

Table 3. Proposed Changes to Penalties for Title 4 Offenses

Title 4 currently defines specific penalties for violations of some statutes within the title, either referring to the offense as a violation with no defined penalty, defining a range of penalties to apply, or specifying a minimum penalty. The title contains generally increased penalties for crimes in Local Option areas, as well as provisions for forfeiture and seizure of assets (typically alcohol) involved with a Title 4 case. Unless otherwise defined in these sections, the “default” penalty for any violation of Title 4 is a Class A Misdemeanor, as stated in AS 04.16.180(a).

Additionally, Title 4 defines a range of administrative penalties that the ABC Board can take against a licensee, including monetary fines, additional restrictions on a license, and suspension or revocation of the license in serious cases or in response to repeated violations. These are not represented in the table below, which only concerns criminal penalties, but are discussed in Recommendations RB-6 and UAD-2. The rationale for changing most Title 4 offenses to Minor Offenses (violations with a fine that do not require a court appearance) is also outlined in RB-6. Proposed changes to penalties are indicated in **bold**.

Citation (SB 52)	New Statute Title	Current Penalty	Proposed Penalty	Proposed Fine	Notes + Applicability of Offense
04.09.060	Unlicensed Manufacturing	Misdo A (04.11.010)	Misdo A	Defined in AS 12.55	Sell, manufacture or operate without a license
04.09.070	Unlicensed Manuf.: Local Option	Felony C (04.11.010)	Felony C	Defined in AS 12.55	Sell, manufacture or operate without a license in a Local Option area
04.09.080	Unauthorized Manufacturer Sale	Misdo A	Minor Offense	\$250	License holder sells to a buyer not listed in AS 04.09.050
04.09.140	Unlicensed Wholesale Sale	Misdo A (04.11.010)	Misdo A	Defined in AS 12.55	Sell or operate a wholesale business without a license
04.09.145	Unlicensed Wholesale Sale: Local Option	Felony C (04.11.010)	Felony C	Defined in AS 12.55	Sell or operate a wholesale business without a license in a Local Option area
04.09.150	Failure to Pay Annual Fee or File Affidavit	Misdo A	Minor Offense	\$250	Wholesale licensee fails to pay or file required documentation for annual fees
04.09.160	Failure to Pay Fee or File Declaration	Misdo A	Minor Offense	\$250	Wholesale licensee fails to pay or file required documentation for supplier fees
04.09.200	Beverage Dispensary License	Misdo A	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.210	Restaurant or Eating Place License	Misdo A	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.220	Club License	Misdo A	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.230	Package Store License	Misdo A	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.240	Pub License	Misdo A	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.250	Theater License	Misdo A	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.260	Common Carrier Dispensary License	Misdo A	Misdo A	Defined in AS 12.55	Violates section (a): operates additional unlicensed vessel(s)
04.09.260	Common Carrier Dispensary License	Misdo A	Minor Offense	\$500 per vessel	Noncompliance with license terms; sale in violation of license restrictions
04.09.270	Sporting Event (Rec. Site) License	Misdo A	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.280	Outdoor Recreation Lodge License	Misdo A	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions

