

CS FOR HOUSE BILL NO. 22(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/17/97

Referred: Rules

Sponsor(s): REPRESENTATIVES IVAN, Porter, Berkowitz, Croft, Elton, Rokeberg

A BILL

FOR AN ACT ENTITLED

**1 "An Act relating to civil liability for illegal sale or barter of an alcoholic
2 beverage or a controlled substance; and providing for an effective date."**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 04.21.020 is amended by adding new subsections to read:

5 (b) Notwithstanding (a) of this section, a person who sells or barter an
6 alcoholic beverage to another person in violation of AS 04.11.010 is strictly liable
7 (1) to the recipient or another person for civil damages if, while under the influence
8 of the alcoholic beverage, the person receiving the alcoholic beverage engages in
9 conduct that results in civil damages and the recipient's being under the influence of
10 the alcoholic beverage substantially contributes to the civil damages; and (2) for the
11 cost to the state or a political subdivision of the state to criminally prosecute a person
12 who receives an alcoholic beverage from a person who violates AS 04.11.010 if the
13 prosecution results from the violation of AS 04.11.010 described in this subsection.
14 In this subsection, "civil damages" includes damages for personal injury, death, or

1 injury to property of a person, including the state or a political subdivision of the state.

2 (c) In an action under (b) of this section, it is not a defense that the person
3 receiving the alcoholic beverage voluntarily consumed the alcoholic beverage or that
4 the person receiving the alcoholic beverage was voluntarily under the influence of the
5 alcoholic beverage.

6 * **Sec. 2.** AS 09.65 is amended by adding a new section to read:

7 **Sec. 09.65.205. Civil liability for controlled substances offense.** (a) A
8 person who sells or barter a controlled substance in violation of AS 11.71 is strictly
9 liable

10 (1) to the recipient or another person for civil damages if, while under
11 the influence of the controlled substance, the person receiving the controlled substance
12 engages in conduct that results in civil damages and the recipient's being under the
13 influence of the controlled substance substantially contributes to the civil damages; and

14 (2) for the cost to the state or political subdivision to criminally
15 prosecute a person who receives a controlled substance from a person who violates
16 AS 11.71 if the prosecution results from the violation of AS 11.71 described in this
17 subsection.

18 (b) In an action under (a) of this section, it is not a defense that the person
19 receiving the controlled substance voluntarily consumed the controlled substance or
20 was voluntarily under the influence of the controlled substance.

21 (c) In this section,

22 (1) "civil damages" includes damages for personal injury, death, or
23 injury to property of a person, including the state or a political subdivision of the state;

24 (2) "controlled substance" has the meaning given in AS 11.71.900.

25 * **Sec. 3.** This Act takes effect July 1, 1997.