

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 246(JUD)

Page 1, line 1, following "**convictions;**":

Insert "**relating to misconduct involving marijuana by persons under 21 years of age; amending Rule 17(h), Alaska Rules of Minor Offense Procedure;**"

Page 1, following line 11:

Insert a new bill section to read:

"* Sec. 2. AS 11.71.060(a) is amended to read:

(a) Except **for minor misconduct involving marijuana under AS 17.38.055,**
or as authorized in AS 17.30 or AS 17.38, a person commits the crime of misconduct involving a controlled substance in the 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(B) [REPEALED]

(3) refuses entry into a premise for an inspection authorized under AS 17.30."

Renumber the following bill sections accordingly.

Page 3, following line 7:

1 Insert a new bill section to read:

2 **** Sec. 5.** AS 17.38 is amended by adding a new section to read:

3 **Sec. 17.38.055. Misconduct involving marijuana by persons under 21**
 4 **years of age.** (a) A person under 21 years of age commits the offense of minor
 5 misconduct involving marijuana if the person knowingly uses or displays any amount
 6 of marijuana or possesses less than one ounce of marijuana.

7 (b) A violation of this section must be charged and filed with the court as a
 8 separate case and may not be combined or joined with any other minor offense or
 9 criminal charge in one action at the time of filing.

10 (c) Minor misconduct involving marijuana is a violation."
 11

12 Renumber the following bill sections accordingly.
 13

14 Page 3, line 11, following "a":

15 Insert "(1)"
 16

17 Page 3, line 12:

18 Delete "(1)"

19 Insert "(A)"
 20

21 Page 3, line 15:

22 Delete "(2)"

23 Insert "(B)"
 24

25 Page 3, line 17:

26 Delete all material and insert:

27 "(C) was not convicted of any other criminal charges in that
 28 case; or

29 (2) violation of AS 17.38.055, or a municipal ordinance with similar
 30 elements, if the violation was charged separately and was not joined with any other
 31 minor offense or criminal charge at the time of filing."

Page 3, following line 17:

Insert new bill sections to read:

"* Sec. 7. AS 47.12.030(b) is amended to read:

(b) When a minor is accused of violating a statute specified in this subsection, other than a statute the violation of which is a felony, this chapter and the Alaska Delinquency Rules do not apply and the minor accused of the offense shall be charged, prosecuted, and sentenced in the district court in the same manner as an adult; if a minor is charged, prosecuted, and sentenced for an offense under this subsection, the minor's parent, guardian, or legal custodian shall be present at all proceedings; the provisions of this subsection apply when a minor is accused of violating

(1) a traffic statute or regulation, or a traffic ordinance or regulation of a municipality;

(2) AS 11.76.105, relating to the possession of tobacco by a person under 19 years of age;

(3) a fish and game statute or regulation under AS 16;

(4) a parks and recreational facilities statute or regulation under AS 41.21;

(5) [REPEALED]

(6) a municipal curfew ordinance, whether adopted under AS 29.35.085 or otherwise, unless the municipality provides for enforcement of its ordinance under AS 29.25.070(b) by the municipality; in place of any fine imposed for the violation of a municipal curfew ordinance, the court shall allow a defendant the option of performing community work; the value of the community work, which may not be lower than the amount of the fine, shall be determined under AS 12.55.055(c); in this paragraph, "community work" includes the work described in AS 12.55.055(b) or work that, on the recommendation of the municipal or borough assembly, city council, or traditional village council of the defendant's place of residence, would benefit persons within the municipality or village who are elderly or disabled;

(7) AS 04.16.050, relating to consumption, possession, or control of

1 alcohol by a person under 21 years of age;

2 **(8) AS 17.38.055, relating to misconduct involving marijuana by a**
 3 **person under 21 years of age.**

4 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
 5 read:

6 DIRECT COURT RULE AMENDMENT. Rule 17(h), Alaska Rules of Minor
 7 Offense Procedure, is amended to read:

8 (h) **Joinder Limits.** A prosecutor may not join a violation of AS 04.16.049 or
 9 04.16.050, **AS 17.38.055**, or a similar municipal ordinance with a related criminal
 10 charge."

11
 12 Renumber the following bill sections accordingly.

13
 14 Page 3, line 22:

15 Delete "AS 22.35.040(a), enacted by sec. 4"

16 Insert "AS 22.35.040(1), enacted by sec. 6"

17
 18 Page 3, following line 23:

19 Insert a new bill section to read:

20 **"* Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
 21 read:

22 APPLICABILITY. AS 11.71.060(a), as amended by sec. 2 of this Act, AS 17.38.055,
 23 enacted by sec. 5 of this Act, and AS 47.12.030(b), as amended by sec. 7 of this Act, apply to
 24 offenses committed on or after the effective date of this Act."

25
 26 Renumber the following bill section accordingly.