

AMENDMENT

#1

FAILED

OFFERED IN THE HOUSE
TO: CSHB 7(JUD)

BY REPRESENTATIVE GARA

1 Page 1, line 1, following "**substances**":

2 Insert "**and relating to penalties for possession of those substances**"

3

4 Page 1, following line 3:

5 Insert new bill sections to read:

6 **** Section 1.** AS 11.71.040(a) is amended to read:

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

9 (1) manufactures or delivers any amount of a schedule IVA or VA
10 controlled substance or possesses any amount of a schedule IVA or VA controlled
11 substance with intent to manufacture or deliver;

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

16 (3) possesses

17 (A) any amount of a schedule IA or IIA controlled substance;

18 (B) 25 or more tablets, ampules, or syrettes containing a
19 schedule IIIA or IVA controlled substance;

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

22 (i) three grams or more containing a schedule IIIA or
23 IVA controlled substance except a controlled substance in a form

1 **listed in (ii) of this subparagraph;**

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

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

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

11 (F) one or more preparations, compounds, mixtures, or
12 substances of an aggregate weight of four ounces or more containing a
13 schedule VIA controlled substance; or

14 (G) 25 or more plants of the genus cannabis;

15 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

16 (A) with reckless disregard that the possession occurs

17 (i) on or within 500 feet of school grounds; or

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

19 or

20 (B) on a school bus;

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

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

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

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

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

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

8 * **Sec. 2.** AS 11.71.050(a) is amended to read:

9 (a) Except as authorized in AS 17.30, a person commits the crime of
10 misconduct involving a controlled substance in the fifth degree if the person

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

15 (2) possesses

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

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

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

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

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

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

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

4 (3) fails to make, keep, or furnish any record, notification, order form,
5 statement, invoice, or information required under AS 17.30."

6

7 Page 1, line 4:

8 Delete "**Section 1**"

9 Insert "**Sec. 3**"

10

11 Renumber the following bill section accordingly.