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 OFFICER.

THE ANCHORAGE ASSEMBLY ORDAINS:

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

8.15.010 Theft defined.

A. A person commits theft if:
   1. With the intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another; or
   2. The person commits theft of lost property under AMC 8.15.020; or
   3. The person commits theft by deception under AMC 8.15.030; or
   4. The person commits theft of services under AMC 8.15.040; or
   5. The person commits theft by shoplifting under AMC 8.15.050.

B. Penalties. The crime of theft as defined in AMC 8.15.010A. is punishable by a fine of not more than:
   1. $2,000.00 or imprisonment of not more than six months, or both such fine and imprisonment, if the value of the property or services is $5.00 or more but less than $50.00; except if the crime is theft by shoplifting under subsection A.5. above, then the aforementioned fine applies if the value of the property is $25.00 or more but less than $50.00.
   2. $10,000.00 or imprisonment of not more than one year, or both such fine and imprisonment, if the value of the property or services is $50.00 or greater.

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

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

8.75.160 Shoplifting under $25.00 [5.00].

A. Removal of merchandise. It is unlawful for any person to take or remove any merchandise or thing valued at less than $25.00 from the premises where such 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:**

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Offense</th>
<th>Penalty/Fine</th>
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<tr>
<td>8.75.160</td>
<td>Shoplifting under $25.00</td>
<td>up to $500</td>
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(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,
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