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04.09.290	Golf Course License	Misdo A	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.300	Destination Resort License	Misdo A	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.310	Brewery Retail License	Misdo A (04.11.130)	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.320	Winery Retail License	Misdo A (04.11.140)	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.330	Distillery Retail License	Misdo A (04.11.170)	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.340	BDL Tourism License	Misdo A (04.11.400)	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.350	Seasonal REPL Tourism License	<i>New license</i>	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.360	Winery Direct Shipment License	<i>New license</i>	Minor Offense	\$250	Noncompliance with license terms; sale in violation of license restrictions
04.09.370	Unlicensed Retail Sale	Misdo A (04.11.010)	Misdo A	Defined in AS 12.55	Selling or operating a retail operation without a license
04.09.380	Unlicensed Retail Sale: Local Option	Felony C (04.11.010)	Felony C	Defined in AS 12.55	Selling or operating a retail operation without a license in a Local Option area
04.09.410	Manufacturer Sampling Endors.t	Misdo A	Minor Offense	w/o: \$500 other: \$250	Providing samples without endorsement Noncompliance with endorsement terms
04.09.420	Multiple Fixed Counter Endorsement	Misdo A (04.11.090)	Minor Offense	w/o: \$500 other: \$250	Operating without endorsement Noncompliance with endorsement terms
04.09.430	Hotel or Motel Endorsement	Misdo A (04.11.090)	Minor Offense	w/o: \$500 other: \$250	Operating without endorsement Noncompliance with endorsement terms
04.09.440	Large Resort Endorsement	Misdo A (04.11.090)	Minor Offense	w/o: \$500 other: \$250	Operating without endorsement Noncompliance with endorsement terms
04.09.450	Restaurant Endorsement	Misdo A (04.16.049)	Minor Offense	w/o: \$500 other: \$250	Operating without endorsement Noncompliance with endorsement terms
04.09.460	Package Store Shipping Endors.t	Misdo B (04.11.150)	Minor Offense	w/o: \$500 other: \$250	Operating without endorsement Noncompliance with endorsement terms
04.09.470	Package Store Delivery Endors.t	Misdo A (04.11.150)	Minor Offense	w/o: \$500 other: \$250	Operating without endorsement Noncompliance with endorsement terms
04.09.480	Package Store Repackaging Endors.t	Misdo A (04.11.150)	Minor Offense	w/o: \$500 other: \$250	Operating without endorsement Noncompliance with endorsement terms
04.09.490	Package Store Sampling Endors.t	<i>New section</i>	Minor Offense	w/o: \$500 other: \$250	Providing samples without endorsement Noncompliance with endorsement terms
04.09.500	Bowling Alley Endorsement	Misdo A (04.11.090)	Minor Offense	w/o: \$500 other: \$250	Operating without endorsement Noncompliance with endorsement terms
04.09.510	Golf Course Endorsement	Misdo A (04.11.115)	Minor Offense	w/o: \$500 other: \$250	Operating without endorsement Noncompliance with endorsement terms
04.09.520	Brewery Repackaging Endorsement	Misdo A (04.11.135)	Minor Offense	w/o: \$500 other: \$250	Operating without endorsement Noncompliance with endorsement terms
04.09.600	Failure to Comply with Permit Req.t	Misdo A	Minor Offense	\$250	Applies to all event permits under 04.09.600 - 670
04.09.600	Failure to Comply with a Permit Req.t	Misdo A	Minor Offense	\$500	Applies to Inventory Stock Sale (-.680), Conditional Contractor (-.690) Permits
04.09.750	Alcohol Transported	<i>New section</i>	Minor	\$500	Delivery by common carrier not approved

Citation (SB 52)	New Statute Title	Current Penalty	Proposed Penalty	Proposed Fine	Notes + Applicability of Offense
	by Common Carrier		Offense		by ABC Board to deliver alcohol
04.09.750	Alcohol Transported by Common Carrier	<i>New section</i>	Minor Offense	\$250	Noncompliance with delivery requirements by approved common carrier
04.11.010(a)	License or Permit Required; Possession for Sale	Misdo A	Misdo A	Defined in AS 12.55	Removed sale, manufacture, operations: now defined in AS 04.09. Remaining actions prohibited: barter, trafficking
04.11.010(b)	License or Permit Required; Possession for Sale	Felony C	Felony C	Defined in AS 12.55	Receiving or soliciting order for alcohol delivered to Local Option area (except under Pkg. Store Shipping Endorsement)
04.11.010(c)	License or Permit Required; Possession for Sale	Misdo A or Felony C [by volume]	Misdo A or Felony C	Defined in AS 12.55	Presumption about sale if possessing above a certain amount; severity depends on amount in question
04.11.015	Purchase from Nonlicensee Prohibited	Minor Offense	Minor Offense	\$250	Already violation in Title 4; added specific fine amount
04.11.040	Board Approval of Transfers	Misdo A	Minor Offense	\$250	Failure to seek approval of license transfer
04.11.045	Reports Required of Limited Liability Corporations	Misdo A	Minor Offense	\$250	Failure to report ownership change
04.11.050	Reports Required of Corporations	Misdo A	Minor Offense	\$250	Failure to report ownership change
04.11.055	Reports Required of Partnerships	Misdo A	Minor Offense	\$250	Failure to report ownership change
04.11.060	Nonresident Distiller, Brewer, Winery or Wholesaler	Misdo A	Misdo A	Defined in AS 12.55	Selling to in-state licensees without obtaining needed license(s)
04.11.315	False Statement on Application	Felony B (04.16.210)	Felony B	Defined AS 11.56.200	No policy change, statute moved; false statement "knowingly"
04.11.370	Suspension and Revocation of Licenses, et al.	<i>N/A – board-imposed penalties on licensees for violation of Title 4</i>			Defines administrative penalties that the board can impose on licenses; no changes to existing structure
04.11.499(a)	Prohibition of Importation, Purchase (Local Option)	Misdo A/ Felony C	Misdo A/ Felony C	Defined in AS 12.55	Bans importation into Local Option area; severity depends on amount
04.11.499(b)	Prohibition of Importation, Purchase (Local Option)	Misdo A	Misdo A	Defined in AS 12.55	Bans purchase from someone who illegally imported into Local Option area
04.11.501(a)	Prohibition of Possession (Local Option)	Minor Offense	Minor Offense	Fine up to \$1000 (04.16.205)	Court sets fine schedule, forfeiture, etc., for Local Option area banning possession
04.11.535(a)	Suspension and Revocation Based on Acts of Employees	<i>N/A – board-imposed penalties on licensees for violation of Title 4</i>			Establishes burden of proof for licensee; ties violation specifically with offenses under 04.16.150
04.11.560(b)	Appeals	<i>N/A - Appeal process</i>			Appeal of board decision go to superior court (44.62.560)
04.16.010	Hours of Sale, Presence on Licensed Premises	Misdo A	Minor Offense	\$250	Noncompliance for serving alcohol outside allowed hours of operation

