OFFERED IN THE HOUSE
TO: HCS CSSB 54(FIN)

Page 1, following line 9:
Insert new bill sections to read:

"* Section 1. AS 11.41.110(a) is amended to read:

(a) A person commits the crime of murder in the second degree if

(1) with intent to cause serious physical injury to another person or
knowing that the conduct is substantially certain to cause death or serious physical
injury to another person, the person causes the death of any person;

(2) the person knowingly engages in conduct that results in the death
of another person under circumstances manifesting an extreme indifference to the
value of human life;

(3) under circumstances not amounting to murder in the first degree
under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the
person commits or attempts to commit arson in the first degree, kidnapping, sexual
assault in the first degree, sexual assault in the second degree, sexual abuse of a minor
in the first degree, sexual abuse of a minor in the second degree, burglary in the first
degree, escape in the first or second degree, robbery in any degree, or misconduct
involving a controlled substance under AS 11.71.010(a), 11.71.021(a),
11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2)
and, in the course of or in furtherance of that crime or in immediate flight from that
crime, any person causes the death of a person other than one of the participants;

(4) acting with a criminal street gang, the person commits or attempts
to commit a crime that is a felony and, in the course of or in furtherance of that crime
or in immediate flight from that crime, any person causes the death of a person other
than one of the participants; or

(5) the person with criminal negligence causes the death of a child under the age of 16, and the person has been previously convicted of a crime involving a child under the age of 16 that was

(A) a felony violation of AS 11.41;

(B) in violation of a law or ordinance in another jurisdiction with elements similar to a felony under AS 11.41; or

(C) an attempt, a solicitation, or a conspiracy to commit a crime listed in (A) or (B) of this paragraph.

* Sec. 2. AS 11.41.150(a) is amended to read:

(a) A person commits the crime of murder of an unborn child if the person

(1) with intent to cause the death of an unborn child or of another person, causes the death of an unborn child;

(2) with intent to cause serious physical injury to an unborn child or to another person or knowing that the conduct is substantially certain to cause death or serious physical injury to an unborn child or to another person, causes the death of an unborn child;

(3) while acting alone or with one or more persons, commits or attempts to commit arson in the first degree, kidnapping, sexual assault in the first degree, sexual assault in the second degree, sexual abuse of a minor in the first degree, sexual abuse of a minor in the second degree, burglary in the first degree, escape in the first or second degree, robbery in any degree, or misconduct involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1) or (2), and, in the course of or in furtherance of that crime or in immediate flight from that crime, any person causes the death of an unborn child;

(4) knowingly engages in conduct that results in the death of an unborn child under circumstances manifesting an extreme indifference to the value of human life; for purposes of this paragraph, a pregnant woman's decision to remain in a relationship in which domestic violence, as defined in AS 18.66.990, has occurred does not constitute conduct manifesting an extreme indifference to the value of human
Page 1, line 10:
Delete "Section 1"
Insert "Sec. 3"

Renumber the following bill sections accordingly.

Page 9, following line 23:
Insert new bill sections to read:

"* Sec. 23. AS 11.71 is amended by adding a new section to read:

Sec. 11.71.021. Misconduct involving a controlled substance in the second degree. (a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the second degree if the person

(1) manufactures or delivers any amount of a schedule IA controlled substance or possesses any amount of a schedule IA controlled substance with intent to manufacture or deliver;

(2) manufactures any material, compound, mixture, or preparation that contains

(A) methamphetamine, or its salts, isomers, or salts of isomers;

or

(B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers;

(3) possesses an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, with the intent to manufacture any material, compound, mixture, or preparation that contains methamphetamine, or its salts, isomers, or salts of isomers;

(4) possesses a listed chemical with intent to manufacture any material, compound, mixture, or preparation that contains

(A) methamphetamine, or its salts, isomers, or salts of isomers;

or
(B) an immediate precursor of methamphetamine, or its salts,
isomers, or salts of isomers;
(5) possesses methamphetamine in an organic solution with intent to
extract from it methamphetamine or its salts, isomers, or salts of isomers; or
(6) under circumstances not proscribed under AS 11.71.010(a)(2),
delivers

