

**HOUSE BILL NO. 180**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES COWDERY, Dyson

Introduced: 4/7/99

Referred: Judiciary, Finance

**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, or displayed in the**  
 13 **dwelling or vehicle;**

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

17 \* **Sec. 2.** AS 11.51.110(a) is amended to read:

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

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

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

26 \* **Sec. 3.** AS 11.51.130(a) is amended to read:

27 (a) A person commits the crime of contributing to the delinquency of a minor  
 28 if, being 19 years of age or older or being under 19 years of age and having the  
 29 disabilities of minority removed for general purposes under AS 09.55.590, the person  
 30 aids, induces, causes, or encourages a child

31 (1) under 18 years of age to do any act prohibited by state law unless

1 the child's disabilities of minority have been removed for general purposes under  
2 AS 09.55.590;

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

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

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

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

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

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

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