Citation (SB 52)	New Statute Title	Current Penalty	Proposed Penalty	Proposed Fine	Notes + Applicability of Offense
04.16.015	Pricing and Marketing of Alcoholic Bev.s	Misdo A	Minor Offense	\$250	Noncompliance with limits on sales, amounts of sale, sales or over-service
04.16.017	Trade Practices	<i>New section</i>	<i>N/A – administrative penalties to be defined</i>		Penalties for trade practices administrative only, detailed in future regulations
04.16.020	Solicitation of Alcoholic Beverages; Purchase for Another	Misdo A	Minor Offense	\$100	Third party paid to encourage patrons to purchase; ordering for person in Local Option area to circumvent ordering limits
04.16.022	Online Alcohol Sales (Beer, Wine, Spirits)	<i>New section</i>	Misdo A	Defined in AS 12.55	Sale of alcohol online to AK consumer, unless under AS 04.09.360 or 04.09.460
04.16.022	Online Alcohol Sales (Beer, Wine, Spirits)	<i>New section</i>	Minor Offense	\$250	Purchase by consumer from online source, unless licensed or endorsed under Title 4
04.16.025	Illegal Presence on Premises Involving Alcoholic Beverages	Minor Offense	Minor Offense	\$250	May not remain on illegal/non-licensed premises with activities in violation of Local Option
04.16.030	Prohibited Conduct Relating to Drunken Persons	Misdo A	Minor Offense	\$250 to \$500	Licensee/employee sells to drunken person (DP); patron gives to DP on premises; allows DP to stay on premises
04.16.030	Prohibited Conduct Relating to Drunken Persons	<i>New section</i>	Admin. Penalty to licensee	\$250	Licensee receives administrative penalty if employee violates this section. License cannot be suspended for first conviction.
04.16.035	Possession of Ingredients for Homebrew in Certain Areas	Misdo A	Misdo A	Defined in AS 12.55	Possess homebrew ingredients with intent to manufacture
04.16.040	Access of Drunken Persons to Licensed Premises	Misdo A	Minor Offense	\$250	Drunken person may not access licensed premises
04.16.045	Obligation to Enforce Restrictions in Licensed Premises	Misdo A	Minor Offense	\$250	Licensee cannot serve alcohol except as allowed in license
04.16.047	Access of Persons with Restriction on Purchasing Alcohol	Misdo A	Misdo A	Defined in AS 12.55	Person cannot enter licensed premises if restricted from purchasing alcohol.
04.16.049	Access Under Age 21 to Licensed Premises	Misdo A	Minor Offense	\$500; \$50 w/ASAP	<i>Enacted in SB165</i>
04.16.050	Possession, Control, Consumption by Under Age 21	Minor Offense (multiple penalties)	Minor Offense	\$500; \$50 w/ASAP	<i>Enacted in SB165</i>
04.16.051	Furnishing or Delivery of Alcoholic Beverages to Persons Under Age 21	Misdo A	Misdo A	Defined in AS 12.55	Applies to an adult (other than licensee) providing a minor with alcohol
04.16.051	Furnishing or Delivery of Alcoholic Beverages to Persons Under Age 21	Felony C	Felony C	Defined in AS 12.55	If minor causes injury or death, adult is liable; adult furnishing a minor in a Local Option area; penalty for repeat offenses
04.16.052	Furnishing of Alcoholic Beverages to Persons Under Age	Misdo A	Minor Offense	\$250 to \$500	Licensee or employee receives penalty for serving a minor (whoever directly serves)