(A) an immediate precursor of methamphetamine, or the salts,
isomers, or salts of isomers of the immediate precursor of methamphetamine,
to another person with reckless disregard that the precursor will be used to
manufacture any material, compound, mixture, or preparation that contains
methamphetamine, or its salts, isomers, or salts of isomers; or

(B) a listed chemical to another person with reckless disregard
that the listed chemical will be used to manufacture any material, compound,
mixture, or preparation that contains

(i) methamphetamine, or its salts, isomers, or salts of
isomers;
(ii) an immediate precursor of methamphetamine, or its
salts, isomers, or salts of isomers; or
(iii) methamphetamine or its salts, isomers, or salts of
isomers in an organic solution.

(b) In a prosecution under (a) of this section, possession of more than six
grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or
the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that
the person intended to use the listed chemicals to manufacture, to aid or abet another
person to manufacture, or to deliver to another person who intends to manufacture
methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers
of methamphetamine or its immediate precursors. The prima facie evidence described
in this subsection does not apply to a person who possesses

(1) the listed chemicals ephedrine, pseudoephedrine,
phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

(A) and the listed chemical was dispensed to the person under a
valid prescription; or

(B) in the ordinary course of a legitimate business, or an
employee of a legitimate business, as a

(i) retailer or as a wholesaler;

(ii) wholesale drug distributor licensed by the Board of
Pharmacy;

(iii) manufacturer of drug products licensed by the
Board of Pharmacy;

(iv) pharmacist licensed by the Board of Pharmacy; or

(v) health care professional licensed by the state; or

(2) less than 24 grams of ephedrine, pseudoephedrine,
phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals,
kept in a locked storage area on the premises of a legitimate business or nonprofit
organization operating a camp, lodge, school, day care center, treatment center, or
other organized group activity, and the location or nature of the activity, or the age of
the participants, makes it impractical for the participants in the activity to obtain
medicinal products.

(c) In this section, "listed chemical" means a chemical described under

(d) Misconduct involving a controlled substance in the second degree is a
class A felony.

* Sec. 24. AS 11.71.030(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of
misconduct involving a controlled substance in the third [SECOND] degree if the
person

(1) manufactures or delivers, or possesses with intent to manufacture
or deliver,

(A) one or more preparations, compounds, mixtures, or
substances of an aggregate weight of one gram or more containing a schedule
IA controlled substance;

(B) 25 or more tablets, ampules, or syrettes containing a
schedule I A controlled substance;

(C) one or more preparations, compounds, mixtures, or 
substances of an aggregate weight of 2.5 grams or more containing a schedule
IIA or IIIA controlled substance; or

(D) 50 or more tablets, ampules, or syrettes containing a 
schedule IIA or IIIA controlled substance;

(2) delivers any amount of a schedule IVA, VA, or VIA controlled 
substance to a person under 19 years of age who is at least three years younger than 
the person delivering the substance;

(3) possesses any amount of a schedule IA or IIA controlled substance 
(A) with reckless disregard that the possession occurs 
(i) on or within 500 feet of school grounds; or

(ii) at or within 500 feet of a recreation or youth center;

or

(B) on a school bus;

(4) manufactures any material, compound, mixture, or preparation that 
contains 
(A) methamphetamine, or its salts, isomers, or salts of isomers;

or

(B) an immediate precursor of methamphetamine, or its salts, 
isomers, or salts of isomers;

(5) possesses an immediate precursor of methamphetamine, or the 
salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, 
with the intent to manufacture any material, compound, mixture, or preparation that 
contains methamphetamine, or its salts, isomers, or salts of isomers;

(6) possesses a listed chemical with intent to manufacture any material, 
compound, mixture, or preparation that contains

(A) methamphetamine, or its salts, isomers, or salts of isomers;

or

(B) an immediate precursor of methamphetamine, or its salts, 
isomers, or salts of isomers;
(7) possesses methamphetamine in an organic solution with intent to extract from it methamphetamine or its salts, isomers, or salts of isomers; [OR]

(8) under circumstances not proscribed under AS 11.71.010(a)(2), delivers

(A) an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, to another person with reckless disregard that the precursor will be used to manufacture any material, compound, mixture, or preparation that contains methamphetamine, or its salts, isomers, or salts of isomers; or

(B) a listed chemical to another person with reckless disregard that the listed chemical will be used to manufacture any material, compound, mixture, or preparation that contains

(i) methamphetamine, or its salts, isomers, or salts of isomers;

(ii) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers; or

(iii) methamphetamine or its salts, isomers, or salts of isomers in an organic solution; or

(9) under circumstances not proscribed under AS 11.71.021(a)(2), manufactures or delivers any amount of a schedule II A or III A controlled substance or possesses any amount of a schedule II A or III A controlled substance with intent to manufacture or deliver.

