

Vote: Cox, Ewing, O'Neil, Menard, Metiva & Straub in favor

**CITY OF WASILLA
ORDINANCE SERIAL NO. 05-71**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 1.20.030.C TO INCLUDE PENALTIES FOR THEFT IN THE FINE SCHEDULE, AND AMENDING WMC CHAPTER 9.08 PROPERTY OFFENSES BY ADOPTING WMC 9.08.030 THEFT.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 1.20.030.C, Disposition of scheduled offenses – Fine schedule, is amended to add a table entry for Theft, as follows:

| Code Section | Description of Offense | Fine |
|-----------------------|-----------------------------------|--------------|
| WMC 9.08.030.C | Theft in the third degree | \$300 |
| WMC 9.08.030.D | Theft in the fourth degree | \$50 |

* **Section 3. Adoption of section.** WMC 9.08.030, Theft, is adopted to read as follows:

9.08.030 Theft.

A. A person commits theft if:

1. With 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 by shoplifting under B of this section.

B. A person commits theft by shoplifting if

1. The person knowingly takes or removes any merchandise not purchased by the person from the premises of a commercial establishment, with

intent to deprive the owner of the merchandise or with intent to appropriate the merchandise; or

2. Without authority the person knowingly conceals on or about the person the merchandise of a commercial establishment, not purchased by the person, while still upon the premises of the commercial establishment, with intent to deprive the owner of the merchandise or with intent to appropriate the merchandise. Merchandise found concealed upon or about the person which has not been purchased by the person is prima facie evidence of a knowing concealment.

C. A person commits theft in the third degree if the person commits theft as defined in subsection A of this section and the value of the property or services is \$50 or more but less than \$500.

D. A person commits theft in the fourth degree if the person commits theft as defined in subsection A of this section and the value of the property or services is less than \$50.

E. Remedies and penalties for committing theft are as provided in Chapter 1.20.

* **Section 4. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on October 24, 2005.

Dianne M. Keller
DIANNE M. KELLER, Mayor

ATTEST:

Kristie Smithers
KRISTIE SMITHERS, MMC
City Clerk

[SEAL]



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RE: ORDINANCE 05-71 TO AMEND THE WMC 1.20.030.C TO INCLUDE PENALTIES FOR THEFT IN THE FINE SCHEDULE, AND AMENDING WMC CHAPTER 9.08 PROPERTY OFFENSES BY ADOPTING WMC 9.08.030 THEFT.

Agenda of: September 12, 2005
Originator: Don Savage, Chief

Date: September 26, 2005

| Route to: | Department | Signature/Date |
|-----------|-----------------------------|----------------------------|
| X | Police | <i>Don Savage</i> 9/26/05 |
| X | Finance *signature required | <i>[Signature]</i> 9/26/05 |
| X | Clerk | <i>[Signature]</i> |

REVIEWED BY MAYOR DIANNE M. KELLER: *Dianne M. Keller*

FISCAL IMPACT: yes or no Funds Available yes no

Code Section: WMC 9.08.030.C Theft in the 3rd Degree \$300
 WMC 9.08.030.D Theft in the 4th Degree \$ 50

SUMMARY STATEMENT: The City of Wasilla Police Department wishes to amend WMC 1.20.030.C to include penalties for theft in the fine schedule, and amending WMC Chapter 9.08 Property Offenses by adopting WMC 9.08.030 Theft.

WMC 9.08.030 codifies under city codes the essential elements of the state criminal statutes for theft 3 (value of property \$50 - \$500) and theft 4 (value of property less than \$50). This code addition is requested to allow the city to address these offenses in some manner due to a commonly occurring incidence of the state declining to prosecute misdemeanor criminal theft cases that are viewed as minor offenses (typically shoplifting). Although this code adoption will not result in criminal convictions it provides alternative enforcement opportunities and options for offender accountability.

This proposed change was presented in a draft form to the Board of Directors of the Greater Wasilla Chamber of Commerce and was endorsed by that body.

Staff Recommendation:

Amend the WMC 1.20.030.C to include penalties for theft in the fine schedule, and amend WMC Chapter 9.08 Property Offenses by adopting WMC 9.08.030 Theft.