

AMENDMENT **# 1 Replacement**

OFFERED IN THE HOUSE
TO: CSHB 246(JUD)

Offered by Rep. Wool

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

2 Insert "**relating to misconduct involving marijuana by persons 18, 19, or 20 years**
3 **of age; amending Rule 17(h), Alaska Rules of Minor Offense Procedure;**"

4

5 Page 1, following line 11:

6 Insert a new bill section to read:

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

8 (a) Except **for minor misconduct involving marijuana under AS 17.38.055,**
9 **or** as authorized in AS 17.30 or AS 17.38, a person commits the crime of misconduct
10 involving a controlled substance in the sixth degree if the person

11 (1) uses or displays any amount of a schedule VIA controlled
12 substance;

13 (2) possesses one or more preparations, compounds, mixtures, or
14 substances of an aggregate weight of

15 (A) less than one ounce containing a schedule VIA controlled
16 substance;

17 (B) [REPEALED]

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

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21 Renumber the following bill sections accordingly.

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23 Page 3, following line 7:

1 Insert new bill sections 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 18, 19, or 20**
 4 **years of age.** (a) A person 18, 19, or 20 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 punishable by a fine
 11 of not less than

12 (1) \$125 for a first violation; or

13 (2) \$250 if the person has previously been convicted under this section.

14 *** Sec. 6.** AS 17.38.370 is amended to read:

15 **Sec. 17.38.370. Bail forfeiture for certain offenses.** The supreme court shall
 16 establish by rule or order a schedule of bail amounts that may be forfeited without
 17 court appearance for a violation of AS 17.38.030 - 17.38.055 [AS 17.38.030 -
 18 17.38.050]."

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 20 Renumber the following bill sections accordingly.

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

23 Insert "(1)"

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 25 Page 3, line 12:

26 Delete "(1)"

27 Insert "(A)"

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 29 Page 3, line 15:

30 Delete "(2)"

31 Insert "(B)"

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Page 3, line 17:

Delete all material and insert:

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

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

Page 3, following line 17:

Insert a new bill section to read:

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

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

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

Renumber the following bill sections accordingly.

Page 3, line 22:

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

Insert "AS 22.35.040(1), enacted by sec. 7"

Page 3, following line 23:

Insert new bill sections to read:

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

APPLICABILITY. AS 11.71.060(a), as amended by sec. 2 of this Act, AS 17.38.055, enacted by sec. 5 of this Act, and AS 17.38.370, as amended by sec. 6 of this Act, apply to

1 offenses committed on or after the effective date of this Act.

2 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 CONDITIONAL EFFECT. AS 17.38.055(b), enacted by sec. 5 of this Act, takes
5 effect only if sec. 8 of this Act receives the two-thirds majority vote of each house required by
6 art. IV, sec. 15, Constitution of the State of Alaska."

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8 Renumber the following bill section accordingly.