

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

Prepared by: Department of Law

For Reading: March 24, 1998

*See AO 98-59(S)*

ANCHORAGE ALASKA  
AO NO. 98-59

*mk 1/4*

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE ("AMC") TITLE 8, THE PENAL CODE, ESTABLISHING MUNICIPAL MISDEMEANORS AND INFRACTIONS AND THEIR PENALTIES AND ESTABLISHING GENERAL PROVISIONS FOR CRIMINAL LIABILITY, ATTEMPTS TO COMMIT CRIMES, PARTIES TO A CRIME AND CERTAIN DEFINITIONS, BY REORGANIZING, RENUMBERING, REVISING AND AMENDING MOST SECTIONS TO CLARIFY LANGUAGE, SPECIFY REQUISITE CRIMINAL INTENT, REDEFINE CERTAIN CRIMES, INCORPORATE THE STATEMENT OF PENALTIES WITH THE STATEMENT OF THE CRIME AND TO OTHERWISE AMEND REVISE, REORGANIZE AND CLARIFY AMC TITLE 8 BY OTHER SIMILAR AMENDMENTS. THIS ORDINANCE ALSO AMENDS ANCHORAGE MUNICIPAL CODE ("AMC") TITLE 17 BY TRANSFERRING AMC CHAPTER 17.35, (CRUELTY TO ANIMALS) TO THE PENAL CODE AS AMC CHAPTER 8.55 AND ALSO TRANSFERRING AMC SECTIONS 17.40.070 (CRIMES RELATING TO ANIMAL BEHAVIOR) AND 17.60.050 (CRIMES RELATING TO WOLF HYBRIDS) TO THE PENAL CODE AS SECTIONS 8.55.060 AND 8.55.070 RESPECTIVELY.

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** Anchorage Municipal Code Title 8 is hereby re-organized and its sections re-numbered and amended to read as follows:

## TITLE 8 PENAL CODE

### Chapter 8.05 [8.50]

#### GENERAL PRINCIPLES [PENALTIES AND SENTENCING]

8.05.010 General Principles of Criminal Liability

[8.50.010] PENALTIES.]

8.05.020 [8.50.020] Sentencing [SENTENCING.]

8.05.030 [8.50.030] Attempt [TO COMMIT A CRIME.]

8.05.040 [8.50.040] Parties to Crimes

8.05.050 [8.50.050] "Child" and "Minor" Defined.

#### 8.05.010 General Principles of Criminal Liability

A. The minimum requirements for criminal liability is the performance by a person of conduct that includes a voluntary act or the omission to perform an act that the person is capable of performing.

B. For purposes of this title, the definition for the words "intentionally", "knowingly", "recklessly", and "with criminal negligence" shall be those listed in AS 11.81.900(a).

C. If a provision of law defining an offense does not prescribe a culpable mental state, the culpable mental state that must be proved with respect to:

1. conduct is "knowingly"; and
2. a circumstance or result is "recklessly."

**[8.50.010 PENALTIES.**

[A. EVERY ACT PROHIBITED BY THE FOLLOWING SECTIONS IS DECLARED UNLAWFUL AND VIOLATION SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$5,000.00 OR IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH SUCH FINE AND IMPRISONMENT:

- [1. 8.05.030.
- [2. 8.05.040.
- [3. 8.05.060.
- [4. 8.05.160.
- [5. 8.05.170.
- [6. 8.05.175.
- [7. 8.05.240.

[A. UPON CONVICTION OF A VIOLATION OF SECTION 8.05.240.A, IF THE CONVICTION IS FOR THE DISCHARGE OF A FIREARM FROM A VEHICLE, THE COURT MAY ORDER FORFEITURE OF THE DEFENDANT'S INTEREST IN THE VEHICLE TO THE MUNICIPALITY IN ADDITION TO ANY OTHER PENALTIES.

- [8. 8.05.250.
- [9. 8.05.255.
- [10. 8.05.260.
- [11. 8.05.425.
- [12. 8.05.700.

