

CS FOR HOUSE BILL NO. 132(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/26/01

Referred: Judiciary, Finance

Sponsor(s): HOUSE JUDICIARY COMMITTEE BY REQUEST

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, 24 liters or more of wine, or 12 gallons or more of malt beverages
12 in an area where the sale of alcoholic beverages is restricted or prohibited under
13 AS 04.11.491 creates a presumption that the person possessed the alcoholic beverages

1 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, 24 liters or more of wine, or 12 gallons or more of malt beverages in a
7 calendar month.

8 * **Sec. 3.** AS 04.11 is amended by adding a new section to read:

9 **Sec. 04.11.295. Criminal justice information and records.** (a) An
10 applicant for the issuance or transfer of a license under this title shall submit to the
11 board, with the application, the applicant's fingerprints and the fees required by the
12 Department of Public Safety for criminal justice information and a national criminal
13 history record check. The board may require an applicant for renewal of a license
14 under this title to submit fingerprints and pay fees as required by this subsection. The
15 board shall submit the fingerprints to the Department of Public Safety to obtain a
16 report of criminal justice information under AS 12.62 and a national criminal history
17 record check. The Department of Public Safety may submit the fingerprints to the
18 Federal Bureau of Investigation for a national criminal history record check. The
19 board shall use the information obtained under this section in its determination of an
20 applicant's qualification for issuance, transfer, or renewal of a license.

21 (b) In this section,

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

24 (2) "criminal justice information" has the meaning given in
25 AS 12.62.900.

26 * **Sec. 4.** AS 04.16.200(e) is amended to read:

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

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

1 (2) guilty of a class C felony if the quantity imported is six [12] liters
2 or more of distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt
3 beverages.

4 * **Sec. 5.** AS 04.21.025(d) is amended to read:

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

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

9 TRANSITION: PENDING APPLICATIONS. Notwithstanding the requirements of
10 AS 04.11.295, enacted by sec. 3 of this Act, the Alcoholic Beverage Control Board may
11 process an application for issuance or transfer of a license under AS 04 without a national
12 criminal history record check from the Federal Bureau of Investigation if that application was
13 pending with the board on the effective date of this Act.

14 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).