	Rhonda Westover	Public	006507
OMB_SubWorkflow	6/19/08 4:22 PM	Approve	Wanda Phillips	Public	006507
APD_SubWorkflow	6/18/08 8:36 AM	Approve	Rob Heun	Public	006507
AllOrdinanceWorkflow	6/17/08 2:55 PM	Checkin	Stephen Miko	Public	006507