

CS FOR SENATE BILL NO. 85(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 2/19/09

Referred: Judiciary, Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to limitations on sending, shipping, transporting, or bringing alcoholic**
2 **beverages to, soliciting or receiving orders for delivery of alcoholic beverages to, and the**
3 **manufacture, sale, offer for sale, barter, traffic, or possession of alcoholic beverages in, a**
4 **local option area; relating to minor consuming or in possession or control of alcoholic**
5 **beverages; relating to civil fines for liquor licensees whose agents or employees furnish**
6 **alcoholic beverages to a person under 21 years of age; and providing for an effective**
7 **date."**

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

9 *** Section 1.** AS 04.11.150(g) is amended to read:

10 (g) If a shipment is to an area that has restricted the sale of alcoholic
11 beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), a package store
12 licensee, agent, or employee may not ship to a purchaser more than 10 and one-half
13 liters of distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt

1 beverages in a **two** calendar month **period**, or a lower amount of distilled spirits, wine,
 2 or malt beverages if the municipality or established village has adopted the lower
 3 amount by local option under AS 04.11.491(g). Before shipping alcohol to a purchaser
 4 in a restricted area, a package store licensee, agent, or employee shall consult the
 5 database maintained by the board under AS 04.06.095 for any alcoholic beverage
 6 shipments made to the purchaser during that **two** calendar month **period** by a package
 7 store licensee, agent, or employee. A package store licensee, agent, or employee may
 8 not ship an amount of alcoholic beverages to a purchaser in a restricted area that, when
 9 added to the amount already shipped, exceeds the amount authorized by this
 10 subsection. A package store licensee, agent, or employee shall immediately enter into
 11 the database the date and the amount of alcoholic beverages shipped to the purchaser.
 12 Failure to enter into the database the date and amount of alcoholic beverages shipped
 13 to the purchaser as required by this subsection is a class B misdemeanor.

14 * **Sec. 2.** AS 04.11.575 is amended by adding a new subsection to read:

15 (d) If an agent or employee of a licensee is convicted of a violation of
 16 AS 04.16.052(5) occurring on the licensed premises of the licensee, the board shall,
 17 for a first conviction, in addition to other penalties imposed by law, issue a warning to
 18 the licensee. The warning must include a description of civil fines for second and
 19 subsequent convictions. The board shall impose a civil fine of \$1,000 on the licensee
 20 for the second and subsequent convictions of an agent or employee of the licensee for
 21 violation of AS 04.16.052(5) occurring on the licensed premises of the licensee. In
 22 imposing a civil fine under this subsection, convictions include the convictions of all
 23 agents or employees of a licensee that are committed on the premises of the licensee.

24 * **Sec. 3.** AS 04.16.050(c) is amended to read:

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

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

- 1 (2) revoke the person's driver's license for three months;
 2 (3) take possession of the person's driver's license; and
 3 (4) suspend up to \$500 of the fine and place the person on probation
 4 for up to one year under (e) of this section.

5 * **Sec. 4.** AS 04.16.050(d) is amended to read:

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

- 14 (1) impose at least 96 hours of community work;
 15 (2) revoke the person's driver's license for six months;
 16 (3) within five working days, notify the agency responsible for the
 17 administration of motor vehicle laws of the revocation; and
 18 (4) take possession of the person's driver's license.

19 * **Sec. 5.** AS 04.16.200(h) is amended to read:

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

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

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

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

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

30 (2) may not

31 (A) suspend execution of sentence or grant probation except on

1 the condition that the person

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

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

6 (B) suspend imposition of sentence.

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

9 **APPLICABILITY.** (a) AS 04.11.150(g), as amended by sec. 1 of this Act, applies to
10 shipments made on or after January 1, 2010.

11 (b) AS 04.11.575, added by sec. 2 of this Act, applies to offenses committed on or
12 after the effective date of sec. 2 of this Act.

13 (c) AS 04.16.050(c), as amended by sec. 3 of this Act, and AS 04.16.050(d), as
14 amended by sec. 4 of this Act, apply to offenses occurring on or after the effective date of
15 secs. 3 and 4 of this Act. References to prior or previous suspended impositions of sentences
16 or convictions include suspended impositions of sentences and convictions occurring before,
17 on, or after the effective date of secs. 3 and 4 of this Act.

18 (d) AS 04.16.200(h), as amended by sec. 5 of this Act, applies to an offense occurring
19 on or after the effective date of sec. 5 of this Act. References to previous convictions in sec. 5
20 of this Act apply to convictions occurring before, on, or after the effective date of sec. 5 of
21 this Act.

22 * **Sec. 7.** Sections 3, 4, and 6(c) of this Act take effect immediately under AS 01.10.070(c).

23 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect July 1, 2009.