[ A. UPON CONVICTION OF A VIOLATION OF SECTION 8.05.700.A, IF THE CONVICTION IS FOR THE DISCHARGE OF A FIREARM FROM A VEHICLE THE COURT MAY ORDER FORFEITURE OF THE DEFENDANT'S INTEREST IN THE VEHICLE TO THE MUNICIPALITY, IN ADDITION TO ANY OTHER PENALTIES.

[13. 8.14.020 THROUGH 8.14.080 AND 8.14.100.

[B. EVERY ACT PROHIBITED BY THE FOLLOWING CHAPTERS AND SECTIONS IS DECLARED UNLAWFUL AND VIOLATION SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN SIX MONTHS OR BOTH SUCH FINE AND IMPRISONMENT:

- [1. 8.05.070.
- [2. 8.05.100 AND 8.05.120, EXCEPT 8.05.120.J.
- [3. 8.05.180 THROUGH 8.05.220.
- [4. 8.05.290 THROUGH 8.35.360.
- [5. 8.05.380.

- [6. 8.05.400 THROUGH 8.05.420.
- [7. 8.05.430.
- [8. 8.05.530.
- [9. 8.05.560.
- [10. 8.05.590 AND 8.05.600.
- [11. 8.05.620 THROUGH 8.05.690.
- [12. CHAPTER 8.14, EXCEPT 8.14.020 THROUGH 8.14.080 AND 8.14.100.
- [13. CHAPTER 8.16, EXCEPT SECTION 8.16.050.
- [14. CHAPTER 8.30.

[C. EVERY ACT PROHIBITED BY THE FOLLOWING CHAPTERS AND SECTIONS IS DECLARED UNLAWFUL AND VIOLATION SHALL BE PUNISHABLE BY A CIVIL PENALTY AS SET FORTH IN SECTION 14.60.030, OR, IF SUCH VIOLATION IS NOT LISTED IN THE FINE SCHEDULE SET FORTH IN SECTION 14.60.030, A CIVIL PENALTY AS SET FORTH IN SECTION 1.45.010, AND ADDITIONALLY SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$300.00:

- [1. 8.05.010.
- [2. 8.05.080.
- [3. 8.05.120.J.
- [4. 8.05.150.
- [5. 8.05.270.
- [6. 8.05.370.
- [7. 8.05.440 THROUGH 8.05.490.
- [8. 8.05.580.
- [9. 8.05.610.
- [10. 8.16.050.

[D. WHERE AN INDIVIDUAL CONVICTED OF AN OFFENSE LISTED IN THIS SECTION IS INTOXICATED AT THE TIME OF THE OFFENSE, THE SENTENCING JUDGE MAY ORDER AS PART OF THE PROBATION FOR THE OFFENSE THAT THE PERSON REFRAIN FROM CONSUMING ALCOHOLIC BEVERAGES AND/OR PARTICIPATE IN AN ALCOHOL SCREENING AND TREATMENT PROGRAM.

[E. NOTWITHSTANDING SUBSECTION C. OF THIS SECTION, A MAXIMUM OF \$150.00 OF ANY CIVIL FINE OR CIVIL PENALTY IMPOSED ON A MINOR FOR A VIOLATION OF SECTION 8.05.440 (MINORS--CURFEW) OR SECTION 8.05.451 (MINORS--POSSESSION OF TOBACCO PRODUCTS) MAY BE SATISFIED BY PERFORMANCE OF COMMUNITY WORK SERVICE IN ACCORDANCE WITH SUBSECTION 14.60.020 D.