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	21 by Licensees				
04.16.052	Furnishing of Alcoholic Beverages to Persons Under Age 21 by Licensees	<i>New section</i>	Admin. Penalty to licensee	\$250	Licensee receives administrative penalty if employee violates this section. License cannot be suspended for first conviction.
04.16.055	Room Rental for Consuming Alcoholic Beverages	Misdo A	Misdo A	Defined in AS 12.55	Renting room for purpose of providing alcohol to person under 21
04.16.057	Permitting Minor to Illegally Possess Liquor in Dwelling	Minor Offense	Minor Offense	\$500	Already violation; added fine. Range of fines require court appearance for sentencing.
04.16.059	Aggravated Penalties Involving Under 21, and by Sex Offender	<i>Step-up of existing penalty of underlying offenses in specific cases [no change proposed]</i>			Increases penalties for anyone who is registered sex offender or child kidnapper. e.g. Misdo A goes to Felony C
04.16.060	Purchase or Delivery to Under Age 21	Misdo A	Minor Offense	\$500; \$50 w/ ASAP	Penalty for underage person purchasing or attempting to purchase; proposed to match changes made in SB 165
04.16.060	Purchase or Delivery to Under Age 21	Misdo A	Minor Offense	\$500	Delivery to or purchase for underage person by an adult
04.16.065	Civil Penalty for Violations of AS 04.16.060	<i>Civil penalty: \$1500+fees [no change proposed]</i>			Licensee can pursue minor 18+ or emancipated minor for civil damages if violated 04.16.060
04.16.065	Civil Penalty for Violations of AS 04.16.060	<i>Civil penalty \$1000+fees [no change proposed]</i>			Licensee can pursue guardian of >18 minor if violated 04.16.060
04.16.080	Consumption at School Events	Misdo A	Minor Offense	\$100	Consuming at school event, at site of event
04.16.090	Prohibition of Bottle Clubs	Misdo A	Misdo A	Defined in AS 12.55	Same as selling or operating w/o license
04.16.110	Sale of Certain Alcoholic Beverages Prohibited	Misdo A	Misdo A	Defined in AS 12.55	Selling products: powdered alcohol, more than 76 percent ABV
04.16.120	Removal or Introduction of Alcoholic Beverages	Misdo A	Minor Offense	\$100	Brings alcohol onto licensed premises, or takes off premises
04.16.125	Alcohol Transported by Common Carrier	Misdo A	Misdo A	Defined in AS 12.55	Limits on amounts transported to LO areas, exception for small amts
04.16.130	Stock Confined to Licensed Premises	Misdo A	Minor Offense	\$250	Storing alcohol outside of designated areas licensed for storage
04.16.140	Sale or Consumption of Alcohol in a Warehouse	Misdo A	Minor Offense	\$250	Selling or allowing consumption of alcohol in warehouse licensed for storage
04.16.150	Licensee Responsible for Violations	Misdo A	Misdo A	Defined in AS 12.55	Licensee liable if knowingly allowed employees' illegal activity on premises
04.16.160	Restriction on Purchasing Alcohol	Misdo A	Misdo A	Defined in AS 12.55	Requires restricted individual to have current marked ID, avoid alcohol
04.16.170	Source of Alcoholic Beverages	Misdo A	Misdo A	Defined in AS 12.55	Requires purchase from licensee, with exceptions e.g. medicinal, religious
04.16.172	Restrictions on	Misdo A	Misdo A	Defined in	Prohibits purchase from seller not listed as

