

AMENDMENT #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE RAMRAS

TO: HCS CSSB 265(FIN)

1 Page 1, line 1, following "Act": (title amendment)

2 Insert "relating to the term of probation for persons convicted of minor
3 consuming or in possession or control of alcohol or repeat minor consuming or in
4 possession or control of alcohol; relating to termination of probation for certain persons
5 convicted of minor consuming or in possession or control of alcohol or repeat minor
6 consuming or in possession or control of alcohol;"

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8 Page 2, following line 8:

9 Insert new bill sections to read:

10 "* Section 1. AS 04.16.050(b) is amended to read:

11 (b) A person who violates (a) of this section and who has not been previously
12 convicted or received a suspended imposition of sentence under (1) of this subsection
13 is guilty of minor consuming or in possession or control. Upon conviction in the
14 district court, the court

15 (1) may grant a suspended imposition of sentence under AS 12.55.085
16 and place the person on probation for up to one year [OR UNTIL THE PERSON IS
17 21 YEARS OF AGE, WHICHEVER IS LATER,] if the person has not been convicted
18 of a violation of this section previously; among the conditions of probation, the court
19 shall, with the consent of a community diversion panel, refer the person to the panel,
20 and require the person to comply with conditions set by the panel, including
21 counseling, education, treatment, community work, and payment of fees; in this
22 paragraph, "community diversion panel" means a youth court or other group selected
23 by the court to serve as a sentencing option for a person convicted under this section;

1 or

2 (2) shall impose a fine of at least \$200 but not more than \$600, shall
 3 require the person to attend alcohol information school if the school is available, and
 4 shall place the person on probation **for up to one year** under (e) of this section; the
 5 court may suspend a portion of the fine imposed under this paragraph that exceeds
 6 \$200 if the person is required to pay for education or treatment required under (e) of
 7 this section.

8 * **Sec. 2.** AS 04.16.050(c) is amended to read:

9 (c) A person is guilty of repeat minor consuming or in possession or control if
 10 the person was placed on probation under **(b)(1)** [(b)] of this section or has been
 11 previously convicted **once**, and the person violates (a) of this section. Upon conviction
 12 in the district court, the court shall

13 (1) impose a fine of \$1,000 and require at least 48 hours of community
 14 work;

15 (2) revoke the person's driver's license for three months;

16 (3) take possession of the person's driver's license; and

17 (4) suspend up to \$500 of the fine and place the person on probation

18 **for up to one year** under (e) of this section.

19 * **Sec. 3.** AS 04.16.050(d) is amended to read:

20 (d) A person is guilty of habitual minor consuming or in possession or control
 21 if the person was placed on probation under (c) of this section, or has been previously
 22 convicted twice, and the person violates (a) of this section. Habitual minor consuming
 23 or in possession or control is a class B misdemeanor. Upon conviction, the court may
 24 impose an appropriate period of imprisonment and fine and place the person on
 25 probation under (e) of this section **for one year, or until the person is 21 years of**
 26 **age, whichever is later**, and shall

27 (1) impose at least 96 hours of community work;

28 (2) revoke the person's driver's license for six months;

29 (3) within five working days, notify the agency responsible for the
 30 administration of motor vehicle laws of the revocation; and

31 (4) take possession of the person's driver's license.

1 * **Sec. 4.** AS 04.16.050(e) is amended to read:

2 (e) The court shall place a person sentenced under **(b)(2)** [(b)], (c), or (d) of
 3 this section on probation for **the appropriate period** [ONE YEAR, OR UNTIL THE
 4 PERSON IS 21 YEARS OF AGE, WHICHEVER IS LATER]. The person may not
 5 refuse probation. The court may require the person to pay for and enroll in a juvenile
 6 alcohol safety action program, if one is available. The court shall impose the following
 7 conditions of probation:

8 (1) the person shall pay for and successfully complete any education or
 9 treatment recommended;

10 (2) the person may not consume inhalants or possess or consume
 11 controlled substances or alcoholic beverages, except as provided in AS 04.16.051(b);

12 (3) the person shall timely complete any community work ordered, as
 13 provided in (f) of this section; and

14 (4) other conditions the court considers appropriate.

15 * **Sec. 5.** AS 04.16.050 is amended by adding a new subsection to read:

16 (f) Notwithstanding (b), (c), and (e) of this section, a person sentenced under
 17 (b) or (c) of this section may make a motion to the court to terminate probation of that
 18 person before the end of the probationary period required under those subsections. The
 19 court may grant the motion if the court finds, by clear and convincing evidence, that

20 (1) the person completed any community work ordered under (f) of
 21 this section;

22 (2) the person has successfully completed any education or treatment
 23 program ordered by the court and, if required by the court, has either

24 (A) paid for the programs; or

25 (B) made a good faith effort to pay for the programs, agreed to
 26 have the debt reduced to a civil judgment, entered into a repayment plan with
 27 the provider or the state, and agreed that the civil judgment may be enforced in
 28 the manner provided for restitution and fines in AS 12.55.051;

29 (3) the person has either

30 (A) paid the fine; or

31 (B) made a good faith effort to pay the fine, agreed to have the

1 remaining fine amount reduced to a civil judgment, entered into a plan with the
2 state, and agreed that the civil judgment may be enforced in the manner
3 provided for restitution and fines in AS 12.55.051; and

4 (4) the person has substantially complied with the other conditions of
5 probation."
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7 Page 2, line 9:

8 Delete "Section 1"

9 Insert "Sec. 6"

10
11 Renumber the following bill sections accordingly.
12

13 Page 17, line 7:

14 Delete "secs. 21 and 22"

15 Insert "secs. 26 and 27"

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17 Page 17, line 8:

18 Delete "sec. 23"

19 Insert "sec. 28"

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21 Page 17, line 14:

22 Delete "Sections 1 - 4, 9 - 11, 17 - 19, 24 - 26, and 35"

23 Insert "Sections 6 - 9, 14 - 16, 22 - 24, 29 - 31, and 40"

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25 Page 17, line 16:

26 Delete "secs. 3 and 4"

27 Insert "secs. 8 and 9"

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29 Page 17, line 18:

30 Delete "Section 8 of this Act applies"

31 Insert "Sections 5 and 13 of this Act apply"

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Page 17, line 20:

Delete "Sections 12, 13, 34, and 36"

Insert "Sections 17, 18, 39, and 41"

Page 17, line 23:

Delete "Sections 14 - 16, 31, and 32"

Insert "Sections 19 - 21, 36, and 37"

Page 17, line 26:

Delete "Section 20"

Insert "Section 25"

Page 17, line 29:

Delete "Section 7"

Insert "Section 12"

Page 17, line 31:

Delete "Sections 21 - 23 and 37"

Insert "Sections 26 - 28 and 42"

Page 18, line 9:

Delete "Section 33"

Insert "Section 38"

Page 18, line 10:

Delete "Sections 33 and 39"

Insert "Sections 38 and 44"

Page 18, line 11:

Delete "Sections 27 and 28"

1 Insert "Sections 32 and 33"

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3 Page 18, line 12:

4 Delete "secs. 41 and 42"

5 Insert "secs. 46 and 47"