* Sec. 25. AS 11.71.030(d) is amended to read:

(d) Misconduct involving a controlled substance in the third [SECOND] degree is a class B felony.

* Sec. 26. AS 11.71.040(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the fourth [THIRD] degree if the person

(1) manufactures or delivers any amount of a schedule IV A or VA controlled substance or possesses any amount of a schedule IV A or VA controlled substance.
substance with intent to manufacture or deliver;

(2) manufactures or delivers, or possesses with the intent to
manufacture or deliver, one or more preparations, compounds, mixtures, or substances
of an aggregate weight of one ounce or more containing a schedule VIA controlled
substance;

(3) possesses

(A) any amount of a

(i) schedule IA controlled substance [LISTED IN
AS 11.71.140(e)];

(ii) IIA controlled substance except a controlled
substance listed in AS 11.71.150(e)(11) - (15);

(B) 25 or more tablets, ampules, or syrettes containing a
schedule II A or IVA controlled substance;

(C) one or more preparations, compounds, mixtures, or
substances of an aggregate weight of

(i) three grams or more containing a schedule IIIA
or IVA controlled substance except a controlled substance in a
form listed in (ii) of this subparagraph;

(ii) 12 grams or more containing a schedule IIIA
controlled substance listed in AS 11.71.160(f)(7) - (16) that has been
sprayed on or otherwise applied to tobacco, an herb, or another
organic material; or

(iii) 500 milligrams or more of a schedule IIA
controlled substance listed in AS 11.71.150(e)(11) - (15);

(D) 50 or more tablets, ampules, or syrettes containing a
schedule VA controlled substance;

(E) one or more preparations, compounds, mixtures, or
substances of an aggregate weight of six grams or more containing a
schedule VA controlled substance;

(F) one or more preparations, compounds, mixtures, or
substances of an aggregate weight of four ounces or more containing a
(G) 25 or more plants of the genus cannabis;

(4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance
    (A) with reckless disregard that the possession occurs
        (i) on or within 500 feet of school grounds; or
        (ii) at or within 500 feet of a recreation or youth center;
    or
    (B) on a school bus;

(5) knowingly keeps or maintains any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for keeping or distributing controlled substances in violation of a felony offense under this chapter or AS 17.30;

(6) makes, delivers, or possesses a punch, die, plate, stone, or other thing that prints, imprints, or reproduces a trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of these on a drug, drug container, or labeling so as to render the drug a counterfeit substance;

(7) knowingly uses in the course of the manufacture or distribution of a controlled substance a registration number that is fictitious, revoked, suspended, or issued to another person;

(8) knowingly furnishes false or fraudulent information in or omits material information from any application, report, record, or other document required to be kept or filed under AS 17.30;

(9) obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;

(10) affixes a false or forged label to a package or other container containing any controlled substance; or

(11) manufactures or delivers, or possesses with the intent to manufacture or deliver,
    (A) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one gram containing a schedule IA controlled substance;
(B) less than 25 tablets, ampules, or syrettes containing a schedule IA controlled substance;

(C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than 2.5 grams containing a schedule IIA or IIIA controlled substance; or

(D) less than 50 tablets, ampules, or syrettes containing a schedule IIA or IIIA controlled substance.

* Sec. 27. AS 11.71.040(d) is amended to read:

(d) Misconduct involving a controlled substance in the **fourth** [THIRD] degree is a class C felony.

