

Original sponsor: Rules Committee by re-
quest of the Governor

Offered: 4/30/70
Referred: Finance

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 469

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcohol related crimes; and
7 providing for an effective date."

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

9 * Section 1. AS 11.45.030 is amended to read:

10 Sec. 11.45.030. DISORDERLY CONDUCT AND DISTURBANCE OF THE PEACE.

11 A person who (1) uses obscene or profane language in a public place or
12 private house or place to the disturbance or annoyance of another; or
13 (2) make a loud noise or is guilty of tumultuous conduct in a public
14 place or private house to the disturbance or annoyance of another, or
15 is otherwise guilty of disorderly conduct to the disturbance or
16 annoyance of another [; (3) IS DRUNK IN A PRIVATE HOUSE OR PLACE TO
17 THE ANNOYANCE OF ANOTHER, OR IS DRUNK IN A BOAT, TRAIN, PASSENGER
18 COACH, OR OTHER VEHICLE COMMONLY USED FOR THE TRANSPORTATION OF
19 PASSENGERS OR IN OR ABOUT A DEPOT, PLATFORM, WHARF OR WAITING ROOM,
20 OR ON A PUBLIC STREET, OR AT A PUBLIC GATHERING OR IN A HOTEL LOBBY,
21 STORE, CARD ROOM, DANCE HALL, THEATRE, LIQUOR DISPENSARY, OR OTHER
22 PUBLIC PLACE; OR (4) DRINKS INTOXICATING LIQUOR IN OR ABOUT A DEPOT,
23 PLATFORM, WHARF OR WAITING ROOM, OR UPON A PUBLIC STREET, OR AT A
24 PUBLIC GATHERING, HOTEL LOBBY, DANCE HALL, THEATRE, OR OTHER PUBLIC
25 PLACE NOT PERMITTED UNDER LICENSE TO DISPENSE INTOXICATING LIQUOR,
26 IS], upon conviction, is guilty of a misdemeanor, and is punishable
27 by a fine of not more than \$300, or by imprisonment in a jail for
28 not more than six months, or by both.

29 * Sec. 2. AS 11.45 is amended by adding a new section to read:

1 Sec. 11.45.032. PUBLIC DRUNKENNESS. (a) A person who (1) is
2 drunk in a private place, not his own property or his usual place of
3 abode, or in a public place, to the annoyance of another, or (2) drinks
4 intoxicating liquor on a public street or sidewalk, or on the premises
5 of a public carrier or business establishment offering goods or services
6 to the public, which is not licensed to dispense intoxicating liquor,
7 upon conviction is guilty of a misdemeanor, and is punishable by a fine
8 of not more than \$300, or by imprisonment for not more than 30 days,
9 or by both.

10 (b) Any part of a sentence requiring a person convicted under
11 this section to serve more than five days in jail shall be suspended
12 subject to reasonable conditions relating to the rehabilitation of
13 the offender, which may include commitment to a program or facility
14 approved or provided by the Department of Health and Welfare for
15 medical or rehabilitative services, if the court finds

16 (1) that at the time of the offense the defendant was not
17 under a suspended sentence; and

18 (2) that the defendant was not convicted of another crime
19 arising from the same incident.

20 (c) Notwithstanding the provisions of (b) of this section a court
21 may continue the confinement imposed under this section for more than
22 five days if it finds that

23 (1) there is reason to believe that the release of the
24 defendant would be detrimental to his health or safety or to the
25 safety of the community; and

26 (2) there is no suitable alternative to jail custody for
27 the defendant available in the community.

28 (d) Nothing in this section precludes the court from exercising
29 its discretion to suspend an entire sentence in appropriate cases.

1 * Sec. 3. This Act takes effect on the day after its passage and approv-
2 al or on the day it becomes law without approval.

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