

1 IN THE SENATE

BY SENATOR BRONSON

2 SENATE BILL NO. 63

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

14 Sec. 40-3-20. PENALTIES. Whoever violates any provision  
15 of this Act shall upon conviction be fined not more than  
16 \$5,000.00 and be imprisoned not less than two nor more than  
17 five years. For a second offense, or if, in case of a first  
18 conviction of violation of any provision of this Act, the  
19 offender shall previously have been convicted of any violation  
20 of the laws of the United States or of any other state, terri-  
21 tory or district relating to narcotic drugs, the offender  
22 shall be fined not more than \$7,500.00 and be imprisoned not  
23 less than five nor more than ten years. For a third or sub-  
24 sequent offense, or if the offender shall previously have  
25 been convicted two or more times in the aggregate of any vio-  
26 lation of the laws of the United States or of any other state,  
27 territory or district relating to narcotic drugs, the offender  
28 shall be fined not more than \$10,000.00 and be imprisoned not  
29 less than ten nor more than twenty years.

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

11           (1) If the offense be a first violation, by im-  
12 prisonment for not less than ten [SEVEN] nor more than thirty  
13 [FIFTEEN] years and by a fine of not less than \$5,000.00 nor  
14 more than \$10,000.00:

15           (2) If the offense be a second violation, or if,  
16 in the case of a first violation, the offender shall pre-  
17 viously have been convicted of any violation of this Act or  
18 of the laws of the United States or of any other state, terri-  
19 tory or district relating to narcotic drugs, by imprisonment  
20 for not less than thirty [FIFTEEN OR MORE THAN THIRTY] years,  
21 and by a fine of not more than \$25,000.00 [\$20,000.00]:

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

29           Except in the case of conviction for a first offense for

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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 takes effect on the day after its passage and approval or on the day it becomes law without such approval.