## AMENDMENT

OFFERED IN THE SENATE
BY SENATOR COGHILL
TO: SSSB 91

Page 5, lines 11-19:
Delete all material.

Renumber the following bill sections accordingly.

Page 7 , line 30 , through page 8 , line 12 :
Delete all material.

Renumber the following bill sections accordingly.

Page 12, line 17 , through page 13 , line 7 :
Delete all material.

Renumber the following bill sections accordingly.

Page 14 , line 2 , through page 15 , line 21 :
Delete all material.

Renumber the following bill sections accordingly.

Page 15 , line 24 :
Delete "third"
Insert "second [THIRD]"

## Page 16, line 1:

Delete "or"
Insert "[OR]"

Page 16, line 7, following "bus":
Insert ";
(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"

Page 16, following line 7:
Insert new bill sections to read:
"* Sec. 29. AS 11.71.030(c) is amended to read:
(c) Misconduct involving a controlled substance in the second [THIRD] degree is a class B felony.

* Sec. 30. AS 11.71.030 is amended by adding new subsections to read:
(d) 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, aid or abet another person to manufacture, or 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 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.
(e) In this section, "listed chemical" means a chemical described under AS 11.71.200."

Renumber the following bill sections accordingly.

Page 16 , line 10 :
Delete "fourth"
Insert "third [FOURTH]"

## Page 17, line 14:

Delete "IA, IIA,"

Page 18 , line 11 , through page 20 , line 14 :
Delete all material and insert:
"* Sec. 32. AS 11.71.040(d) is amended to read:
(d) Misconduct involving a controlled substance in the third [FOURTH] degree is a class C felony.

## * Sec. 33. AS 11.71.050 is amended to read:

Sec. 11.71.050. Misconduct involving a controlled substance in the fourth [FIFTH] degree. (a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the fifth 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) 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(e)(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; [OR]
(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 11.71.060(a)(2)(B), possesses any amount of a schedule IA, IIA, IIA, IVA, or VA controlled substance.
(b) Misconduct involving a controlled substance in the fourth [FIFTH] degree is a class A misdemeanor.

## * Sec. 34. AS 11.71.060 is amended to read:

Sec. 11.71.060. Misconduct involving a controlled substance in the fifth [SIXTH] degree. (a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the fifth [SIXTH] 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 fifth [SIXTH] degree is a class B misdemeanor."

Renumber the following bill sections accordingly.

Page 20, lines 16-17:
Delete "AS 11.71.040(a)(4), 11.71.050(a)(4), [AS 11.71.030(a)(3), 11.71.040(a)(3)

OR (4), 11.71.050(a)(2),]"
Insert "AS 11.71.030(a)(3), 11.71.040(a)(4), 11.71.050(a)(4) [11.71.040(a)(3) OR (4), 11.71.050(a)(2)],"

Page 20, lines 23-24:
Delete "AS 11.71.040(a)(4), 11.71.050(a)(4), [AS 11.71.030(a)(3), 11.71.040(a)(3) OR (4), 11.71.050(a)(2),]"

Insert "AS 11.71.030(a)(3), 11.71.040(a), 11.71.050(a)(4) [11.71.040(a)(3) OR (4), 11.71.050(a)(2)],"

Page 21, lines 1-2:
Delete "AS 11.71.040(a)(4), 11.71.050(a)(4), [AS 11.71.030(a)(3), 11.71.040(a)(3) OR (4), 11.71.050(a)(2),]"

Insert "AS 11.71.030(a)(3), 11.71.040(a)(4), 11.71.050(a)(4) [11.71.040(a)(3) OR (4), 11.71.050(a)(2)],"

Page 22, lines 3-8:
Delete all material.

Renumber the following paragraphs accordingly.

Page 22, line 10, following "AS 11.56.757;":
Insert " $\underline{\text { or }}$ "

Page 22, line 13 :
Delete "; or"
Insert "."

Page 22, lines 14-16:
Delete all material.

Page 39, line 2, following "jurisdiction":
Insert "; or"
(5) has been convicted of a crime involving domestic violence, as defined by AS 18.66.990"

Page 39, line 9:
Delete "five"
Insert "10"

Page 39 , line 11 :
Delete "three"
Insert "five"

Page 39, lines 13-18:
Delete all material and insert:
"(3) four years for a misdemeanor offense involving domestic violence;
(4) two years for a misdemeanor offense under AS 28.35.030 or 28.35.032, if the person has previously been convicted of an offense under AS 28.35.030 or 28.35 .032 , or a similar law or ordinance of this or another jurisdiction; or
(5) one year for an offense not listed in (1) - (4) of this subsection."

