

CS FOR HOUSE BILL NO. 132(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/3/01
Referred: Finance

Sponsor(s): HOUSE JUDICIARY COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

20 (b) In this section,

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

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

25 * **Sec. 4.** AS 04.11.499 is amended to read:

26 **Sec. 04.11.499. Prohibition of importation after election.** If a majority of
27 the voters vote to prohibit the importation of alcoholic beverages under
28 AS 04.11.491(a)(4) or (5) or (b)(3) or (4), a person, beginning on the first day of the
29 month following certification of the results of the election, may not knowingly send,
30 transport, or bring an alcoholic beverage into the municipality or established village,
31 unless the alcoholic beverage is sacramental wine to be used for bona fide religious

1 purposes based on tenets or teachings of a church or religious body, is limited in
 2 quantity to the amount necessary for religious purposes, and is dispensed only for
 3 religious purposes by a person authorized by the church or religious body to dispense
 4 the sacramental wine. **In this section,**

5 **(1) "bring" means to carry or convey or to attempt or solicit to**
 6 **carry or convey;**

7 **(2) "send" means to cause to be taken or distributed or to attempt**
 8 **or solicit to cause to be taken or distributed, and includes use of the United States**
 9 **Post Office;**

10 **(3) "transport" means to ship by any method, and includes**
 11 **delivering or transferring or attempting or soliciting to deliver or transfer an**
 12 **alcoholic beverage to be shipped to, delivered to, or left or held for pick up by**
 13 **any person.**

14 * **Sec. 5.** AS 04.16.125(c) is amended to read:

15 (c) In this section,

16 **(1) "common carrier" means a motor vehicle, watercraft, aircraft, or**
 17 **railroad car available for public hire to transport freight or passengers;**

18 **(2) "transport" has the meaning given in AS 04.11.499.**

19 * **Sec. 6.** AS 04.16.200(e) is amended to read:

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

22 (1) guilty of a class A misdemeanor if the quantity **of alcoholic**
 23 **beverages** [IMPORTED] is less than **six** [12] liters of distilled spirits, 24 liters of
 24 wine, or 12 gallons of malt beverages; or

25 (2) guilty of a class C felony if the quantity **of alcoholic beverages**
 26 [IMPORTED] is **six** [12] liters or more of distilled spirits, 24 liters or more of wine, or
 27 12 gallons or more of malt beverages.

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

30 TRANSITION: PENDING APPLICATIONS. Notwithstanding the requirements of
 31 AS 04.11.295, enacted by sec. 3 of this Act, the Alcoholic Beverage Control Board may

1 process an application for issuance or transfer of a license under AS 04 without a national
2 criminal history record check from the Federal Bureau of Investigation if that application was
3 pending with the board on the effective date of this Act.

4 * **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).