Citation (SB 52)	New Statute Title	Current Penalty	Proposed Penalty	Proposed Fine	Notes + Applicability of Offense
	Purchase and Sales of Alcoholic Beverages			AS 12.55	primary source supplier (wholesaler or manufacturer)
04.16.175	Furnishing Alcoholic Beverages in Aid of Gambling Enterprise	Misdo A	Misdo A	Defined in AS 12.55	Gambling enterprise may not furnish alcohol to player; does not apply to businesses licensed under Title 4
04.16.180	Penalties for Violation	<i>N/A – board-imposed penalties on licensees for violation of Title 4</i>			Addresses range of board-imposed penalties for violations of Title 4
04.16.180(b)	Penalties for Violation	<i>New section</i>	<i>N/A – board-imposed penalties on licensees</i>		Includes specific penalties for violation of 04.16.030 and -052
04.16.180(e)	Penalties for Violation	<i>New section</i>	<i>N/A – for reference</i>		Defines conviction (applies to felony, misdo, minor offense)
04.16.180(f)	Penalties for Violation	<i>New section</i>	<i>N/A –for reference</i>		Clarifies that licensee convicted of Title 4 offense also subject to board penalties
04.16.180(g)	Penalties for Violation	<i>New section</i>	<i>N/A – for reference</i>		Allows board to reduce penalties on licensee if licensee demonstrates attempt to follow laws, mitigating circumstances
04.16.200	Penalties for Violation of 04.11.010, -.499	Misdo A or Felony C	Misdo A or Felony C	Defined in AS 12.55	Penalties vary by volume of alcohol, number of prior convictions
04.16.200(g)	Penalties for Violation of 04.11.010, -.499	Misdo A	Misdo A	Incl. repeat offenses	Penalties for selling, importing in LO area increased fine amts.
04.16.205	Penalties for Violation of 04.11.501 and Related Ordinances	Minor Offense	Minor Offense	Up to \$1,000	Penalty for possession; section (h) states specifically that violation is not considered a criminal offense, but a minor offense
04.16.220	Forfeitures and Seizures		<i>N/A – for reference</i>		Forfeit and seizure of property related to offenses of Title 4
04.21.012	Keg Registration	<i>New section</i>	Minor Offense	\$250	Licensee sells or rents an unregistered keg
04.21.012	Keg Registration	<i>New section</i>	Minor Offense	\$100	Person possesses unregistered keg containing alcohol
04.21.020	Civil Liability for Providing Alcohol		<i>N/A – for reference</i>		Includes liability for consequences from alcohol consumed when sold illegally
04.21.025	Alcohol Server Education Course	Misdo A	Minor Offense	\$250	Failure to maintain server card if expired
04.21.060	Warehousing of Alcoholic Beverages	Misdo A	Minor Offense	\$250	Can store beverages offsite if approved by board, allowed by local zoning
04.21.065	Posting of Warning Signs	Minor Offense	Minor Offense	\$20 to \$300 per day	Posting of warning signs; bail schedule; doesn't preclude license suspension
04.21.072(a)	Fines and Other Criminal Penalties	Misdo A (04.16.180)	Minor Offense	\$250	Unless specified otherwise, violation of Title 4 is a \$250 fine; replaces 04.16.180(a)
04.21.072(b)	Fines and Other Criminal Penalties	Misdo / Felony	Misdo / Felony	Defined in AS 12.55	Unless specified otherwise, penalties for Misdo/ Felony are defined in Title 12
04.21.074	Bail Forfeiture Schedule		<i>N/A – for reference</i>		Provides outline of bail forfeiture (if ticket is paid) and conviction for minor offenses
04.21.076	Suspension of Fine or Sentence		<i>N/A – for reference</i>		Court cannot suspend fine or sentence for minor offenses; requires enforcing
12.85.015	Record of Judgment of Conviction		<i>N/A – for reference</i>		Requires court to send convictions of Title 4 to ABC Board.
Repeal of 04.16.180(a)	Repeal: Default Penalty in Title 4	Misdo A	<i>See AS 04.21.072</i>		Removes default as Misdo A; is now Minor Offense, in 04.21.072