

**HOUSE BILL NO. 380**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES GARA, Drummond**

**Introduced: 2/21/18**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act reducing the penalty from a felony to a noncriminal violation for possession of**  
2 **marijuana as a schedule VIA controlled substance on school grounds, at a recreation or**  
3 **youth center, or on a school bus."**

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

5 \* **Section 1.** AS 11.71.040(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 third degree if the person

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

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

1 (3) possesses any amount of a schedule IA controlled substance listed  
2 in AS 11.71.140(e);

3 (4) possesses a schedule IIIA, IVA, or VA [, OR VIA] controlled  
4 substance

5 (A) with reckless disregard that the possession occurs

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

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

8 or

9 (B) on a school bus;

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

14 (6) makes, delivers, or possesses a punch, die, plate, stone, or other  
15 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying  
16 mark, imprint, or device of another or any likeness of any of these on a drug, drug  
17 container, or labeling so as to render the drug a counterfeit substance;

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

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

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

26 (10) affixes a false or forged label to a package or other container  
27 containing any controlled substance; or

28 (11) manufactures or delivers, or possesses with the intent to  
29 manufacture or deliver,

30 (A) one or more preparations, compounds, mixtures, or  
31 substances of an aggregate weight of less than one gram containing a schedule

1 IA controlled substance;

2 (B) less than 25 tablets, ampules, or syrettes containing a  
3 schedule IA controlled substance;

4 (C) one or more preparations, compounds, mixtures, or  
5 substances of an aggregate weight of less than 2.5 grams containing a schedule  
6 IIA or IIIA controlled substance; or

7 (D) less than 50 tablets, ampules, or syrettes containing a  
8 schedule IIA or IIIA controlled substance.

9 \* **Sec. 2.** AS 11.71 is amended by adding a new section to read:

10 **Sec. 11.71.071. Misconduct involving a controlled substance in the sixth**

11 **degree.** (a) Except as authorized in AS 17.30, a person commits the crime of  
12 misconduct involving a controlled substance in the sixth degree if the person possesses  
13 a schedule VIA controlled substance

14 (1) with reckless disregard that the possession occurs

15 (A) on or within 500 feet of school grounds; or

16 (B) at or within 500 feet of a recreation or youth center; or

17 (2) on a school bus.

18 (b) Misconduct involving a controlled substance in the sixth degree is a  
19 violation punishable by a fine of up to

20 (1) \$250 if the person has not been previously convicted;

21 (2) \$500 if the person has been previously convicted once; and

22 (3) \$1,000 if the person has been previously convicted two or more  
23 times.

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

26 **APPLICABILITY.** This Act applies to offenses committed before, on, or after the  
27 effective date of this Act for convictions occurring on or after the effective date of this Act.