

CS FOR SENATE BILL NO. 46(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE

Offered: 4/7/95

Referred: Today's Calendar

Sponsor(s): SENATORS TAYLOR, Kelly, Pearce, Phillips, Leman

A BILL

FOR AN ACT ENTITLED

1 "An Act revising the provision of law under which a minor may be charged,
2 prosecuted, and sentenced as an adult in the district court, and adding to the
3 list of offenses for which a minor may be prosecuted as an adult in the district
4 court; amending the criminal jurisdiction of the district court to provide for the
5 disposition of certain offenses relating to possession, control, or consumption of
6 alcoholic beverages by a person under 21 years of age and possession of
7 tobacco by a person under 19 years of age; allowing a person under age 21
8 to be arrested by a peace officer without a warrant for acts relating to illegal
9 possession, consumption, or control of alcohol; and amending the penalty
10 applicable to persons under 21 years of age who possess, control, or consume
11 alcoholic beverages."

12 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

1 * **Section 1.** AS 04.16.050 is amended by adding a new subsection to read:

2 (b) A person who violates (a) of this section is guilty of a violation. Upon
3 conviction in the district court, the court may impose a fine of not less than \$100.

4 * **Sec. 2.** AS 04.16.180(a) is amended to read:

5 (a) Except as provided in AS 04.11.015, AS 04.16.050(b), 04.16.051
6 [AS 04.16.051], 04.16.200 - 04.16.210, and AS 04.21.065, a person who violates a
7 provision of this title or a regulation adopted by the board is guilty, upon conviction,
8 of a class A misdemeanor. Each violation is a separate offense.

9 * **Sec. 3.** AS 12.25.030(b) is amended to read:

10 (b) In addition to the authority granted under (a) of this section, a peace officer
11 without a warrant may arrest a person when the peace officer has reasonable cause for
12 believing that the person

13 (1) has committed a crime under, or violated conditions imposed as part
14 of the person's release before trial on misdemeanor charges brought under

15 (A) [(1)] AS 11.41.270 or AS 11.56.740; or

16 (B) [(2)] AS 11.41, AS 11.46.330, or AS 11.61.120, or has
17 violated an ordinance with elements substantially similar to the elements of a
18 crime under AS 11.41, AS 11.46.330, or AS 11.61.120, when the victim is a
19 spouse or former spouse of the person who committed the crime; a parent,
20 grandparent, child, or grandchild of the person who committed the crime; a
21 member of the social unit comprised of those living together in the same
22 dwelling as the person who committed the crime; or another person who is not
23 a spouse or former spouse of the person who committed the crime but who
24 previously lived in a spousal relationship with the person who committed the
25 crime or is in or has been in a dating, courtship, or engagement relationship
26 with the person who committed the crime; or

27 (2) has violated AS 04.16.050; however, unless there is lawful
28 reason for further detention, a person who is under the age of 18 and who has
29 been arrested for violating AS 04.16.050 shall be cited for the offense and released
30 to the person's parent, guardian, or legal custodian.

31 * **Sec. 4.** AS 22.15.060(a) is amended to read:

- 1 (a) The district court has jurisdiction
2 (1) of the following crimes:
3 (A) a misdemeanor, unless otherwise provided in this chapter;
4 (B) a violation of an ordinance of a political subdivision;
5 **(C) a violation of AS 04.16.050 or AS 11.76.105;**
6 (2) to provide post-conviction relief under the Alaska Rules of Criminal
7 Procedure, if the conviction occurred in the district court.

8 * Sec. 5. AS 47.10.010(b) is amended to read:

- 9 (b) When a minor is accused of violating **a statute specified in this**
10 **subsection, other than** [A TRAFFIC STATUTE OR REGULATION, A TRAFFIC
11 ORDINANCE OR REGULATION OF AN INCORPORATED MUNICIPALITY,
12 AS 11.76.105 RELATING TO THE POSSESSION OF TOBACCO BY A MINOR,
13 A FISH AND GAME STATUTE OR REGULATION UNDER AS 16, OR A PARKS
14 AND RECREATIONAL FACILITIES STATUTE OR REGULATION UNDER
15 AS 41.21, EXCEPTING] a statute the violation of which is a felony, [THE
16 PROCEDURE PRESCRIBED IN] AS 47.10.020 - 47.10.090 **and the Alaska**
17 **Delinquency Rules do not apply and the** [MAY NOT BE FOLLOWED, EXCEPT
18 THAT A PARENT, GUARDIAN, OR LEGAL CUSTODIAN SHALL BE PRESENT
19 AT ALL PROCEEDINGS. THE] minor accused of **the** [AN] offense [SPECIFIED IN
20 THIS SUBSECTION] shall be charged, prosecuted, and sentenced in the district court
21 in the same manner as an adult. **If a minor is charged, prosecuted, and sentenced**
22 **for an offense under this subsection, the minor's parent, guardian, or legal**
23 **custodian shall be present at all proceedings. The provisions of this subsection**
24 **apply when a minor is accused of violating**
25 (1) **a traffic statute or regulation, or a traffic ordinance or**
26 **regulation of a municipality;**
27 (2) **AS 11.76.105, relating to the possession of tobacco by a person**
28 **under 19 years of age;**
29 (3) **a fish and game statute or regulation under AS 16;**
30 (4) **a parks and recreational facilities statute or regulation under**
31 **AS 41.21;**

- 1 **(5) each of the following statutes relating to alcoholic beverages:**
2 **(A) AS 04.16.049, relating to access to licensed premises;**
3 **(B) AS 04.16.050, relating to possession or consumption;**
4 **(C) AS 04.16.051, relating to furnishing of alcoholic**
5 **beverages; or**
6 **(D) AS 04.16.060, relating to alcoholic beverage purchases;**
7 **and**
8 **(6) an offense defined in AS 11.71 or AS 17.30.**

9 * **Sec. 6.** APPLICABILITY. This Act applies to an offense committed on or after the
10 effective date of this Act.