Page 40, line 6:
Delete "and"

Page 40, line 7, following "probation":
Insert "; and
(4) has not been convicted of an unclassified felony offense, a sexual felony as defined by AS 12.55.185, or a crime involving domestic violence as defined by AS 18.66.990"

Page 40, lines 13-14:
Delete "If there are numerous victims, the court may limit the number of victims who may give sworn testimony or make an unsworn oral presentation at the hearing."

Page 45, line 7:
Delete "one [TWO] to three [FOUR]"
Insert "two to four"

Page 46, line 14:
Delete " $\underline{\mathbf{o r}}$ "

Page 46, line 17, following "offense;":
Insert "무"

Page 46, lines 18-22:
Delete all material.

Page 46, line 23:
Delete "(iii)"
Insert "(ii)"

Page 46 , following line 26 :
Insert a new subparagraph to read:
"(C) conviction is for the crime of assault in the fourth degree under AS 11.41.230; or"

Page 57, line 3, following "probation":
Insert "if the person has not been convicted of an unclassified felony offense, a sexual felony as defined by AS 12.55.185, or a crime involving domestic violence as defined by AS 18.66.990"

Page 63, line 2, following "felony":
Insert "that is not a sexual felony as defined in AS 12.55.185,"

Page 63, line 3, following "jurisdiction":
Insert ","

Page 64, line 8:
Delete "and"
Insert "2"

Page 64, line 9, following "judgment":
Insert ", and has not been convicted of a sexual felony as defined by AS 12.55.185"

Page 75, line 21:
Delete "and"

Page 75, line 22, following "parole":
Insert "; and
(4) has not been convicted of an unclassified felony offense, a sexual felony as defined by AS 12.55.185, or a crime involving domestic violence as defined by AS 18.66.990"

Page 84, lines 28-31:
Delete all material and insert:
"* Sec. 136. AS 11.71.020, 11.71.040(a)(3), 11.71.050(a)(2); and AS 12.30.016(d) are repealed."

Page 85, line 3:
Delete "sec. 42"
Insert "sec. 41"

> Page 85, line 7:

Delete "sec. 43"
Insert "sec. 42"

Page 85, line 8:
Delete "sec. 44"
Insert "sec. 43"

Page 85 , line 14 :
Delete "sec. 58"
Insert "sec. 57"

Page 85, line 17 :
Delete "sec. 58"
Insert "sec. 57"

Page 85 , line 18 :
Delete "sec. 59"
Insert "sec. 58"

Page 85 , line 21 :
Delete "sec. 73"
Insert "sec. 72"

Page 85 , line 24 :
Delete "sec. 91"
Insert "sec. 90"

Page 86, line 9:
Delete all material.

Renumber the following paragraphs accordingly.

Page 86, line 10 :
Delete "sec. 9"
Insert "sec. 8"

Page 86, line 11 :
Delete "sec. 11"
Insert "sec. 10"

Page 86 , line 12 :
Delete "sec. 12"
Insert "sec. 11"

Page 86, line 13 :
Delete all material.

Renumber the following paragraphs accordingly.

Page 86, line 14:
Delete "sec. 14"
Insert "sec. 12"

Page 86 , line 15 :
Delete "sec. 15"
Insert "sec. 13"

Page 86 , line 16 :
Delete "sec. 16"
Insert "sec. 14"

Page 86 , line 17 :
Delete "sec. 19"
Insert "sec. 17"

Page 86 , line 18 :
Delete "sec. 25"
Insert "sec. 23"

Page 86 , line 19 :
Delete all material.

Renumber the following paragraphs accordingly.

Page 86 , line 20 :
Delete "sec. 27"
Insert "sec. 24"

Page 86, line 21 :
Delete "sec. 30"
Insert "sec. 27"

Page 86 , line 22 :
Delete all material.

Renumber the following paragraphs accordingly.

Page 86 , line 23 :
Delete "sec. 32"
Insert "sec. 28"

Page 86 , following line 23 :
Insert a new paragraph to read:
"(19) AS 11.71.030(c), as amended by sec. 29 of this Act;"

Page 86 , line 24:
Delete "sec. 33"
Insert "sec. 31"

Page 86 , line 25 :
Delete "AS 11.71.050(a)"
Insert "AS 11.71.050"
Delete "sec. 34"
Insert "sec. 33"

Page 86 , following line 25 :
Insert a new paragraph to read:
"(22) AS 11.71.060, as amended by sec. 34 of this Act;"

Renumber the following paragraphs accordingly.

