

**CS FOR HOUSE BILL NO. 98(FIN) am**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE FINANCE COMMITTEE**

**Amended: 4/11/09**

**Offered: 4/3/09**

**Sponsor(s): REPRESENTATIVE RAMRAS**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to minor consuming and repeat minor consuming; relating to penalties**  
2 **for violations of limitations on possessing, sending, shipping, transporting, or bringing**  
3 **alcoholic beverages to, soliciting or receiving orders for delivery of alcoholic beverages**  
4 **to, and the manufacture, sale, offer for sale, barter, traffic, or possession of alcoholic**  
5 **beverages in, a local option area; and providing for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **\* Section 1.** AS 04.16.050(b) is amended to read:

8 (b) A person who violates (a) of this section and who has not been previously  
9 convicted or received a suspended imposition of sentence under (1) of this subsection  
10 is guilty of minor consuming or in possession or control. **Minor consuming or in**  
11 **possession or control is not a misdemeanor.** Upon conviction in the district court,  
12 the court

13 (1) may grant a suspended imposition of sentence under AS 12.55.085

1 and place the person on probation for up to one year if the person has not been  
 2 convicted of a violation of this section previously; among the conditions of probation,  
 3 the court shall, with the consent of a community diversion panel, refer the person to  
 4 the panel, and require the person to comply with conditions set by the panel, including  
 5 counseling, education, treatment, community work, and payment of fees; in this  
 6 paragraph, "community diversion panel" means a youth court or other group selected  
 7 by the court to serve as a sentencing option for a person convicted under this section;  
 8 or

9 (2) shall impose a fine of at least \$200 but not more than \$600, shall  
 10 require the person to attend alcohol information school if the school is available, and  
 11 shall place the person on probation for up to one year under (e) of this section; the  
 12 court may suspend a portion of the fine imposed under this paragraph that exceeds  
 13 \$200 if the person is required to pay for education or treatment required under (e) of  
 14 this section.

15 \* **Sec. 2.** AS 04.16.050(c) is amended to read:

16 (c) A person is guilty of repeat minor consuming or in possession or control if  
 17 the person was **previously granted a suspended imposition of sentence** [PLACED  
 18 ON PROBATION] under (b)(1) of this section, **has a prior conviction under (b)(2)**  
 19 **of this section**, or has been previously convicted once, and the person violates (a) of  
 20 this section. **Repeat minor consuming or in possession or control is not a**  
 21 **misdemeanor**. Upon conviction in the district court, the court shall

22 (1) impose a fine of \$1,000 and require at least 48 hours of community  
 23 work;

24 (2) revoke the person's driver's license for three months;

25 (3) take possession of the person's driver's license; and

26 (4) suspend up to \$500 of the fine and place the person on probation  
 27 for up to one year under (e) of this section.

28 \* **Sec. 3.** AS 04.16.050(d) is amended to read:

29 (d) A person is guilty of habitual minor consuming or in possession or control  
 30 if the person **has a prior conviction** [WAS PLACED ON PROBATION] under (c) of  
 31 this section, or has been previously convicted **two or more times** [TWICE], and the

1 person violates (a) of this section. Habitual minor consuming or in possession or  
 2 control is a class B misdemeanor. Upon conviction, the court may impose an  
 3 appropriate period of imprisonment and fine and place the person on probation under  
 4 (e) of this section for one year, or until the person is 21 years of age, whichever is  
 5 later, and shall

6 (1) impose at least 96 hours of community work;

7 (2) revoke the person's driver's license for six months;

8 (3) within five working days, notify the agency responsible for the  
 9 administration of motor vehicle laws of the revocation; and

10 (4) take possession of the person's driver's license.

11 \* **Sec. 4.** AS 04.16.200(h) is amended to read:

12 (h) Upon conviction of a class C felony under (b) or (e)(2) or (3) of this  
 13 section, the court

14 (1) shall impose a fine of not less than \$10,000 and a minimum  
 15 sentence of imprisonment of

16 (A) 120 days if the person has **not** been previously convicted  
 17 [ONCE];

18 (B) 240 days if the person has been previously convicted **once**  
 19 [TWO TIMES];

20 (C) 360 days if the person has been previously convicted **two**  
 21 [THREE] or more times;

22 (2) may not

23 (A) suspend execution of sentence or grant probation except on  
 24 the condition that the person

25 (i) serve the minimum imprisonment under (1) of this  
 26 subsection; and

27 (ii) pay the minimum fine required under (1) of this  
 28 subsection; or

29 (B) suspend imposition of sentence.

30 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
 31 read:

1           APPLICABILITY. AS 04.16.200(h), as amended by sec. 4 of this Act, applies to an  
2 offense occurring on or after the effective date of this Act. References to previous convictions  
3 in sec. 4 of this Act apply to convictions occurring before, on, or after the effective date of  
4 this Act.

5       \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).