

# NFIB

The Voice of Small Business.®

ALASKA

January 30, 2015

The Honorable Peter Micciche  
State Capitol Building  
Juneau, Alaska 99801-1182

RE: Senate Bill 5 – Restitution Orders

Dear Senator Micciche:

On behalf of the National Federation of Independent Business/Alaska, I wish to respectfully share our support for Senate Bill 5 relating to restitution orders. The National Federation of Independent Business is the largest small-business advocacy group in Alaska.

Senate Bill 5 is an important step towards protecting individuals who have been victims of crimes and are entitled to restitution. This measure provides for restitution orders to include all losses caused by a criminal's act, including the loss of income.

Simply stated, a criminal who disables a commercial fishing boat at a time when the boat would be fishing causes harm to more than the boat. It limits the person's ability to earn an income from the activity for which the boat is used. That loss is clearly the result of the criminal act and should be compensated. This would be similarly true of a contractor's loss of equipment and subsequent loss of a job.

This bill would also establish that the retail value of a property is properly the replacement cost, acknowledging that deductions below that threshold fail to recognize the loss of business opportunity or the difficulty, sometimes impossibility, of determining any other cost basis.

In a recent court case, the district court was correct in ruling that the defendant should restore at market value the property stolen from a business owner, as the defendant should not be better off than a lawful customer paying the market price. The Appellate Court got it wrong in ruling that the victim of a crime is not entitled to restitution that covered loss of income.

Senator Peter Micciche

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This legislation recognizes the extent of harm a crime causes and appropriately recognizes the real cost of a crime that should be included in restitution orders.

Sincerely yours,

A handwritten signature in blue ink that reads "Dennis L. DeWitt". The signature is written in a cursive style with a large initial 'D'.

Dennis L. DeWitt

Alaska State Director

Cc: NFIB/AK Leadership Council  
Senate Labor & Commerce Committee-