Page 86, line 26:
Delete "sec. 36"
Insert "sec. 35"

Page 86 , line 27 :
Delete "sec. 77"
Insert "sec. 76"

Page 86 , line 28 :
Delete "sec. 78"
Insert "sec. 77"

Page 86 , line 29:
Delete "sec. 84"
Insert "sec. 83"

Page 86 , line 30 :
Delete "sec. 85"
Insert "sec. 84"

Page 86, line 31 :
Delete "sec. 86"
Insert "sec. 85"

Page 87, line 1:
Delete "sec. 133"
Insert "sec. 132"

Page 87, line 4:
Delete "sec. 10"
Insert "sec. 9"

## Page 87, line 5:

Delete "sec. 22"
Insert "sec. 20"

## Page 87, line 6:

Delete "sec. 29"
Insert "sec. 26"

Page 87, line 10:
Delete "sec. 37"

Insert "sec. 36"

Page 87, line 11:
Delete "sec. 38"
Insert "sec. 37"

Page 87, line 14:
Delete "sec. 50" Insert "sec. 49"

Page 87, line 15:
Delete "sec. 51"
Insert "sec. 50"

Page 87, line 16:
Delete "sec. 52"
Insert "sec. 51"

Page 87, line 17:
Delete "sec. 53"
Insert "sec. 52"

Page 87, line 18:
Delete "sec. 67"
Insert "sec. 66"

Page 87, line 19:
Delete "sec. 68"
Insert "sec. 67"

Page 87, line 20:

Delete "sec. 69" Insert "sec. 68"

Page 87 , line 21 :
Delete "sec. 70"
Insert "sec. 69"

Page 87, line 22:
Delete "sec. 71"
Insert "sec. 70"

Page 87, line 23:
Delete "sec. 72"
Insert "sec. 71"

Page 87, line 24:
Delete "sec. 73"
Insert "sec. 72"

Page 87 , line 25 :
Delete "sec. 80"
Insert "sec. 79"

Page 87 , line 26 :
Delete "sec. 83"
Insert "sec. 82"

Page 87 , following line 26 :
Insert new paragraphs to read:
"(14) AS 33.16.010(f), enacted by sec. 93 of this Act;
(15) AS 33.16.089, enacted by sec. 95 of this Act;"

Renumber the following paragraphs accordingly.

Page 87, line 27:
Delete "sec. 126"
Insert "sec. 125"

Page 87 , line 28 :
Delete "sec. 127"
Insert "sec. 126"

Page 87, line 29:
Delete "sec. 49"
Insert "sec. 48"

Page 88, line 4:
Delete "sec. 56"
Insert "sec. 55"

Page 88, line 5:
Delete "sec. 57"
Insert "sec. 56"

Page 88, line 6:
Delete "sec. 58"
Insert "sec. 57"

Page 88, line 7:
Delete "sec. 59"
Insert "sec. 58"

Page 88, line 12 :
Delete "sec. 54"
Insert "sec. 53"

Page 88, line 13 :
Delete "sec. 60"
Insert "sec. 59"

Page 88, line 14:
Delete "sec. 61"
Insert "sec. 60"

Page 88, line 15 :
Delete "sec. 62"
Insert "sec. 61"

Page 88, line 16 :
Delete "sec. 63"
Insert "sec. 62"

Page 88, line 17:
Delete "sec. 64"
Insert "sec. 63"

Page 88, line 18 :
Delete "sec. 66"
Insert "sec. 65"

Page 88, line 19 :
Delete "sec. 88"
Insert "sec. 87"

> Page 88, line 20:

Delete "sec. 89"
Insert "sec. 88"

Page 88, line 24:
Delete "sec. 74"
Insert "sec. 73"

Page 88, line 25 :
Delete "sec. 75"
Insert "sec. 74"

Page 88, line 26:
Delete "sec. 76"
Insert "sec. 75"

Page 88, line 27:
Delete "sec. 82"
Insert "sec. 81"

Page 88, line 30 :
Delete "sec. 92"
Insert "sec. 91"

Page 88, line 31:
Delete "sec. 93"
Insert "sec. 92"

Page 89, line 1 :
Delete all material.

Renumber the following paragraphs accordingly.

Page 89, line 2:
Delete "sec. 95"
Insert "sec. 94"

Page 89, line 3:
Delete all material.

Renumber the following paragraphs accordingly.