* Sec. 28. AS 11.71.050 is amended to read:

Sec. 11.71.050. Misconduct involving a controlled substance in the **fifth** [FOURTH] degree. (a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the **fifth** [FOURTH] degree if the person

(1) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one ounce containing a schedule VIA controlled substance;

(2) [REPEALED]

(3) fails to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under AS 17.30; [OR]

(4) under circumstances not proscribed under AS 11.71.030(a)(3), 11.71.040(a)(3), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance; or

(5) possesses

(A) less than 25 tablets, ampules, or syrettes containing a schedule IIIA or IVA controlled substance;

(B) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than

(i) three grams containing a schedule IIIA or IVA
controlled substance except a controlled substance in a form listed in (ii) of this subparagraph:

(ii) 12 grams but more than six grams containing a schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or otherwise applied to tobacco, an herb, or another organic material; or

(iii) 500 milligrams containing a schedule IIA controlled substance listed in AS 11.71.150(c)(11) - (15);

(C) less than 50 tablets, ampules, or syrettes containing a schedule VA controlled substance;

(D) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than six grams containing a schedule VA controlled substance; or

(E) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance.

(b) Misconduct involving a controlled substance in the fifth [FOURTH] degree is a class A misdemeanor.

* Sec. 29. AS 11.71.060 is amended to read:

Sec. 11.71.060. Misconduct involving a controlled substance in the sixth [FIFTH] degree. (a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the sixth [FIFTH] degree if the person

(1) uses or displays any amount of a schedule VIA controlled substance;

(2) possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of

(A) less than one ounce containing a schedule VIA controlled substance;

(B) six grams or less containing a schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or
otherwise applied to tobacco, an herb, or another organic material; or

(3) refuses entry into a premise for an inspection authorized under

AS 17.30.

(b) Misconduct involving a controlled substance in the sixth [FIFTH] degree

is a class B misdemeanor."

Renumber the following bill sections accordingly.

Page 13, following line 7:

Insert a new bill section to read:

"** Sec. 32. AS 11.71.311(a) is amended to read:

(a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),

11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) if

that person

(1) sought, in good faith, medical or law enforcement assistance for

another person who the person reasonably believed was experiencing a drug overdose

and

(A) the evidence supporting the prosecution for an offense

under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(5)

[11.71.050(a)(4)], or 11.71.060(a)(1) or (2) was obtained or discovered as a

result of the person seeking medical or law enforcement assistance;

(B) the person remained at the scene with the other person until

medical or law enforcement assistance arrived; and

(C) the person cooperated with medical or law enforcement

personnel, including by providing identification;

(2) was experiencing a drug overdose and sought medical assistance,

and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),

11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2)

was obtained as a result of the overdose and the need for medical assistance."

Renumber the following bill sections accordingly.
Page 35, following line 25:

Insert a new bill section to read:

"* Sec. 71. AS 34.03.360(7) is amended to read:

(7) "illegal activity involving a controlled substance" means a violation of AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), OR (4) - (8)], or 11.71.040(a)(1), (2), or (5);"

Renumber the following bill sections accordingly.

Page 42, lines 3 - 4:

Delete all material and insert:

"* Sec. 78. AS 11.66.130(b), 11.66.135(b); AS 11.71.030(a)(1), 11.71.030(a)(4), 11.71.030(a)(5), 11.71.030(a)(6), 11.71.030(a)(7), 11.71.030(a)(8), 11.71.030(c), 11.71.030(e), 11.71.040(a)(11), 11.71.050(a)(4); AS 12.55.125(e)(4)(C), 12.55.125(e)(4)(D), 12.55.125(e)(4)(E), 12.55.135(n); AS 33.16.010(f), 33.16.089, and 33.16.900(1) are repealed."

Page 42, line 11:

Delete "sec. 1"
Insert "sec. 3"

Page 42, line 12:

Delete "sec. 2"
Insert "sec. 4"

Page 42, line 13:

Delete "sec. 3"
Insert "sec. 5"

Page 42, line 14:
Delete "sec. 4"
Insert "sec. 6"

Page 42, line 15:
Delete "sec. 5"
Insert "sec. 7"

Page 42, line 16:
Delete "sec. 6"
Insert "sec. 8"

Page 42, line 17:
Delete "sec. 7"
Insert "sec. 9"

Page 42, line 18:
Delete "sec. 8"
Insert "sec. 10"

Page 42, line 19:
Delete "sec. 9"
Insert "sec. 11"

