

**CS FOR SENATE BILL NO. 56(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 3/11/13**

**Referred: Finance**

**Sponsor(s): SENATORS DYSON, Hoffman, Ellis, McGuire, Gardner, Bishop, Fairclough, Egan, Stedman, Meyer**

**REPRESENTATIVES Costello, Guttenberg**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to certain crimes involving controlled substances; and providing for an**  
2 **effective date."**

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

4 **\* Section 1.** AS 11.71.040(a) is amended to read:

5 (a) Except as authorized in AS 17.30, a person commits the crime of  
6 misconduct involving a controlled substance in the fourth degree if the person

7 (1) manufactures or delivers any amount of a schedule IVA or VA  
8 controlled substance or possesses any amount of a schedule IVA or VA controlled  
9 substance with intent to manufacture or deliver;

10 (2) manufactures or delivers, or possesses with the intent to  
11 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
12 of an aggregate weight of one ounce or more containing a schedule VIA controlled  
13 substance;

14 (3) possesses

1 (A) any amount of a [(i)] schedule IA **or IIA** controlled  
 2 substance, **and, two or more times within the preceding five years, the**  
 3 **person was convicted under**

4 **(i) AS 11.71.010 - 11.71.050; or**

5 **(ii) a law or ordinance of this or another jurisdiction**  
 6 **with elements similar to those of an offense under the provisions**  
 7 **described in (i) of this subparagraph** [; OR (ii) IIA CONTROLLED  
 8 SUBSTANCE EXCEPT A CONTROLLED SUBSTANCE LISTED  
 9 IN AS 11.71.150(e)(11) - (15)];

10 (B) 25 or more tablets, ampules, or syrettes containing a  
 11 schedule IIIA or IVA controlled substance;

12 (C) one or more preparations, compounds, mixtures, or  
 13 substances of an aggregate weight of

14 (i) three grams or more containing a schedule IIIA or  
 15 IVA controlled substance except a controlled substance in a form listed  
 16 in (ii) of this subparagraph;

17 (ii) 12 grams or more containing a schedule IIIA  
 18 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been  
 19 sprayed on or otherwise applied to tobacco, an herb, or another organic  
 20 material; or

21 (iii) 500 milligrams or more of a schedule IIA  
 22 controlled substance listed in AS 11.71.150(e)(11) - (15);

23 (D) 50 or more tablets, ampules, or syrettes containing a  
 24 schedule VA controlled substance;

25 (E) one or more preparations, compounds, mixtures, or  
 26 substances of an aggregate weight of six grams or more containing a schedule  
 27 VA controlled substance;

28 (F) one or more preparations, compounds, mixtures, or  
 29 substances of an aggregate weight of four ounces or more containing a  
 30 schedule VIA controlled substance; [OR]

31 (G) 25 or more plants of the genus cannabis;

1                   **(H) 15 or more tablets, ampules, or syrettes containing a**  
 2                   **schedule IA or IIA controlled substance; or**

3                   **(I) one or more preparations, compounds, mixtures, or**  
 4                   **substances of an aggregate weight of**

5                               **(i) three grams or more containing a schedule IA or**  
 6                   **IIA controlled substance except a controlled substance listed in (ii)**  
 7                   **or (iii) of this subparagraph;**

8                               **(ii) 500 milligrams or more of a schedule IA**  
 9                   **controlled substance listed in AS 11.71.140(d)(11); or**

10                              **(iii) 300 milligrams or more of a schedule IIA**  
 11                   **controlled substance listed in AS 11.71.150(b)(12);**

12                   (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

13                              (A) with reckless disregard that the possession occurs

14                                      (i) on or within 500 feet of school grounds; or

15                                      (ii) at or within 500 feet of a recreation or youth center;

16                   or

17                              (B) on a school bus;

18                   (5) knowingly keeps or maintains any store, shop, warehouse,  
 19                   dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for  
 20                   keeping or distributing controlled substances in violation of a felony offense under this  
 21                   chapter or AS 17.30;

22                   (6) makes, delivers, or possesses a punch, die, plate, stone, or other  
 23                   thing that prints, imprints, or reproduces a trademark, trade name, or other identifying  
 24                   mark, imprint, or device of another or any likeness of any of these **on** [UPON] a drug,  
 25                   drug container, or labeling so as to render the drug a counterfeit substance;

26                   (7) knowingly uses in the course of the manufacture or distribution of a  
 27                   controlled substance a registration number that is fictitious, revoked, suspended, or  
 28                   issued to another person;

29                   (8) knowingly furnishes false or fraudulent information in or omits  
 30                   material information from any application, report, record, or other document required  
 31                   to be kept or filed under AS 17.30;

1 (9) obtains possession of a controlled substance by misrepresentation,  
2 fraud, forgery, deception, or subterfuge; or

3 (10) affixes a false or forged label to a package or other container  
4 containing any controlled substance.

5 \* **Sec. 2.** AS 11.71.050(a) is amended to read:

6 (a) Except as authorized in AS 17.30, a person commits the crime of  
7 misconduct involving a controlled substance in the fifth degree if the person

8 (1) manufactures or delivers, or possesses with the intent to  
9 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
10 of an aggregate weight of less than one ounce containing a schedule VIA controlled  
11 substance;

12 (2) possesses

13 (A) less than 25 tablets, ampules, or syrettes containing a  
14 schedule IIIA or IVA controlled substance;

15 (B) one or more preparations, compounds, mixtures, or  
16 substances of an aggregate weight of less than

17 (i) three grams containing a schedule IIIA or IVA  
18 controlled substance except a controlled substance in a form listed in  
19 (ii) of this subparagraph;

20 (ii) 12 grams but more than six grams containing a  
21 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16)  
22 that has been sprayed on or otherwise applied to tobacco, an herb, or  
23 another organic material; or

24 (iii) 500 milligrams containing a schedule IIA  
25 controlled substance listed in AS 11.71.150(e)(11) - (15);

26 (C) less than 50 tablets, ampules, or syrettes containing a  
27 schedule VA controlled substance;

28 (D) one or more preparations, compounds, mixtures, or  
29 substances of an aggregate weight of less than six grams containing a schedule  
30 VA controlled substance; [OR]

31 (E) one or more preparations, compounds, mixtures, or

1 substances of an aggregate weight of one ounce or more containing a schedule  
2 VIA controlled substance;

3 (F) less than 15 tablets, ampules, or syrettes containing a  
4 schedule IA or IIA controlled substance; or

5 (G) one or more preparations, compounds, mixtures, or  
6 substances of an aggregate weight of less than

7 (i) three grams containing a schedule IA or IIA  
8 controlled substance except a controlled substance listed in (ii) or  
9 (iii) of this subparagraph;

10 (ii) 500 milligrams of a schedule IA controlled  
11 substance listed in AS 11.71.140(d)(11); or

12 (iii) 300 milligrams of a schedule IIA controlled  
13 substance listed in AS 11.71.150(b)(12); or

14 (3) fails to make, keep, or furnish any record, notification, order form,  
15 statement, invoice, or information required under AS 17.30.

16 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 APPLICABILITY. This Act applies to offenses committed on or after the effective  
19 date of this Act, except that references to previous convictions in AS 11.71.040(a)(3), as  
20 amended by sec. 1 of this Act, include convictions occurring before, on, or after the effective  
21 date of this Act.

22 \* **Sec. 4.** AS 11.71.040(a)(3)(C)(iii) and 11.71.050(a)(2)(B)(iii) are repealed.

23 \* **Sec. 5.** This Act takes effect July 1, 2013.