

CS FOR HOUSE BILL NO. 180(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/3/99

Referred: Finance

Sponsor(s): REPRESENTATIVES COWDERY, Dyson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the possession, manufacture, use, display, or delivery of
2 controlled substances while children are present."

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

4 * **Section 1.** AS 11.51.100(a) is amended to read:

5 (a) A person commits the crime of endangering the welfare of a child in the
6 first degree if, being a parent, guardian, or other person legally charged with the care
7 of a child under 16 years of age, the person

8 (1) intentionally deserts the child in a place under circumstances
9 creating a substantial risk of physical injury to the child;

10 (2) leaves the child with another person who is not a parent, guardian,
11 or lawful custodian of the child knowing that the person

12 (A) is registered or required to register as a sex offender under
13 AS 12.63 or a law or ordinance in another jurisdiction with similar
14 requirements;

1 (B) has been charged by complaint, information, or indictment
 2 with a violation of AS 11.41.410 - 11.41.455 or a law or ordinance in another
 3 jurisdiction with similar elements; or

4 (C) has been charged by complaint, information, or indictment
 5 with an attempt, solicitation, or conspiracy to commit a crime described in (B)
 6 of this paragraph; [OR]

7 (3) leaves the child with another person knowing that the person has
 8 previously physically mistreated or had sexual contact with any child, and the other
 9 person causes physical injury or engages in sexual contact with the child; or

10 (4) allows the child to enter or remain in

11 (A) a dwelling or vehicle knowing that a controlled
 12 substance is being unlawfully used, manufactured, displayed, or delivered
 13 in the dwelling or vehicle;

14 (B) the immediate physical presence of the unlawful use,
 15 manufacture, display, or delivery of a controlled substance knowing that
 16 the unlawful use, manufacture, display, or delivery is occurring.

17 * **Sec. 2.** AS 11.51.100 is amended by adding a new subsection to read:

18 (e) Endangering the welfare of a child in the first degree under (a)(4) of this
 19 section is a class A misdemeanor.

20 * **Sec. 3.** AS 11.51.110(a) is amended to read:

21 (a) A person commits the crime of endangering the welfare of a child in the
 22 second degree if the person, while caring for a child under 10 years of age,

23 [(1) CAUSES OR ALLOWS THE CHILD TO ENTER OR REMAIN
 24 IN A DWELLING OR VEHICLE IN WHICH A CONTROLLED SUBSTANCE IS
 25 STORED IN VIOLATION OF AS 11.71; OR

26 (2)] is impaired by an intoxicant, whether or not prescribed for the
 27 person under AS 17.30, and there is no third person who is at least 12 years of age
 28 and not impaired by an intoxicant present to care for the child.

29 * **Sec. 4.** AS 11.51.130(a) is amended to read:

30 (a) A person commits the crime of contributing to the delinquency of a minor
 31 if, being 19 years of age or older or being under 19 years of age and having the

1 disabilities of minority removed for general purposes under AS 09.55.590, the person
2 aids, induces, causes, or encourages a child

3 (1) under 18 years of age to do any act prohibited by state law unless
4 the child's disabilities of minority have been removed for general purposes under
5 AS 09.55.590;

6 (2) under 18 years of age to enter or remain in the **immediate physical**
7 **presence of** [SAME ROOM IN A BUILDING WHERE] the

8 (A) unlawful **possession** [SALE] of a **controlled substance**
9 **knowing that the unlawful possession is occurring,** [DRUG OCCURS] unless
10 the child's disabilities of minority have been removed for general purposes
11 under AS 09.55.590; **or**

12 (B) **unlawful manufacture, use, display, or delivery of a**
13 **controlled substance with reckless disregard that the unlawful**
14 **manufacture, use, display, or delivery is occurring, unless the child's**
15 **disabilities of minority have been removed for general purposes under**
16 **AS 09.55.590;**

17 (3) under 16 years of age to be repeatedly absent from school, without
18 just cause; or

19 (4) under 18 years of age to be absent from the custody of a parent,
20 guardian, or custodian without the permission of the parent, guardian, or custodian or
21 without the knowledge of the parent, guardian, or custodian, unless the child's
22 disabilities of minority have been removed for general purposes under AS 09.55.590
23 or the person has immunity under AS 47.10.350 or 47.10.398(a); it is an affirmative
24 defense to a prosecution under this paragraph that, at the time of the alleged offense,
25 the defendant

26 (A) reasonably believed that the child was in danger of physical
27 injury or in need of temporary shelter; and

28 (B) within 12 hours after taking the actions comprising the
29 alleged offense, notified a peace officer, a law enforcement agency, or the
30 Department of Health and Social Services of the name of the child and the
31 child's location.