

1 IN THE SENATE

BY SENATOR BRONSON

2 SENATE BILL NO. 79

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to penalties under the
7 provisions of the Uniform Narcotic Drug
8 Act; amending Sec. 40-3-20, ACLA 1949 as
9 amended by Ch. 26, SLA 1951 and Ch. 106,
10 SLA 1953; and providing for an effective
11 date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 Section 1. Sec. 40-3-20, ACLA 1949 as amended by Ch. 26,
14 SLA 1951 and Ch. 106, SLA 1953 is hereby amended to read as
15 follows:

16 Sec. 40-3-20. PENALTIES. Whoever violates any provi-
17 sion of this Act shall upon conviction be fined not more than
18 \$5,000.00 and be imprisoned not LESS THAN TWO NOR more than
19 five years. For a second offense, or if, in case of a first
20 conviction of violation of any provision of this Act, the
21 offender shall previously have been convicted of any viola-
22 tion of the laws of the United States or of any other state,
23 territory or district relating to narcotic drugs, the
24 offender shall be fined not more than \$7,500.00 and be im-
25 prisoned not LESS THAN FIVE NOR more than ten years. For
26 a third or subsequent offense, or if the offender shall pre-
27 viously have been convicted two or more times in the aggregate
28 of any violation of the laws of the United States or of any
29 other state, territory or district relating to narcotic drugs,

1 the offender shall be fined not more than \$10,000.00 and be
2 imprisoned not ~~LESS THAN TEN NOR~~ more than twenty years.

3 The minimum and maximum penalties provided for herein
4 ~~may~~ ~~SHALL~~ be doubled where the offender is convicted for the
5 sale of narcotic drugs in violation of this Act, and this
6 ~~may~~ ~~SHALL~~ be so whether prior convictions, if any, were for
7 illegal sale of narcotic drugs or for other violations of
8 this Act or of the laws of the United States or of any other
9 state, territory or district relating to narcotic drugs;
10 provided, that any person convicted of illegally selling,
11 giving or supplying narcotic drugs to a person under the
12 age of twenty-one years ~~may~~ ~~SHALL~~ be punished as follows:

13 (1) If the offense be a first violation, by imprison-
14 ment for not ~~LESS THAN SEVEN NOR~~ more than thirty
15 ~~FIFTEEN~~ years and by a fine of not more than \$10,000.00:

16 (2) If the offense be a second violation, or if, in the
17 case of a first violation, the offender shall previously have
18 been convicted of any violation of this Act or of the laws of
19 the United States or of any other state, territory or dis-
20 trict relating to narcotic drugs, by imprisonment for not
21 more ~~LESS~~ than fifty ~~FIFTEEN OR MORE THAN THIRTY~~ years,
22 and by a fine of not more than \$25,000.00 ~~\$20,000.00~~:

23 (3) If the offense be a third violation, or if, in
24 the case of either a first or second violation, the offender
25 shall previously have been convicted two or more times in the
26 aggregate of any violation of this Act or of the laws of the
27 United States, or of any other state, territory or district
28 relating to narcotic drugs, by imprisonment for the remainder
29 of his or her natural life.

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EXCEPT IN THE CASE OF CONVICTION FOR A FIRST OFFENSE FOR VIOLATION OF THE PROVISIONS OF THIS ACT, WHERE SUCH FIRST OFFENSE WAS OTHER THAN THE ILLEGAL SALE OF NARCOTIC DRUGS, THE IMPOSITION OR EXECUTION OF SENTENCE SHALL NOT BE SUSPENDED AND PROBATION OR PAROLE SHALL NOT BE GRANTED UNTIL THE MINIMUM IMPRISONMENT HEREIN PROVIDED FOR THE OFFENSE SHALL HAVE BEEN SERVED.]

Sec. 2. This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.