

AMENDMENT

#1 Adopted

OFFERED IN THE HOUSE

TO: CSHB 307(MLV)

1 Page 11, following line 31:

2 Insert new bill sections to read:

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

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

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

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

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

4

5 Renumber the following bill sections accordingly.

6

7 Page 12, line 4:

8 Delete "drug"

9 Insert "controlled substance"

10

11 Page 12, line 5:

12 Delete "indulgence in"

13 Insert "the use of"

14

15 Page 12, lines 12 - 13:

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

18

19 Page 12, lines 14 - 23:

20 Delete all material and insert:

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

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

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

2

3 Page 17, following line 18:

4 Insert new bill sections to read:

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

6 (22) "controlled substance" means

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

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

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

16 (D) a substance not specified in (A) or (B) of this paragraph or
17 on a list prescribed by the President under (C) of this paragraph that is listed in
18 21 U.S.C. 812, schedules I through V;

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

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

21

22 Renumber the following bill sections accordingly.

23

24 Page 17, line 26:

25 Delete "sec. 26"

26 Insert "sec. 28"

27 Delete "sec. 27"

28 Insert "sec. 29"

29

30 Page 17, line 27:

31 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"