

HOUSE BILL NO. 283

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE CRAWFORD

Introduced: 1/19/10

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the purchasing of and restrictions concerning alcoholic beverages."**

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

3 *** Section 1.** AS 04.16.047(a) is amended to read:

4 (a) A person who is restricted from purchasing alcohol under AS 04.16.160
5 may not

6 (1) knowingly enter or remain in premises licensed under this title to
7 obtain or consume alcohol;

8 (2) solicit another to purchase alcoholic beverages for the person;

9 (3) offer or present to a licensee or an agent or employee of the
10 licensee identification that misrepresents that the person is restricted from
11 purchasing alcoholic beverages, for the purpose of inducing the licensee or an
12 agent or employee of the licensee to sell, give, serve, or furnish alcoholic
13 beverages contrary to law.

14 *** Sec. 2.** AS 04.16.047(b) is amended to read:

15 (b) A licensee may bring a civil action against a person who violates this

1 section if the violation occurs on the premises of that licensee. If judgment is entered
 2 in favor of the licensee, the court shall award civil damages in the amount of \$2,000
 3 [\$1,000] and award reasonable costs and reasonable attorney fees allowed under the
 4 Alaska Rules of Civil Procedure.

5 * **Sec. 3.** AS 04.16.047 is amended by adding a new subsection to read:

6 (d) A person may not purchase alcoholic beverages for a person who is
 7 restricted from purchasing alcoholic beverages under AS 04.16.160.

8 * **Sec. 4.** AS 04.16.160(a) is amended to read:

9 (a) Except as otherwise provided by law, a person who is 21 years of age or
 10 older may not purchase alcoholic beverages if the person has been ordered to refrain
 11 from consuming alcoholic beverages under AS 12.55.015(a)(13) or as part of a
 12 sentence for conviction of a crime under AS 28.35.030, 28.35.032, or a similar
 13 municipal ordinance or as a condition of probation or parole from a conviction under
 14 AS 28.35.030, 28.35.032, or a similar municipal ordinance. The restriction on
 15 purchasing alcoholic beverages applies during the period that the person is required to
 16 refrain from consuming alcoholic beverages under the sentence or condition of
 17 probation or parole.

18 * **Sec. 5.** AS 12.55.015(a) is amended to read:

19 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing
 20 sentence on a defendant convicted of an offense, may singly or in combination

21 (1) impose a

22 (A) fine when authorized by law and as provided in
 23 AS 12.55.035; or

24 (B) [REPEALED]

25 (2) order the defendant to be placed on probation under conditions
 26 specified by the court that may include provision for active supervision;

27 (3) impose a definite term of periodic imprisonment, but only if an
 28 employment obligation of the defendant preexisted sentencing and the defendant
 29 receives a composite sentence of not more than two years to serve;

30 (4) impose a definite term of continuous imprisonment;

31 (5) order the defendant to make restitution under AS 12.55.045;

1 (6) order the defendant to carry out a continuous or periodic program
2 of community work under AS 12.55.055;

3 (7) suspend execution of all or a portion of the sentence imposed under
4 AS 12.55.080;

5 (8) suspend imposition of sentence under AS 12.55.085;

6 (9) order the forfeiture to the commissioner of public safety or a
7 municipal law enforcement agency of a deadly weapon that was in the actual
8 possession of or used by the defendant during the commission of an offense described
9 in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

10 (10) order the defendant, while incarcerated, to participate in or
11 comply with the treatment plan of a rehabilitation program that is related to the
12 defendant's offense or to the defendant's rehabilitation if the program is made available
13 to the defendant by the Department of Corrections;

14 (11) order the forfeiture to the state of a motor vehicle, weapon,
15 electronic communication device, or money or other valuables, used in or obtained
16 through an offense that was committed for the benefit of, at the direction of, or in
17 association with a criminal street gang;

18 (12) order the defendant to have no contact, either directly or
19 indirectly, with a victim or witness of the offense until the defendant is
20 unconditionally discharged;

21 **(13) order the defendant to refrain from consuming alcoholic**
22 **beverages for a period of time up to the lifetime of the defendant, including**
23 **during the term of any sentence and as a condition of probation, suspended**
24 **sentence, and suspended imposition of sentence, if**

25 **(A) the defendant was convicted of a felony and the court**
26 **finds by clear and convincing evidence that the defendant's conduct**
27 **constituting the offense was substantially influenced by the consumption**
28 **of alcoholic beverages; or**

29 **(B) the defendant was convicted of a misdemeanor and the**
30 **defendant has been previously convicted of crimes two or more times and**
31 **the court finds by clear and convincing evidence that, based on the**

1 defendant's history, there is reason to believe that imposing a requirement
2 that the defendant refrain from consuming alcoholic beverages is
3 necessary to protect the public; in this subparagraph, "previously
4 convicted" has the meaning given in AS 28.35.030.

5 * **Sec. 6.** AS 12.55.015 is amended by adding a new subsection to read:

6 (k) Nothing in (a)(13) of this section limits or restricts the authority of a court
7 to order a person to refrain from the consumption of alcohol as a condition of sentence
8 or probation.