

**HOUSE BILL NO. 132**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE BY REQUEST

Introduced: 2/19/01

Referred: Labor and Commerce, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the possession or distribution of alcohol in a local option area;  
2 requiring liquor license applicants to submit fingerprints for the purpose of conducting  
3 a criminal history background check, and relating to the use of criminal justice  
4 information by the Alcoholic Beverage Control Board; providing for a review of alcohol  
5 server education courses by the Alcoholic Beverage Control Board every two years; and  
6 providing for an effective date."

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

8 \* **Section 1.** AS 04.11.010(c) is amended to read:

9 (c) In a criminal prosecution for possession of alcoholic beverages for sale in  
10 violation of (a) of this section, the fact that a person possessed more than six [12] liters  
11 of distilled spirits, 12 [24] liters or more of wine, or six [12] gallons or more of malt  
12 beverages in an area where the sale of alcoholic beverages is restricted or prohibited  
13 under AS 04.11.491 creates a presumption that the person possessed the alcoholic

1 beverages for sale.

2 \* **Sec. 2.** AS 04.11.150(g) is amended to read:

3 (g) If a shipment is to an area that has restricted the sale of alcoholic  
4 beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), a package store  
5 licensee, agent, or employee may not ship to a purchaser more than six [12] liters of  
6 distilled spirits, 12 [24] liters or more of wine, or six [12] gallons or more of malt  
7 beverages in a calendar month.

8 \* **Sec. 3.** AS 04.11.150 is amended by adding a new subsection to read:

9 (l) If the business premises of a package store licensee are located within 50  
10 air miles of the boundary of a municipality or the perimeter of an established village  
11 that has adopted a local option under AS 04.11.491, the licensee shall verify the  
12 identity of the purchaser by checking a government-issued identification card that  
13 contains a photograph and shall keep a written record of each purchase that is more  
14 than six liters of distilled spirits, 12 liters or more of wine, or six gallons or more of  
15 malt beverages. The record required under this subsection must be kept for at least  
16 one year and include the name and address of the person making the purchase. The  
17 licensee shall make the records available for inspection during regular business hours  
18 by peace officers and by persons charged with the enforcement of this title. A person  
19 who violates this subsection is guilty of a violation. A licensee without a culpable  
20 mental state whose employee or agent violates this subsection is guilty of a violation.  
21 The court shall forward a copy of the judgment for each person or licensee convicted  
22 under this subsection to the board.

23 \* **Sec. 4.** AS 04.11 is amended by adding a new section to read:

24 **Sec. 04.11.295. Criminal justice information and records.** (a) An  
25 applicant for the issuance or transfer of a license under this title shall submit to the  
26 board, with the application, the applicant's fingerprints and the fees required by the  
27 Department of Public Safety for criminal justice information and a national criminal  
28 history record check. The board may require an applicant for renewal of a license  
29 under this title to submit fingerprints and pay fees as required by this subsection. The  
30 board shall submit the fingerprints to the Department of Public Safety to obtain a  
31 report of criminal justice information under AS 12.62 and a national criminal history

1 record check. The Department of Public Safety may submit the fingerprints to the  
 2 Federal Bureau of Investigation for a national criminal history record check. The  
 3 board shall use the information obtained under this section in its determination of an  
 4 applicant's qualification for issuance, transfer, or renewal of a license.

5 (b) In this section,

6 (1) "applicant" means all individuals whose names and addresses are  
 7 required to be provided with an application for a new license under AS 04.11.260;

8 (2) "criminal justice information" has the meaning given in  
 9 AS 12.62.900.

10 \* **Sec. 5.** AS 04.11.508(a) is amended to read:

11 (a) Except as provided under (b) and (c) of this section, for purposes of  
 12 **AS 04.11.150(d), 04.11.491** [AS 04.11.491], 04.11.497, and 04.11.503, the perimeter  
 13 of an established village is a circle around the established village that includes an area  
 14 within a five-mile radius of the post office of the established village. If the established  
 15 village does not have a post office, the perimeter of an established village is a circle  
 16 around the established village that includes an area within a five-mile radius of another  
 17 site selected by the local governing body or by the board if the established village does  
 18 not have a local governing body.

19 \* **Sec. 6.** AS 04.16.180(a) is amended to read:

20 (a) Except as provided in AS 04.11.015, **04.11.150(d)**, AS 04.16.025,  
 21 **04.16.050(b)** [AS 04.16.050(b)], 04.16.051, 04.16.200 - 04.16.210, and AS 04.21.065,  
 22 a person who violates a provision of this title or a regulation adopted by the board is  
 23 guilty, upon conviction, of a class A misdemeanor. Each violation is a separate  
 24 offense.

25 \* **Sec. 7.** AS 04.16.200(e) is amended to read:

26 (e) A person who sends, transports, or brings alcoholic beverages into a  
 27 municipality or established village in violation of AS 04.11.499 is, upon conviction,

28 (1) guilty of a class A misdemeanor if the quantity imported is less  
 29 than **six** [12] liters of distilled spirits, **12** [24] liters of wine, or **six** [12] gallons of malt  
 30 beverages; or

31 (2) guilty of a class C felony if the quantity imported is **six** [12] liters

1 or more of distilled spirits, 12 [24] liters or more of wine, or six [12] gallons or more  
2 of malt beverages.

3 \* **Sec. 8.** AS 04.21.025(d) is amended to read:

4 (d) The board shall review an approved alcohol server education course at  
5 least once every two [THREE] years.

6 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
7 read:

8 TRANSITION: PENDING APPLICATIONS. Notwithstanding the requirements of  
9 AS 04.11.295, enacted by sec. 4 of this Act, the Alcoholic Beverage Control Board may  
10 process an application for issuance or transfer of a license under AS 04 without a national  
11 criminal history record check from the Federal Bureau of Investigation if that application was  
12 pending with the board on the effective date of this Act.

13 \* **Sec. 10.** This Act takes effect immediately under AS 01.10.070(c).