

**HOUSE CS FOR CS FOR SENATE BILL NO. 56(JUD)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-EIGHTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 4/10/13**  
**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

2 (i) schedule IA controlled substance **listed in**  
3 **AS 11.71.140(e)**; or

4 (ii) **schedule IA or IIA** controlled substance **other than**  
5 [EXCEPT] a controlled substance listed in **(i) of this subparagraph,**  
6 **and, two or more times within the preceding seven years, the**  
7 **person was convicted under AS 11.71.010 - 11.71.050 or a law or**  
8 **ordinance of this or another jurisdiction with elements similar to**  
9 **those of an offense under AS 11.71.010 - 11.71.050**  
10 [AS 11.71.150(e)(11) - (15)];

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

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

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

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

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

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

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

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

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

2 **(H) 15 or more tablets, ampules, or syrettes containing a**  
 3 **schedule IA or IIA controlled substance other than a controlled substance**  
 4 **listed in AS 11.71.140(e); or**

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

7 **(i) three grams or more containing a schedule IA**  
 8 **controlled substance other than a controlled substance listed in**  
 9 **AS 11.71.140(d)(11) or 11.71.140(e) or a schedule IIA controlled**  
 10 **substance other than a controlled substance listed in**  
 11 **AS 11.71.150(b)(12);**

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

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

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

17 (A) with reckless disregard that the possession occurs

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

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

20 or

21 (B) on a school bus;

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

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

30 (7) knowingly uses in the course of the manufacture or distribution of a  
 31 controlled substance a registration number that is fictitious, revoked, suspended, or

1 issued to another person;

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

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

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

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

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

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

16 (2) possesses

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

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

21 (i) three grams containing a schedule IIIA or IVA  
22 controlled substance except a controlled substance in a form listed in  
23 (ii) of this subparagraph;

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

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

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

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

4 (E) one or more preparations, compounds, mixtures, or  
 5 substances of an aggregate weight of one ounce or more containing a schedule  
 6 VIA controlled substance;

7 **(F) less than 15 tablets, ampules, or syrettes containing a**  
 8 **schedule IA or IIA controlled substance other than a controlled substance**  
 9 **listed in AS 11.71.140(e); or**

10 **(G) one or more preparations, compounds, mixtures, or**  
 11 **substances of an aggregate weight of less than**

12 **(i) three grams containing a schedule IA controlled**  
 13 **substance other than a controlled substance listed in**  
 14 **AS 11.71.140(d)(11) or 11.71.140(e) or a schedule IIA controlled**  
 15 **substance other than a controlled substance listed in**  
 16 **AS 11.71.150(b)(12);**

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

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

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

23 \* **Sec. 3.** AS 12.55.135 is amended by adding a new subsection to read:

24 (l) A defendant convicted of misconduct involving a controlled substance in  
 25 the fifth degree shall be ordered to satisfy the screening, evaluation, referral, and  
 26 program requirements of an alcohol safety action or drug abuse evaluation program, if  
 27 an alcohol safety action or drug abuse evaluation program is available in the  
 28 community where the person resides, or of a private or public treatment facility  
 29 approved by the Department of Health and Social Services under AS 47.37 to make  
 30 referrals for rehabilitative treatment or to provide rehabilitative treatment.

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

1 read:

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

6       \* **Sec. 5.** AS 11.71.040(a)(3)(C)(iii) and 11.71.050(a)(2)(B)(iii) are repealed.

7       \* **Sec. 6.** This Act takes effect July 1, 2013.