(GAAB 18.05.230; AO No. 85-209; AO No. 89-52; AO No. 89-123; AO No. 90-122; AO No. 90-141; AO No. 93-167(S-1), § 6, 4-13-94; AO No. 93-200, § 2, 2-3-94; AO No. 94-22, § 4, 2-15-94; AO No. 94-30, § 4, 4-19-94; AO No. 94-130, § 3, 9-20-94; AO No. 95-149(S), § 2, 11-2-95; AO No. 95-187(S), § 2, 10-26-95; AO No. 97-107, § 1, 11-17-97)

**8.05.020 [8.50.020] Sentencing.**

- A. When a person is sentenced to imprisonment, his term of confinement begins from the day of his sentence. A person who is sentenced shall receive credit toward service of his sentence for time spent in custody pending trial or sentencing, or appeal, if that detention was in connection with the offense for which sentence was imposed. The time during which the person is voluntarily absent from the jail, other custodial institution or custody of an officer after his sentence shall not be counted as part of the term for which he was sentenced.
- B. If a person is convicted of two or more crimes, the judgment entered against him by the court may specify that the imprisonment upon one conviction begins at the expiration of the imprisonment for any other of the crimes. If the defendant is imprisoned upon a previous judgment of conviction for a crime, the judgment may be that the imprisonment commences at the expiration of the term limited by the previous judgment.
- C. The court authorized to pass sentence upon a person convicted of a crime under this Code shall determine and impose the punishment prescribed. When punishment is left undetermined between certain limits or kinds of punishment the court shall determine the punishment to be imposed, except as set forth in subsection D of this section.
- D. When a minimum sentence is prescribed as punishment for a particular offense, the court may not impose a lesser sentence, nor may the court suspend or defer such minimum sentence.
- E. Except as provided in subsection D of this section, the court in the interest of justice may suspend part or all of a sentence imposed, or suspend imposition of sentence and place the defendant on probation. In sentencing under this Code, the provisions of AS 12.55 shall apply.
- F. In addition to any other penalty prescribed by this title, a court authorized to pass sentence upon a person convicted of a crime under this title may enter a judgment directing the forfeiture of any weapon used in the commission of that crime by the person convicted.
- G. In addition to any other penalty provided for in this Title or under this Code and except as otherwise provided in this section. [ SUBSECTIONS 8.50.010A. AND B. ,] and [BUT] subject to judicial discretion, as provided for in AS 12.55 and subject further to the provisions of AS 47.10 governing disposition of juveniles in juvenile cases:
1. Community work service may be imposed as part of the sentence or as a condition of probation, suspended sentence, or suspended imposition of sentence whenever feasible and, as nearly as possible, shall be appropriate to the crime for which imposed; and
  2. An order imposing community work service shall specify one or more of the following as the remedy for failure to complete community work service as ordered:

- a. Conversion of unsatisfied community work service hours to a fine at the rate of \$50.00 for every eight hours or fraction thereof;
- b. Issuance of a bench warrant to secure return of the defendant or juvenile to court for imposition of sentence or deposition or modifications of conditions;
- c. Conversion of the community work service requirement to an alternative condition;
- d. Any remedy the court may lawfully impose.
- e. Community work service may not be considered for an infraction.

(AO No. 79-24; AO No. 82-134; AO No. 95-67(S), § 8, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-178, § 3, 9-26-95; AO No. 96-106, §1, 8-6-96)

**8.05.030** [8.50.030] **Attempt** [TO COMMIT A CRIME]

- A. A person who attempts to commit a crime, and in the attempt does any act toward the commission of the crime, but fails, or is prevented or intercepted in the perpetration of the crime, when no other provision is made by law for the punishment of the attempt, [UPON CONVICTION], is guilty of a misdemeanor upon conviction.
- B. Upon conviction of an attempt to commit any crime, the person so convicted may be sentenced to serve no more than half the maximum imprisonment, fine, or both such fine and imprisonment provided by this Code for the crime attempted.
- C. This section shall not be construed to protect a person who, in attempting unsuccessfully to commit a crime, accomplishes another or different crime, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.

**8.05.040** [8.50.040] **Parties to crimes.**

- A. There shall be no distinction under this Code between an accessory before the fact and a principal, or between principals in the first and second degree. All persons concerned in the commission of a crime, whether they directly commit the act constituting the crime, or whether present at the scene of the crime or not, who aid and abet in its commission, shall be prosecuted, tried and punished as principals.
- B. The parties to crimes under this Code are:
  - 1 Principals.
  - 2 Accessories after the fact.
- C. Except in cases where a different punishment is prescribed by this Code, an accessory after

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