

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 307(MLV)

Page 11, following line 31:

Insert new bill sections to read:

"* Sec. 21. AS 26.05.855(b) is amended to read:

(b) A member of the militia who (1) operates or physically controls a nonmilitary vehicle, aircraft, or vessel while impaired by a **controlled** substance [DESCRIBED IN AS 26.05.870(c)], or (2) operates or is in actual physical control of a nonmilitary vehicle, aircraft, or vessel while under the influence of alcohol or when the alcohol concentration in the person's blood or breath is equal to or exceeds the applicable limit under (d) of this section may be punished by up to one year of confinement, by separation with characterization up to dishonorable discharge, and by such other punishment as a court-martial may direct, or under (e) of this section if the member is not in active duty status at the time of the offense, or by up to five years of confinement, by separation with characterization up to dishonorable discharge, and by such other punishment as a court-martial may direct if the member is in active duty status at the time of the offense.

*** Sec. 22.** AS 26.05.855(c) is amended to read:

(c) A member of the militia who (1) operates or physically controls a vehicle, aircraft, or vessel of the armed forces of the United States or the militia of a state in a negligent or reckless manner or while impaired by a **controlled** substance [DESCRIBED IN AS 26.05.870(c)], or (2) operates or is in actual physical control of a vehicle, aircraft, or vessel of the armed forces of the United States or the militia of a state while under the influence of alcohol or when the alcohol concentration in the person's blood or breath is equal to or exceeds the applicable limit under (d) of this

section may be punished by up to five years of confinement, by separation with characterization up to dishonorable discharge, and by such other punishment as a court-martial may direct."

Renumber the following bill sections accordingly.

Page 12, line 4:

Delete "**drug**"

Insert "**controlled substance**"

Page 12, line 5:

Delete "**indulgence in**"

Insert "**the use of**"

Page 12, lines 12 - 13:

Delete "In this subsection, "controlled substance" has the meaning given in AS 26.05.870."

Page 12, lines 14 - 23:

Delete all material and insert:

"* **Sec. 25.** AS 26.05.865 is amended to read:

Sec. 26.05.865. Misbehavior of sentinel. A sentinel or lookout who **(1) as a result of the use of any alcoholic beverage or drug, is unable to properly perform the sentinel's or lookout's duties, (2)** is found [UNDER THE INFLUENCE OF ALCOHOL OR] sleeping on the sentinel's or lookout's post, **(3)** [OR] leaves the **sentinel's or lookout's** post before being regularly relieved, **or (4) loiters or wrongfully sits down on post** may be punished, if the offense is committed in time of war or emergency as described in AS 26.05.070, by confinement of not more than 10 years, by separation with characterization up to dishonorable discharge, and by such other punishment as a court-martial may direct, but if the offense is committed at any other time, by up to one year of confinement, by separation with characterization up to

dishonorable discharge, and by such other punishment as a court-martial may direct."

Page 17, following line 18:

Insert new bill sections to read:

**** Sec. 37.** AS 26.05.990 is amended by adding a new paragraph to read:

(22) "controlled substance" means

(A) opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana;

(B) a compound or derivative of a substance specified in (A) of this paragraph;

(C) a substance not specified in (A) or (B) of this paragraph that is listed on a schedule of controlled substances prescribed by the President of the United States for the purposes of the armed forces of the United States under 10 U.S.C. 801 - 946 (Uniform Code of Military Justice);

(D) a substance not specified in (A) or (B) of this paragraph or on a list prescribed by the President under (C) of this paragraph that is listed in 21 U.S.C. 812, schedules I through V;

(E) an illicit synthetic drug identified in AS 17.21.010.

*** Sec. 38.** AS 26.05.870(c) is repealed."

Renumber the following bill sections accordingly.

Page 17, line 26:

Delete "sec. 26"

Insert "sec. 28"

Delete "sec. 27"

Insert "sec. 29"

Page 17, line 27:

Delete "sec. 31"

1 Insert "sec. 33"

2 Delete "sec. 33"

3 Insert "sec. 35"

4
5 Page 17, line 29:

6 Delete "26, 27, 31, and 33"

7 Insert "28, 29, 33, and 35"

8
9 Page 18, line 7, following the second occurrence of "Act,":

10 Insert "AS 26.05.855(b), as amended by sec. 21 of this Act, AS 26.05.855(c), as
11 amended by sec. 22 of this Act"

12
13 Page 18, line 8:

14 Delete "sec. 21"

15 Insert "sec. 23"

16 Delete "sec. 22"

17 Insert "sec. 24"

18
19 Page 18, line 9:

20 Delete "sec. 23"

21 Insert "sec. 25"

22 Delete "sec. 24"

23 Insert "sec. 26"

24
25 Page 18, line 10:

26 Delete "sec. 25"

27 Insert "sec. 27"

28 Delete "sec. 26"

29 Insert "sec. 28"

30
31 Page 18, line 11:

1 Delete "sec. 27"
2 Insert "sec. 29"
3
4 Page 18, line 12:
5 Delete "28"
6 Insert "30"
7 Delete "sec. 29"
8 Insert "sec. 31"
9
10 Page 18, line 13:
11 Delete "sec. 30"
12 Insert "sec. 32"
13 Delete "sec. 32"
14 Insert "sec. 34"
15 Delete the first occurrence of "and"
16
17 Page 18, line 14:
18 Delete "sec. 34"
19 Insert "sec. 36"
20 Following "Act,":
21 Insert "and AS 26.05.990(22), enacted by sec. 37 of this Act,"
22
23 Page 18, line 15:
24 Delete "9 - 30, 32, and 34"
25 Insert "9 - 32, 34, 36, and 37"
26
27 Page 18, line 27:
28 Delete "8 - 34, and 35(b) - (d)"
29 Insert "8 - 38, and 39(b) - (d)"
30
31 Page 18, line 29:

- 1 Delete "sec. 36"
- 2 Insert "sec. 40"
- 3
- 4 Page 19, line 3:
 - 5 Delete "8 - 34, and 35(b) - (d)"
 - 6 Insert "8 - 38, and 39(b) - (d)"
 - 7
- 8 Page 19, line 5:
 - 9 Delete "sec. 38"
 - 10 Insert "sec. 42"