

**CS FOR HOUSE BILL NO. 98(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/3/09

Referred: Rules

Sponsor(s): REPRESENTATIVE RAMRAS

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to minor consuming and repeat minor consuming; relating to penalties  
2 for violations of limitations on possessing, sending, shipping, transporting, or bringing  
3 alcoholic beverages to, soliciting or receiving orders for delivery of alcoholic beverages  
4 to, and the manufacture, sale, offer for sale, barter, traffic, or possession of alcoholic  
5 beverages in, a local option area; and providing for an effective date."

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

7 \* **Section 1.** AS 04.16.050(c) is amended to read:

8 (c) A person is guilty of repeat minor consuming or in possession or control if  
9 the person was previously granted a suspended imposition of sentence [PLACED  
10 ON PROBATION] under (b)(1) of this section, has a prior conviction under (b)(2)  
11 of this section, or has been previously convicted once, and the person violates (a) of  
12 this section. Upon conviction in the district court, the court shall

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

1 work;

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

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

4 (4) suspend up to \$500 of the fine and place the person on probation  
5 for up to one year under (e) of this section.

6 \* **Sec. 2.** AS 04.16.050(d) is amended to read:

7 (d) A person is guilty of habitual minor consuming or in possession or control  
8 if the person **has a prior conviction** [WAS PLACED ON PROBATION] under (c) of  
9 this section, or has been previously convicted **two or more times** [TWICE], and the  
10 person violates (a) of this section. Habitual minor consuming or in possession or  
11 control is a class B misdemeanor. Upon conviction, the court may impose an  
12 appropriate period of imprisonment and fine and place the person on probation under  
13 (e) of this section for one year, or until the person is 21 years of age, whichever is  
14 later, and shall

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

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

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

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

20 \* **Sec. 3.** AS 04.16.200(h) is amended to read:

21 (h) Upon conviction of a class C felony under (b) or (e)(2) or (3) of this  
22 section, the court

23 (1) shall impose a fine of not less than \$10,000 and a minimum  
24 sentence of imprisonment of

25 (A) 120 days if the person has **not** been previously convicted  
26 [ONCE];

27 (B) 240 days if the person has been previously convicted **once**  
28 [TWO TIMES];

29 (C) 360 days if the person has been previously convicted **two**  
30 [THREE] or more times;

31 (2) may not

1 (A) suspend execution of sentence or grant probation except on  
2 the condition that the person

3 (i) serve the minimum imprisonment under (1) of this  
4 subsection; and

5 (ii) pay the minimum fine required under (1) of this  
6 subsection; or

7 (B) suspend imposition of sentence.

8 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
9 read:

10 APPLICABILITY. AS 04.16.200(h), as amended by sec. 3 of this Act, applies to an  
11 offense occurring on or after the effective date of this Act. References to previous convictions  
12 in sec. 3 of this Act apply to convictions occurring before, on, or after the effective date of  
13 this Act.

14 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).