Page 42, line 20:
Delete "sec. 10"
Insert "sec. 12"

Page 42, line 21:
Delete "sec. 11"
Insert "sec. 13"
Page 42, line 22:
Delete "sec. 12"
Insert "sec. 14"

Page 42, line 23:
Delete "sec. 13"
Insert "sec. 15"

Page 42, line 24:
Delete "sec. 16"
Insert "sec. 18"

Page 42, line 25:
Delete "sec. 17"
Insert "sec. 19"

Page 42, line 26:
Delete "sec. 18"
Insert "sec. 20"

Page 42, line 27:
Delete "sec. 19"
Insert "sec. 21"

Page 42, line 28:
Delete "sec. 20"
Insert "sec. 22"

Page 42, following line 28:
Insert new paragraphs to read:

"(19) AS 11.71.021, enacted by sec. 23 of this Act;"
(20) AS 11.71.030(a), as amended by sec. 24 of this Act;
(21) AS 11.71.030(d), as amended by sec. 25 of this Act;
(22) AS 11.71.040(a), as amended by sec. 26 of this Act;
(23) AS 11.71.040(d), as amended by sec. 27 of this Act;
(24) AS 11.71.050, as amended by sec. 28 of this Act;
(25) AS 11.71.060, as amended by sec. 29 of this Act;"

Renumber the following paragraphs accordingly.

Page 42, line 29:
Delete "sec. 23"
Insert "sec. 33"

Page 42, line 30:
Delete "sec. 38"
Insert "sec. 48"

Page 42, line 31:
Delete "sec. 39"
Insert "sec. 49"

Page 43, line 1:
Delete "sec. 59"
Insert "sec. 69"

Page 43, line 4:
Delete "sec. 24"
Insert "sec. 34"

Page 43, line 5:
Delete "sec. 27"
Insert "sec. 37"

Page 43, line 6:
Delete "sec. 28"
Insert "sec. 38"

Page 43, line 7:
Delete "sec. 29"
Insert "sec. 39"

Page 43, line 8:
Delete "sec. 30"
Insert "sec. 40"

Page 43, line 9:
Delete "sec. 31"
Insert "sec. 41"

Page 43, line 10:
Delete "sec. 32"
Insert "sec. 42"

Page 43, line 11:
Delete "sec. 33"
Insert "sec. 43"

Page 43, line 12:
Delete "sec. 34"
Insert "sec. 44"

Page 43, line 13:
1 Delete "sec. 49"
2 Insert "sec. 59"

4 Page 43, line 14:
5 Delete "sec. 49"
6 Insert "sec. 59"

8 Page 43, line 17:
9 Delete "SECS. 37 AND 69"
10 Insert "SECS. 47 AND 78"

12 Page 43, lines 17 - 18:
13 Delete "sec. 37"
14 Insert "sec. 47"

16 Page 43, line 20:
17 Delete "Section 69"
18 Insert "Section 80"
19 Delete "sec. 37"
20 Insert "sec. 47"

22 Page 43, line 24:
23 Delete "SEC. 66"
24 Insert "SEC. 77"

26 Page 43, line 25:
27 Delete "Section 66"
28 Insert "Section 77"

30 Page 44, line 4:
31 Delete "Sections 23, 24, and 41"
Insert "Sections 33, 34, and 51"

Page 44, line 5:
 Delete "sec. 72"
 Insert "sec. 83"
 Delete "sec. 66"
 Insert "sec. 77"

Page 44, line 7:
 Delete "Section 40"
 Insert "Section 50"

Page 44, line 8:
 Delete "sec. 37"
 Insert "sec. 47"
 Delete "sec. 71(a)"
 Insert "sec. 82(a)"

Page 44, line 10:
 Delete "sec. 69"
 Insert "sec. 80"
 Delete "sec. 71(b)"
 Insert "sec. 82(b)"

Page 44, line 12:
 Delete "Section 68"
 Insert "Section 79"

Page 44, line 13:
 Delete "sec. 37"
 Insert "sec. 47"
Delete "sec. 76"
Insert "sec. 87"

Page 44, line 15:
Delete "secs. 73 - 78"
Insert "secs. 84 - 89"