Page 89, line 4:
Delete "sec. 97"
Insert "sec. 96"

Page 89, line 5:
Delete "sec. 99"
Insert "sec. 98"

Page 89, line 6:
Delete "sec. 100"
Insert "sec. 99"

Page 89, line 7:
Delete "sec. 101"
Insert "sec. 100"

Page 89, line 8:
Delete "sec. 107"
Insert "sec. 106"

> Page 89, line 9:

Delete "sec. 108"
Insert "sec. 107"

Page 89, line 10 :
Delete "sec. 109"
Insert "sec. 108"

Page 89, line 11 :
Delete "sec. 110"
Insert "sec. 109"

Page 89, line 12:
Delete "sec. 111"
Insert "sec. 110"

Page 89, line 13 :
Delete "sec. 112"
Insert "sec. 111"

Page 89, line 14:
Delete "sec. 113"
Insert "sec. 112"

Page 89, line 15 :
Delete "sec. 114"
Insert "sec. 113"

Page 89, line 16:
Delete "sec. 115"

Insert "sec. 114"

Page 89, line 17:
Delete "sec. 116"
Insert "sec. 115"

Page 89, line 18 :
Delete "sec. 117" Insert "sec. 116"

Page 89, line 19:
Delete "sec. 118"
Insert "sec. 117"

Page 89, line 20 :
Delete "sec. 119"
Insert "sec. 118"

Page 89, line 21 :
Delete "sec. 120"
Insert "sec. 119"

Page 89, line 22:
Delete "sec. 121"
Insert "sec. 120"

Page 89, line 23:
Delete "sec. 122"
Insert "sec. 121"

Page 89, line 24:

Delete "sec. 123" Insert "sec. 122"

Page 89, line 25 :
Delete "sec. 124"
Insert "sec. 123"

Page 89, line 26:
Delete "sec. 20"
Insert "sec. 18"
Delete "secs. 134-136"
Insert "secs. 133-135"

Page 89, line 27:
Delete "secs. 20 and 134-136"
Insert "secs. 18 and 133-135"

Page 89, line 31:
Delete "sec. 39"
Insert "sec. 38"

Page 90, line 1:
Delete "sec. 40"
Insert "sec. 39"

Page 90, line 2:
Delete "sec. 41"
Insert "sec. 40"

Page 90, line 3:
Delete "sec. 42"

Insert "sec. 41"

Page 90, line 4:
Delete "sec. 43"
Insert "sec. 42"

Page 90, line 5:
Delete "sec. 44"
Insert "sec. 43"

Page 90, line 6:
Delete "sec. 45"
Insert "sec. 44"

Page 90, line 7:
Delete "sec. 46"
Insert "sec. 45"

Page 90, line 8:
Delete "sec. 47"
Insert "sec. 46"

Page 90, line 9:
Delete "sec. 48"
Insert "sec. 47"

Page 90 , line 10 :
Delete "sec. 55"
Insert "sec. 54"

Page 90 , line 11 :

Delete "sec. 91" Insert "sec. 90"

Page 90 , line 12 :
Delete "sec. 132"
Insert "sec. 131"

Page 90 , line 15 :
Delete "sec. 20"
Insert "sec. 18"

Page 90 , line 16 :
Delete "sec. 134"
Insert "sec. 133"

Page 90 , line 18 :
Delete "sec. 42"
Insert "sec. 41"
Delete "sec. 138(a)"
Insert "sec. "137(a)

Page 90, line 21:
Delete "sec. 43"
Insert "sec. "42
Delete "sec. 138(b)"
Insert "sec. "137(b)

Page 90 , line 24 :
Delete "sec. 44"
Insert "sec. 43"
Delete "sec. 138(b)

Insert "sec. 137(b)"

Page 90, line 27:
Delete "sec. 58"
Insert "sec. 57"
Delete "sec. 138(c)"
Insert "sec. "137(c)

Page 90 , line 30 :
Delete "sec. 59"
Insert "sec. 58"
Delete "sec. 138(d)"
Insert "sec. 137(d)"

Page 91, line 2:
Delete "sec. 73"
Insert "sec. 72"
Delete "sec. 138(e)"
Insert "sec. 137(e)"

Page 91, line 5:
Delete "sec. 91"
Insert "sec. 90"
Delete "sec. 138(f)"
Insert "sec. 137(f)"

Page 91, line 8:
Delete "Sections 39-48, 55, 91, and 132"
Insert "Sections 38-47, 54, 90, and 131"

Page 91, line 9:

Delete "sec. 20"
Insert "sec. 18"
Delete "sec. 134"
Insert "sec. 133"

Page 91, line 11:
Delete "Sections 135 and 136"
Insert "Sections 134 and 135"

